



MEMORANDUM

September 13, 2023

To: State and U.S. Territory Broadband Leaders

Re: Recommendations of the Schools, Health & Libraries Broadband (SHLB) Coalition in consideration of broadband planning for BEAD and future deployment efforts

Dear Broadband Leaders,

The Schools, Health & Libraries Broadband (SHLB) Coalition is pleased to submit the recommendations below for Broadband Leaders¹ to consider as they structure their Broadband Equity, Access, and Deployment Program (BEAD) Five-Year Action Plans and Initial and Final Proposals.²

The SHLB Coalition’s core mission is promoting open, affordable, high-quality broadband for anchor institutions and their communities. At SHLB, we believe that everyone in this country deserves to have affordable internet access at school, the library, the rural health clinic, at home, or wherever they may be. Through our advocacy, we work to close the digital divide one anchor institution at a time.

At the outset, we note that you likely understand just how vital anchor institutions are to your communities. Some broadband providers, however, might leave anchor institutions out of the equation for new broadband projects, although these institutions can often assist in planning, deployment, and adoption efforts. As such, we first and foremost highly recommend that Broadband Leaders work with their anchor institutions as strategic partners to help create and implement plans to solve the digital divide for the long haul.

Because our members come together from different backgrounds within the broadband landscape, we also suggest several infrastructure and deployment policies that we believe will help Broadband Leaders achieve their goals of bringing affordable, high-quality internet access to all consumers. These suggestions may directly involve anchor institutions or indirectly provide a benefit to them.

¹ We use the term “Broadband Leaders” and “state” throughout this document to broadly refer to entities that are eligible for BEAD Program grants (Eligible Entities), defined as “any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity” by the National Telecommunications and Information Administration (NTIA).

² We recognize that the insights we share in this letter could also be applied to other grant opportunities outside of the BEAD Program, and encourage application of these ideas to future deployment efforts where possible.

1. Develop a consistent but flexible definition of “community anchor institution” that includes traditional and non-traditional anchors based on your state’s individual needs.

Anchor institutions provide essential services to *all* individuals, making them vitally important to every town, city, county, and state. These institutions are stable, trusted partners and are considered by many to be the “third leg of the stool” for a healthy community, in addition to residences and businesses. As Broadband Leaders consider the unique deployment needs in their communities, they must ensure all anchor institutions have access to high-speed, reliable, gigabit (and even multi-gigabit!) broadband.

The BEAD Notice of Funding Opportunity (NOFO) provides a broad definition of “community anchor institution” that SHLB generally supports. Specifically, a “community anchor institution” is “an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.”³

Along with the entities listed above, NTIA allows Broadband Leaders to think beyond the traditional anchor institution definition and propose additional types of institutions that they think should qualify.⁴ SHLB commends NTIA for allowing Broadband Leaders to identify anchor institutions in such a manner. The exercise of identifying anchor institutions – including non-traditional ones – could provide creative opportunities to bring affordable broadband to people in a variety of regions of the state. It could also generate useful data for future deployment and ongoing digital equity efforts.

As Five-Year plans roll out, we notice that many Broadband Leaders are choosing to recognize non-traditional anchor institutions as eligible for BEAD funding in order to make sure that all of their citizens can obtain access to internet-based services. For example:

- Montana’s plan includes ranger stations and bar and grills;
- Vermont’s plan includes houses of worship, correctional facilities, juvenile detention centers, public access television station facilities, and public outdoor spaces;
- Colorado’s plan includes prisons, specifically mentioning prisons/correctional facilities in its wired and Wi-Fi connectivity plans to provide security and educational, mental health, job training, and reentry assistance to inmates; and
- Ohio’s plan includes public parks and campgrounds, grocery stores that serve specific ethnic communities, hair salons, religious organizations, and houses of worship, among others.

³ U.S. Department of Commerce, NTIA, *Broadband Equity, Access and Deployment Program, Notice of Funding Opportunity*, 2022, pg. 11, Washington, DC: Government Printing Office. (BEAD NOFO)

⁴ Specifically, a Broadband Leader “may propose to NTIA that additional types of institutions should qualify as CAIs within the entity’s territory” by “explain[ing] why it has determined that the institution or type of institution should be treated as such and affirm that the institution or class of institutions facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.” *Id.* at 11 - 12.

