



February 2, 2024

The Honorable Alan Davidson
Assistant Secretary
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Re: Achieving Lasting Success Through the Broadband Equity, Access, and Deployment
("BEAD") Program

Dear Assistant Secretary Davidson:

As you review initial proposals from States and Territories related to implementation of the BEAD Program, we urge you to adhere to the vision of lasting success under this initiative – building scalable and sustainable fixed broadband networks that endure – as directed by Congress in the Infrastructure Investment and Jobs Act ("IIJA") and as articulated the National Telecommunications and Information Administration ("NTIA") in its Notice of Funding Opportunity ("NOFO") in May 2022. To ensure this goal is achieved, we also call upon NTIA to establish metrics going forward to track whether States and Territories have fulfilled their responsibilities to connect all eligible locations to high-performance broadband service and maximize all-fiber builds, the critical communications infrastructure for the 21st Century.

Too often, as federal broadband funding programs have moved from concept to implementation, there has been a tendency to seek to support broadband infrastructure that is "just good enough" for the moment. Under these prior programs, initial lofty goals of giving every American robust and affordable connectivity that will last for generations have given way to delivering the bare minimum to satisfy user demands here and now – leaving consumers and communities vexed and resulting in the need to establish yet more programs to address the needs left unaddressed.

In the IIJA, Congress sought to break from these past failings. The law could not be clearer that, with the historic level of funding provided, it seeks deployment of "priority broadband projects" that will represent lasting success and not require revisiting and rebuilding in just several years' time. In turn, NTIA fulfilled this vision by determining in its NOFO that a "priority broadband project" required the deployment of end-to-end fiber-optic architecture. In particular, your agency concluded:

End-to-end fiber networks can be updated by replacing equipment attached to the ends of the fiber-optic facilities, allowing for quick and relatively inexpensive network scaling as compared to other technologies. Moreover, new fiber deployments will facilitate the deployment and growth of 5G and other advanced wireless services, which rely extensively on fiber for essential backhaul.

Some are now calling upon NTIA to back away from this conclusion by rejecting or weakening initial proposals submitted by some States and Territories that are consistent with this vision. We urge NTIA to stand its ground. That does not mean requiring the use of BEAD funds exclusively for fiber; it means “priorit[izing]” fiber projects and maximizing the deployment of fiber networks. Abandoning these goals would not only flout the law but would disserve the public interest, relegating generations to less-capable broadband access.

Recent assessments prepared for ACA Connects by Cartesian, a consulting firm that specializes in telecommunications industry analysis, indicate that the vision of Congress for “priority broadband projects” – lasting fiber access – can be realized for the vast majority of, if not nearly all, unserved and underserved Americans in many States and Territories.¹ Projects funded under the auspices of the U.S. Departments of Treasury and Agriculture and the Federal Communications Commission (“FCC”) – and the ongoing efforts of private broadband providers to expand access as well – will likely only improve preliminary estimates of what can be reached through fiber, as locations that previously showed as eligible are slated to become served via other means. Indeed, it is worth noting that the Broadband Funding Map maintained by the FCC does not yet reflect many of the awards that States and Territories have issued pursuant to earlier Treasury funding, and the FCC is still providing States and Territories with additional information about the precise coverage that will be achieved through some of its universal service programs. Taken all together, this means that even the best estimates of how much BEAD funding is available to reach unserved and underserved locations likely understate how far this funding can go given what these other programs will “offload” from BEAD.

With each version of its analysis, Cartesian continues to refine its methodology for assessing how much fiber BEAD Program projects could deploy in each State under “baseline” and “maximum” fiber scenarios. We urge NTIA to follow a similar course. Using the best information and analysis at its disposal, NTIA should identify percentage ranges of eligible locations in each State and Territory that it would expect to receive fiber under a subgrantee selection process that is faithful to the NOFO’s fiber preference. As the saying goes, “if you can measure it, you can manage it.”² The undersigned associations and Cartesian all stand ready to assist NTIA in this endeavor.

¹ For further detail see “BEAD Program: A Framework to Allocate Funding for Broadband Availability - Version 4.0,” ACA Connects/Cartesian (Ja. 17, 2024) available at <https://acaconnects.org/bead-program-framework/>.

² We note that NTIA is familiar with the importance of having good metrics to measure success. See “Shaping the Future of Digital Equity: Communicating Your Feedback,” BroadbandUSA, National Telecommunications and Information Administration (Oct. 4, 2023) (“Accurately defining metrics is critical. Defining metrics is crucial for monitoring and evaluating programs that create impact.”) available at <https://broadbandusa.ntia.doc.gov/news/latest-news/shaping-future-digital-equity-communicating-your-feedback>.

In sum, we urge NTIA to adhere to the vision articulated by Congress in the IJA and the data-driven approach to priority broadband projects adopted in the NOFO. The BEAD Program promises to achieve the kind of lasting success that so many programs before it have failed to realize, and we hope that NTIA will hold fast to this vision – and to ensure that the States and Territories will do the same – as it completes its review of initial proposals for BEAD implementation.

Thank you for your attention to this correspondence. We would be delighted to meet with you and your team further to discuss these issues or any matters related to implementation of the BEAD Program.



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