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by **Marlene Nagel** in **BEAD Initial Plan, Volume 1 Public Comment Form** id. 43892859

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Are you responding on behalf of an organization? **Yes**

Organizational affiliation (If applicable) **Mid-America Regional Council**

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 5: Identification of existing unserved and underserved broadband locations
Requirement 6: Identification and application of Community Anchor Institutions (CAI)
Requirement 3: Identification of existing broadband efforts
Requirement 7: Detailed BEAD challenge process

Comments relating to Requirement 3: Identification of existing broadband efforts

Comments relating to Requirement 5: Identification of existing unserved and underserved broadband locations

1. Universal broadband coverage: Invest broadband infrastructure funds to address unserved and underserved portions of the Kansas City metropolitan region, particularly those rural and very low-density areas.

The areas where broadband infrastructure investment are needed and in keeping with federal BEAD grant requirements include: outlying portions of the metro area – in Kansas, much of Miami County outside the larger cities, southwest and western Johnson County, portions of western Wyandotte County and urban areas unserved due to low density or difficult topography, and Leavenworth County outside major cities. (MARC has some GIS files that could be offered).

In addition, there are areas where due to topography or low-income neighborhoods that limited ISP investment due to market demand forecasts, broadband infrastructure is not available for suburban or urban properties.

There may be small neighborhood areas in suburban and urban locations where service isn't available, and small-scale grants may offer the opportunity to address these gaps.

The federal process to identify unserved and underserved areas using the FCC's broadband map is difficult and cumbersome. It is based on information provided by providers, who have little incentive to identify gaps in infrastructure. The state should consider providing assistance to community groups and local governments in evaluating the FCC map and data, allowing for speed test or other data to identify unserved or underserved areas, and incorporate equity considerations in setting priorities among unserved and underserved locations.

2. Universal broadband coverage and universal broadband adoption: Invest broadband infrastructure funds in areas where only one provider offers adequate service (100/20) but the costs are extremely high relative to what is charged in other parts of the metro area. In areas where the costs to install broadband are greater due to topography, density of customer base or distance among housing units, greater support for providers and subsidies for households may be necessary to allow for cost-effective services to be installed and delivered.

Our analysis of broadband infrastructure availability and pricing by ISP providers in the outlying or rural parts of our metro area showed that rural areas have limited choices of providers offering adequate service and charge much higher monthly fees. There are urban, suburban and rural portions of the metro region that are served by only one provider (other than satellite or unregulated service). Households in these areas face high cost and unreliable or low speed services. Additional federal investment is

appropriate for these areas.

3. Universal broadband adoption and innovative solutions: Invest broadband infrastructure funds in low-income neighborhoods where current services use old DSL technology and low speeds at relatively high costs or invest in funds in innovative approaches such as a secure wireless mesh network enabling households to enroll in a subscription at a very low cost.

Historic redlining of residential neighborhoods in urban areas has impacted the investment by private companies in newer fiber technologies to provide broadband services. Many of these older urban neighborhoods have unreliable or lower speed services due to older ISP equipment. In some cases, the high cost of subscriber services limits household choices for lower speed, inadequate services. Although many providers are enrolled in the federal Affordable Connectivity Program, the cost for services is still above the reach of some households and there is uncertainty about the future of the subsidy program. States should promote the extension of the ACP program and simplify application processes by ISP providers to encourage greater participation. In addition, states should support projects that offer alternative technologies such as wireless networks to help lower income households with affordable, reliable services. There are likely to continue to be households that lack the financial resources, even with federal or other subsidies, to maintain a broadband subscription. It is critical that locations throughout the community – particularly Anchor Institutions – be supported to offer free Wi-Fi and public access computers in convenient locations and reasonable times to allow children, youth and adults to have access to the internet for learning, to seek information and benefits, to apply for benefits and jobs, and stay connected with family and friends.

For fixed wireless service, the provider should be required to ensure that the advertised speed is available to all customers, regardless of how far away they are from the tower. While this may not be an appropriate solution in all areas, there could be low-income neighborhoods or rental housing developments where this type of solution would offer an appropriate, low-cost option. An example in the Kansas City area is a nonprofit organization, PCs for People, offering a wireless solution in some multi-dwelling units. The state should require ongoing monitoring of service quality for wireless solutions to be eligible for funds.