2. Map and assess the needs of your community anchor institutions.

The NTIA provides that anchor institution locations that are specifically eligible for BEAD funding include *those that lack access to gigabit-level broadband service*.⁵ Unfortunately, the Federal Communications Commission’s (FCC) National Broadband Map (Map) does not adequately account for the connectivity needs of anchor institutions. A study commissioned by SHLB and conducted by Dr. Colin Rhinesmith found that the FCC’s Map “was not necessarily helpful for gaining a better understanding of the actual broadband” at anchor institutions.⁶

Fortunately, NTIA’s BEAD challenge guidance makes up for this problem and recognizes that Broadband Leaders have the authority to use their own information, and that reported by the anchor institutions themselves, in evaluating anchor institution broadband needs. Specifically, Broadband Leaders must create “[a] list of each Eligible CAI location identified within the jurisdiction of the Eligible Entity, including the National Broadband Map location ID (**if applicable**) or the latitude and longitude for each Eligible CAI in the data format in Appendix A. **Eligible Entities may rely on CAIs to identify their unmet broadband need.** Where SBO capacity is limited, Eligible Entities should focus their efforts on enumerating those CAIs that are currently not served by gigabit broadband.”⁷

In other words, Broadband leaders have an obligation under the BEAD NOFO to create an **inventory** of community anchor institutions and to identify those that lack access to gigabit connectivity. We recognize that this is not an easy process. But those states that are most successful have been engaged in frequent conversations and meetings with local leaders to understand the broadband needs of their anchors. In fact, some anchor institutions may already have gigabit-level service and need multi-gigabit service to keep up with growing demand. Other smaller and more remote anchors, however, may only have access to low-speed residential service and need help understanding how to obtain the broadband that they need to serve their community.

3. Include anchor institutions in the planning process when developing strategic deployment and adoption projects.

Broadband Leaders should actively engage with anchor institutions as strategic partners for future planning and digital equity initiatives. These institutions know the lingo, culture, and connectivity needs

⁵ *Id.* at 12.

⁶ See Colin Rhinesmith, Ph.D., *Missing Pieces: How the FCC’s Broadband Map Misrepresents Public Libraries*, pg. 9, available at https://www.shlb.org/uploads/Policy/National%20BB%20Plan/Rhinesmith_2023_Missing_Pieces%20-%20Jan%2028%202023.pdf. Professor Rhinesmith found that “[a]ll of the locations marked as ‘Community Anchor Institutions’ were classified as either ‘Residential’ or ‘Business’ (e.g., see West Virginia’s public libraries) in the selected location ‘Broadband Type.’ This was not necessarily helpful for gaining a better understanding of the actual broadband ‘Service’, ‘Technology’, and ‘Speeds’ available at each CAI location.” *Id.*

⁷ U.S. Department of Commerce, NTIA, *BEAD Challenge Process Policy Notice*, pg. 9, available at https://ntia.gov/sites/default/files/publications/bead_challenge_process_policy_notice_final.pdf (emphasis added).

of their communities and can lend a trusted point of view about what it takes to extend connectivity to unserved and underserved individuals, homes, and businesses. Best practices include:

- **Community engagement:** Visit with a variety of anchor institutions - including schools, libraries, and beyond - and provide opportunities for engagement and feedback. If the broadband office cannot reach smaller or more rural institutions, ensure there is a “channel” for those entities to provide feedback (such as to a state library or other association).
- **Participation:** Encourage anchor institutions to participate in the public comment and challenge processes. Provide a transparent, equitable process and ensure they understand how to participate.

