

Title	0019	08/23/2023
	by Jenny Miller in BEAD Initial Plan, Volume 1 Public Comment Form	id. 43838943
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Original Submission

08/23/2023

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Are you responding on behalf of an organization?	Yes
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The Kansas Office of Broadband Development (KOBD) is in the process of developing its BEAD Initial Proposal as required by the NTIA. This initial plan is divided into Volume 1 and Volume 2. Volume 1 includes initial identification of unserved and underserved locations, definition of community anchor institutions, proposed pre-challenge process location modifications, and the model challenge process. Please use this link to review the entire Initial Proposal Volume 1 document, and feedback on Volume 1 will be captured in the text boxes below. The comment portal will be open from August 1, 2023 through August 30, 2023. KOBD will then review all feedback and submit the Initial Proposal to the NTIA. To access a full copy of Volume 1 of the BEAD Initial Proposal along with accompanying documents, please use the links below:

<https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/>

I am responding to comments related to the following Volume 1 requirements	Requirement 7: Detailed BEAD challenge process
Comments relating to Requirement 7: Detailed BEAD	EducationSuperHighway welcomes the opportunity to comment on the draft Broadband Equity, Access and Deployment Program (BEAD) Initial Proposal Volume 1 from the Kansas Office of Broadband Development (KOBD). We

appreciate KOBD's efforts to solve the ongoing issue of broadband affordability in the state of Kansas and leveraging innovative approaches to do so. We strongly encourage KOBD to leverage cost-effective solutions, like the deployment of Wi-Fi networks in BEAD eligible multi-dwelling units (MDUs), to address the connectivity challenges of households living in MDUs.

Allocating BEAD funding towards the deployment of Wi-Fi networks in MDUs as part of KOBD's holistic approach to closing the digital divide in Kansas provides an efficient and scalable approach to connecting hundreds of thousands of households to high-speed Internet. An Apartment Wi-Fi program not only satisfies several BEAD requirements, but is in fact a solution encouraged by the NTIA.

EducationSuperHighway recommends that KOBD take full advantage of NTIA's Challenge Process Guidance and Model Challenge Process and include modifications based on data not present in the National Broadband Map. NTIA's Guidance allows Eligible Entities to go beyond the unserved and underserved locations identified on the National Broadband Maps when identifying BEAD-eligible locations, including MDUs, that can be included in the state's challenge process. We encourage KOBD to rely on the BEAD criteria as a starting point and include EducationSuperHighway's list of BEAD-Eligible MDUs and the language below in the final draft of Initial Proposal Volume 1.

We recommend the following language be included on page 15 of KOBD's Draft Vol 1 Initial Proposal, after the section entitled "Area and Multiple Dwelling Units (MDU) Challenge" and before the section entitled "Transparency Plan."

EducationSuperHighway Model Language

Per BEAD NOFO, "The Initial Proposal must, at a minimum:

Challenge Process (Requirement 7)

Include a detailed plan to conduct a challenge process as described in Section IV.B.6

Section 1.4.2: Modifications to Reflect Data Not Present in the National Broadband Map

Based on the criteria outlined in the BEAD NOFO, The Kansas Office of Broadband Development (KOBD) has compiled a list of multi-dwelling units (MDUs) that are unserved and underserved and therefore eligible for BEAD funding. The state of Kansas has elected to go beyond the national map and publish a more comprehensive list of BEAD-eligible Broadband Serviceable Locations (BSLs), 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 in Kansas has access to a reliable, affordable, high-speed broadband connection, the state will only consider last-mile broadband deployment projects that will provide access to every unit within a BEAD-eligible MDU, and will not consider last-mile broadband deployment projects that only provide access to the BSL.

KOBD has identified 563 MDUs in high poverty and highly-unconnected census tracts, representing an estimated 77,065 households (103,012 Kansas residents). These 563 locations should be reclassified as unserved. A summary of the data follows, and the list of locations has been shared with

KOBD.

- **FCC National Broadband Map Fabric:** of 563 total properties, 538 are ostensibly served; 9 are unserved; 16 are underserved.
- **Actual BEAD Criteria:** KOBD should bulk-reclassify all 563 total properties as unserved; engineering-based justification outlined below.

Evidence for bulk modification of specified MDUs to unserved
As the above numbers suggest, the FCC National Broadband Map provides only a starting point for our list of BEAD-eligible locations including MDUs. Since the National Broadband Map identifies multi-family housing developments as one Broadband Serviceable Location (BSL), it does not represent broadband availability of the individual units or households. Without accurate unit-by-unit data, the National Broadband Map significantly undercounts the number of unserved and underserved MDUs and households living in multi-family housing. For example, if an apartment building contains 100 households (i.e. units), the National Broadband Map only identifies this building as a single BSL. 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 location. This results in an overstatement of the availability of broadband service at multi-family housing locations and thus undercounts the true total of Kansas residents who are unserved or underserved. Examples of these scenarios are summarized below:

- **Internet Service Provider (ISP)** offers a much more substantial service to the building manager's office or commercial space (e.g.: AT&T Fiber) than their inside wiring is capable of delivering to the residential units (e.g.: AT&T DSL).
- **ISP** has fiber-to-the-curb or building, but has no inside wiring infrastructure to the unit.
- **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.
- **Technology** at the MDU is not capable of delivering 25/3 or 100/20 across all households simultaneously. Example: provider offers 100/20 DSL service, but needs to use pair-bonding to achieve that speed. In a 100 unit MDU, 100 DSL lines would be bonded into 50 connections, leaving 50 households served and 50 unserved.
- **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.
- **ISP's equipment** is located in a Main Distribution Frame (MDF), Intermediate Distribution Frame (IDF), cabinet, pedestal, node or potentially the central office, and is not capable of delivering 25/3 or 100/20 across all households simultaneously without overbuilding the entire MDU.
- **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.

The additional MDUs on our list of unserved locations are based on the property's location in census tracts with very high levels of poverty and/or very low levels of connectivity, as called out in the BEAD NOFO. The source data used to identify the MDUs on the list come from the American Community Survey, coupled with data from the Department of Housing and Urban Development (HUD) and commercially-available real estate databases. These additional data sources give ample evidence that the universe of unserved locations as defined in the NOFO span far beyond simply those defined as unserved and underserved in the FCC's National Broadband Map.

By expanding the universe of unserved locations to include all MDUs in census tracts with both high poverty rates and high numbers of unconnected households, Kansas can prioritize MDUs that have a high probability of meeting the BEAD prioritization requirement of having "a substantial share of unserved households" judging by the sheer numbers of those that are estimated not to be served. To determine whether there is a "substantial share of unserved households" in an MDU, unit level availability data is needed. As the current National Broadband Map does not classify households at the unit level, their true classification is unknown; therefore KOBD considers these specified MDUs as unserved until they are successfully challenged as served.

Jenny Miller

By submitting the Public Comment Form (the "Form") and any supporting evidence, you attest that all information furnished is true and accurate to the best of your knowledge and that any attachments are free of malware or viruses. You also acknowledge that falsifying any information could result in legal action against you and will bar you from submitting public comments to this web site in the future. You authorize the Kansas Office of Broadband Development, Kansas Department of Commerce (KOBD) to contact you if further information is needed. You expressly acknowledge and consent to some personal information, including your name, address, phone, e-mail, organization you represent, and comments, being posted for public view on the Kansas Department of Commerce web site at www.kansascommerce.gov. The KOBD will use its best efforts to redact any personal identifiable information outside of the above that is not considered in the public domain. By typing your name and date and by submitting the Form, you acknowledge, authorize, and consent to this Public Comment Privacy & Acknowledgments.
