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by **Pamela Sherwood** in **BEAD Initial Plan, Volume 1 Public Comment Form** id. 43886716

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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 challenge process

Brightspeed's narrow comments are limited to the challenge process identified as Requirement #7. In its Initial Proposal, the KOBD proposes to adopt the model challenge process, as adopted by the National Telecommunications and Information Administration (NTIA). KOBD proposes permissible challenges for the following grounds: 1) identification of eligible CAIs, 2) CAI BEAD eligibility determination, 3) BEAD eligibility determinations for existing BSLs, 4) enforceable commitments, or 5) planned service. Brightspeed generally supports the use of NTIA's model challenge process but offers a minor revision related to future planned service.

There is no public policy rationalization to provide taxpayer funded assistance to locations that have currently have broadband. The purpose of a challenge process is to ensure that governmental subsidies are truly going to unserved or underserved areas of the state and not competing with either private broadband investment and/or other federal, state or local subsidized areas. Brightspeed applauds the KOBD efforts in outlining a comprehensive general structure for the challenge process including a 30-day challenge timeline, a rebuttal phase, an evidence-based review process and transparency plan.

Consistent with the NTIA's model challenge process, the KOBD proposes that for any challenge on the grounds of planned services, "the challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment". Brightspeed respectfully recommends a two-year construction window for planned build projects rather than a hard deadline of June 30, 2024.

If adopted, the KOBD's proposed hard deadline of June 30, 2024 is just ten months away. A hard deadline does not allow the KOBD any flexibility in the event of delays to the BEAD timelines. Furthermore, a hard deadline does not allow providers and network operators any flexibility in constructing a fiber network. Constructing robust broadband networks in today's environment is complicated enough as supply-chain challenges, skilled-labor shortages, permitting/right-of-way/easement requirements all frustrate a construction schedule. These construction challenges will only be exasperated when BEAD funds are fully flowing, and the rural nature of these projects require additional flexibilities. A two-year construction window for planned services would allow sufficient flexibility while remaining within the four-year deployment window allowed under BEAD for BEAD-funded grant projects.

### Brightspeed Fiber Investment Plans

Brightspeed has announced aggressive fiber investment plans, including fiber deployment in Kansas, and the company has commenced the buildout of its state-of-the-art fiber optics network. Brightspeed plans to complete over 1 million new fiber passings across 17 states during the initial phase of construction through the end of 2023. Brightspeed's planned investment of at least \$2 billion in its fiber network transformation will bring faster and more reliable internet service to more than 3 million homes and businesses over the next five years, primarily targeting locations where fiber and advanced technology have not historically been deployed.

**In Kansas, by the end of 2023 we expect to finish the first phase of construction and deliver over 10,000 fiber passings in Gardener, Osawatomie and Hiawatha. This is in addition to the existing fiber customers in many areas that will transition to the Brightspeed fiber platform. In subsequent years, Brightspeed will add additional fiber-enabled locations for the communities it serves and is currently planning fiber deployment to a dozen locations in 2024.**

**Additionally, Brightspeed is targeting a dozen additional locations for its second construction phase in Kansas and anticipates a 2024 completion date. Although not all dozen locations will be complete by the proposed challenge deadline of July 30, 2024, by disallowing challenges for these demonstratable planned builds would run afoul of the public policy objectives to not use BEAD funding to overbuild existing networks. Furthermore, a hard deadline would have the unintended consequence of limiting BEAD funding which could be used in other areas of the state.**

**Brightspeed appreciates this opportunity to submit comments on KOBID's BEAD Initial Proposal Volume I. This BEAD initiative will have both challenges and opportunities, and Brightspeed appreciates being a trusted resource on telecom and broadband issues in Kansas.**

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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](http://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.

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