4. Connect anchor institutions that lack broadband to gigabit (or faster) service.

The BEAD NOFO states that “NTIA underscores its strong preference that Eligible Entities also ensure deployment of Gigabit connections to community anchor institutions such as libraries and community centers that lack such connectivity.”⁸ NTIA also states that a state may allocate grant funds for “[d]eploying and/or upgrading broadband network facilities to provide or improve service to an eligible community anchor institution”⁹ which “can potentially include deployment of Middle Mile Infrastructure where the Middle Mile Infrastructure is in or through any area required to reach interconnection points or otherwise to ensure the technical feasibility and financial sustainability of an Unserved Service Project or an Underserved Service Project.”¹⁰

We recognize that the legislation gives priority to connecting unserved/underserved homes, but this does not mean that anchor institutions can only be connected *after* all homes are connected.¹¹ Anchor institutions are often embedded in their communities (surrounded by homes) and it would be unwise and costly to bring equipment and staff back to an area a second time just to connect anchors that were not part of an initial buildout project. Rather, it makes more economic sense to provide high-bandwidth broadband facilities to the anchor institutions early in the build-out process (much like investing in Middle-Mile connectivity) as that will make it easier to connect the surrounding homes.

5. Consider funding anchor-enabled networks to provide connectivity to a community.

Deploying broadband services “to and through” anchor institutions can be an efficient way to connect the unserved and underserved. The idea is to deploy high-capacity broadband (often fiber) *to* the

⁸ BEAD NOFO at 7.

⁹ *Id.* at 33.

¹⁰ *Id.* n. 44.

¹¹ We recommend against the model of connecting unserved/underserved households first, and then connecting the anchors only afterward if there is money left over. In fact, NTIA staff has indicated that connecting anchor institutions may be third in priority, but not necessarily later in time.

anchor institution building and then make it open to interconnection so that last mile providers can build off that fiber to reach the home (*through*). (In many communities, the only existing fiber available may already be at an anchor institution.) When robust broadband is available at an anchor institution, others, like internet service providers (ISPs) or the anchor itself, can then leverage this existing network for “back-haul” facilitating additional fiber or wireless deployment outward to the surrounding homes and businesses.

Using an anchor-enabled connectivity model can also make it more economically feasible - and ultimately sustainable - to build last-mile connections to the home. In other words, it will be easier to sustain the costs of a last-mile build-out project if a broadband provider can reduce its middle-mile costs by using an anchor institution’s fiber rather than paying to construct new fiber middle-mile networks. Anchor institutions can also act as “anchor tenants” on the network, and their monthly support can help to make a community-wide network economically feasible.

6. Incentivize open-access networks where possible.

Open-access networks provide wholesale broadband capacity to several retail ISPs who ride on the network at the same time and compete for customers. Such networks can take on different forms and serve various purposes, including middle-mile open access networks, last mile open access networks, and statewide networks. An open access network may also be initially constructed to serve a specific purpose (such as one built as a research and education network serving only anchor institutions) but can be often later expanded to address new needs, like reaching beyond the anchor’s campus to serve a last-mile customer.

Such networks not only offer an alternative solution to expand broadband services to unserved and underserved communities, they can benefit the ISP, last-mile customer, and those in between (such as anchor institutions that can lease out middle-mile networks). For example, when open access networks exist, individual ISPs can devote their capital to consumer service offerings because they do not need to spend additional capital to build separate, potentially duplicative networks. Such savings can allow them to better focus their expenditures to reach farther into communities.¹² Open access networks can also promote sustainable buildout in economically challenged markets because competitive marketing by multiple retail providers can offer more affordable service for consumers and drive higher adoption rates. In the case of a publicly owned open access network, community stakeholders maintain a voice over their own future about network buildout, fostering broader community involvement in solving the broadband needs that are unique to that area.¹³

¹² See Jordan Arnold, & John Sallet, *If We Build It, Will They Come? Lessons from Open-Access, Middle-Mile Networks*, Evanston, IL: Benton Institute for Broadband & Society, December 2020, pg. 4, available at <https://www.benton.org/publications/middle-mile>.

¹³ See Institute for Local Self-Reliance, “Open Access,” <https://muninetworks.org/content/open-access>.

7. Provide project opportunities for non-traditional broadband providers.

The BEAD NOFO states that Broadband Leaders “may not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments . . . from eligibility for grant funds” (although it stops short of preempting laws that restrict entry by municipalities and other nonprofits).¹⁴ Allowing traditional and non-traditional providers, such as electric cooperatives, non-profit research and education networks (RENs), and municipal broadband providers to compete for BEAD grants can be enormously helpful to meeting the needs of unserved and underserved communities that the traditional private sector does not serve. For example, RENs support infrastructure and network needs of higher education and tens of thousands of other anchor institutions like K-12 schools, public libraries, non-profit healthcare, state and local government, and cultural centers. RENs can lead and contribute to the success of BEAD projects in significant ways, such as:

- Engaging in design, consult, and operation of middle-mile infrastructure (including successful BTOP open-access construction projects),
- Sharing highly proficient expertise in network traffic optimization and performance, cloud connectivity, and network security to meet the unique needs of community anchor institutions, and
- Leading local and state relationships with the broadband industry, community anchors, higher education, and community advocates.

8. Assess unit-level connectivity for MDUs.

Like traditional anchor institutions, broadband availability data to multi-tenant dwelling units (MDUs) is vastly unrepresented and mistreated by the FCC’s Map, because it identifies multi-family housing developments as one Broadband Serviceable Location (BSL) and does not represent broadband availability of the individual units or households. Without accurate unit-by-unit data, the FCC’s Map significantly undercounts the number of unserved and underserved households living in multi-family housing. There are several scenarios where availability of broadband service at an MDU BSL does not equate to the same availability of broadband to all units within that building. This results in an overstatement of the availability of broadband service at multi-family housing locations and thus undercounts the true total of residents who are unserved or underserved. Examples of these scenarios are summarized below:

- The ISP offers a much more substantial service to the building manager’s office or commercial space (e.g. fiber) than their inside wiring is capable of delivering to the residential units (e.g. DSL).
- The ISP has fiber-to-the-curb or building, but has no inside wiring infrastructure capable of delivering 25/3 or 100/20 to each individual unit.
- The ISP is able to deliver fiber to the building (FTTB) within 10 days, but only offers business-class internet services and does not actually provide residential service.
- Inside wiring infrastructure is in a state of disrepair and cannot support speeds of 100/20 Mbps. Many public housing and affordable housing MDUs are 30-40+ years old and wiring has not been adequately maintained.

¹⁴ BEAD NOFO at 50 - 51.

- Non-cellular, licensed Fixed Wireless Access (FWA) providers without existing equipment/service in the MDU could not meet the 10 day installation window. The individual household of an MDU does not have the ability to authorize a Licensed FWA provider to access rooftops, telco rooms, and run new wiring all the way to their unit. This would require an agreement with the building owner and possibly a permit.

Broadband Leaders should go beyond the FCC’s Map and publish a more comprehensive list of BEAD-eligible BSL’s, including MDUs that are eligible for the deployment of Wi-Fi infrastructure as an eligible use of funding in connection with last-mile broadband deployment projects as detailed in the BEAD NOFO. To ensure that every resident has access to a reliable, affordable, high-speed broadband connection, Broadband Leaders should consider last-mile broadband deployment projects that will provide access to every unit within a BEAD-eligible MDU, rather than those that only provide access to the entrance to the building. For instance, technologies such as G.hn equipment can deliver up to 1 Gbps service speeds over the existing coax network inside each MDU it serves.

9. Streamline access to existing infrastructure like poles and resolve disputes expeditiously.

Streamlined access to utility poles and rights-of-way is essential to the success of future broadband deployment plans. Access to this infrastructure at reasonable rates will enable efficient deployment of both wireline and wireless facilities. Lack of clear pole policies deters and delays efforts for both pole owners and attachers to connect communities in need – which can include (often small or rural) anchor institutions lacking broadband. Broadband plans should address pole-related issues, such as by including dedicated pole replacement funds, creating a task force dedicated to resolving permitting and pole disputes in an expedited manner, and ensuring timelines are in place for processing pole applications. Additionally, Broadband Leaders should not award funding to sub-recipients that own poles unless that sub-recipient agrees to make its poles available to other broadband providers on reasonable terms and conditions, including those that are at least as rigorous as those imposed by Section 224 of the Communications Act and the FCC’s pole attachment rules and precedent.

10. Support alternatives to the letter of credit.

Small and non-profit broadband providers may not be able to comply with the letter of credit obligation in the BEAD NOFO. The letter of credit requires broadband providers to put up 25% of their broadband award into an authorized bank, separate from and in addition to the 25% match. Most medium and small companies, municipalities and non-profit organizations do not have this level of cash. This letter of credit requirement could particularly harm minority-owned and women-owned businesses, and it will reduce competition for BEAD funding. SHLB asked NTIA to allow prospective bidders to use other means to verify their financial security, such as performance bonds and reimbursement schedules as alternatives to requiring a letter of credit, as in the ReConnect and Capital Project Fund programs. We encourage Broadband Leaders to support this effort by working with NTIA to allow alternatives to the letter of credit.

11. Use anchor institutions to promote digital opportunity and adoption efforts.

Although deployment is critical, a “build it and they will come” approach will not solve all problems associated with the digital divide. Consumers also need digital training and resources to fully use internet services and devices. Anchor institutions are champions at promoting broadband adoption practices, such as providing valuable information, training, troubleshooting assistance, and devices to the general public. Best practices include:

- **Develop programs with Anchor Institutions:** Develop broadband adoption programs which are operated by experienced and trusted technology community-based organizations. Such programs can aim to bring unconnected residents online through coaching, assistance with the sign-up process for low-income service plans, and assistance locating a low-cost computing device.
- **Equitable internet service:** Define equitable internet service as a continuity of connectivity across peoples’ daily journeys, enabling access to digital services like telehealth, education, employment, banking, and public services. This definition ensures vulnerable populations have access not just in a household but also while they are in transit or visiting a community center or anchor institution.
- **Ongoing digital inclusion work:** Recognize that community members should *always* have support for improving their digital skills and using the Internet to work, learn, and otherwise thrive. Digital inclusion work should be ongoing and sustainable, not simply one-time training or workshops. Consider putting into place regular meetings or consultations among government oversight entities, service providers, and anchor institutions to update and improve best practices and future planning.
- **Support ACP funding:** The funding for the Affordable Connectivity Program (ACP) will unfortunately expire early next year. Without further funding, millions of consumers will lose their financial support and are likely to lose their internet connection as well. This lack of broadband funding could threaten the viability of new broadband networks funded through the BEAD, Tribal, and Connecting Minority Communities programs, as well as other broadband funding programs designed to reach unserved and underserved households and anchor institutions. Broadband Leaders can help support the future of ACP by recommending the following steps to Congress:
 - Encourage Congress to immediately provide additional appropriations to continue the ACP for at least the next two years as a bridge to more comprehensive Universal Service Fund reform;
 - Encourage Congress to expressly allow the FCC to incorporate the ACP program into the Universal Service Fund to provide stable and ongoing support for low-income consumers to obtain broadband connections; and
 - Encourage Congress to provide adequate financial support to allow low-income consumers to acquire devices (laptops and tablets) in addition to an affordable broadband connection, with funding for devices being decoupled from that for broadband service providers so that consumers could choose where to purchase devices.

12. Ensure planning (and broadband plan) transparency.

As Broadband Leaders plan future broadband initiatives (especially using various funding programs) any lack of transparency about those plans – including data about current connectivity, stakeholder feedback, and future deployment – will make it difficult for providers, non-profit/for-profit organizations, and consumers to provide input into planning strategies and challenge processes. Worse, lack of transparency around future broadband plans could provide an opportunity for certain parties with political influence to gain inside intelligence that is not available to people without such connections.

We encourage Broadband Leaders to ensure that engagement (such as comment periods and challenge processes), stakeholder feedback, and draft plans are transparent. The efforts made by Congress and NTIA under BEAD to require additional layers of transparency for future broadband planning and engagement efforts are commendable. Transparency will promote greater public support and make it easier to ensure compliance with the plan as it is implemented.

Conclusion

The SHLB Coalition is extremely pleased at the thoughtfulness of NTIA and Broadband Leaders in crafting policies to spend BEAD funding wisely and efficiently. We respectfully submit that the above recommendations will help to speed the deployment of broadband networks to all unserved and underserved communities and to all anchor institutions, ultimately ensuring ubiquitous and affordable broadband for all.

Sincerely,



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