Additionally, BEAD funds could be used to support internal wiring for MDUs where that is a barrier to in-unit service of sufficient quality and support connections to MDUs by providers to offer sufficient service to individual units.

4. Universal broadband adoption, innovative solutions and support digital economy: Invest in broadband and/or wireless solutions for multiple dwelling units (MDU), particularly where residents have limited incomes and current technology is old and inadequate or doesn't exist. This could be a major place to influence the operationalizing of the federal law and an important focus where funding for replacing old wiring in MDUs could create opportunities for workforce development, either in training individuals to install such infrastructure or to utilize the technology to work from home.

Comments relating to Requirement 6: Identification and application of Community Anchor Institutions (CAI)

Digital Economy and Universal broadband coverage:

- Invest broadband infrastructure funds to connect anchor institutions in urban, suburban and rural areas to support services to disadvantaged populations and increase workforce and educational opportunities.
- Kansas should allow for a portion of the federal funds to support enhancements to anchor institution systems and networks to improve public services. Anchor institutions include schools, libraries, health care organizations, local government, public housing and other public service entities.
- A cursory review of the CAI inventory for Kansas found key organizational facilities missing, including federally qualified health centers and county public health departments and several community-based organizations providing health care and workforce development support. Examples include Vibrant Health, Community Health Council of Wyandotte County, and El Centro in Wyandotte County. In addition, there are many local government facilities in the KC metro area that are not included in your inventory such as Lenexa and Olathe City Halls, Unified Government of Wyandotte County City and County buildings, Kansas City Kansas Public Schools Administrative building.
- As the state considers use of some BEAD and/or other resources to address the gaps in universal broadband coverage/adoption due to household resources, providing funds to help Anchor Institutions implement free Wi-Fi and public access computers for residents in surrounding neighborhoods is critical. Training on the use of the technology could be an important part of the service. Private meeting spaces could enable residents to utilize the free technology for tele-health visits.

CAI List Upload (if applicable)

n/a

Comments relating to Requirement 7: Detailed BEAD challenge process

Universal broadband access and adoption: Include criteria in the selection of broadband projects for funding that achieve these outcomes:

- a. Equity for households to be served by supporting investments in areas across the state – rural, suburban, urban – where service does not exist or is inadequate due to cost, reliability, or speed. The states of Missouri and Kansas could consider community benefits agreements or other such tools that address grantees selling their companies upon receipt of federal funds or requiring minimum service quality or other things that could be beneficial to the community, such as digital literacy classes or funding devices or ensuring there won't be any digital discrimination in the new service. The community benefits agreements could be written consistent with the FCC's digital discrimination policy.
- b. Equity for companies/organizations receiving grant funds to enable smaller companies/organizations to compete by lessening barriers to entry and ability to make sizable investments recognizing cash flow limitations to wait for reimbursement.
- c. Include performance metrics among the application requirements to ensure that projects achieve state and federal objectives.

Universal broadband access and adoption: Address these challenges in the selection of projects for broadband funding:

- a. Require grant recipients to commit to serving the geographic areas proposed in their applications for a minimum time period at the quality and speed proposed in their application following close out of the grant before selling their service area to another provider. This attempts to minimize the risk of companies seeking federal funds solely to make a return on their (and the government's) investment in the very short-term rather than improving service to portions of the state. (see comment in 6a above).

- b. Require grant recipients to offer service that meets the FCC definition of “served” for all customers receiving service through the federally funded project and at a subscriber fee that is at or below comparable service within the geographic area where improved service is proposed.**
- c. Require grant recipients to extend infrastructure to allow for services to all households in a service area proposed in the application, not just one or a few.**
- d. Require grant recipients to report to the state (public record) the number of housing units/properties that have access to broadband service for the first time as a result of the federally funded investment.**
- e. There are concerns about the timing of already awarded RDOF and ARPA grants and the grants to be awarded through the BEAD funding. The timing of implementation could be impacted by rising construction costs and supply chain challenges. These concerns may mean that some RDOF or ARPA awardees or early BEAD grant awardees won't be able to deliver what was originally proposed. The states may limit other applicants from proposing to serve areas that are expected to be served by RDOF or ARPA funds. The state should monitor implementation to ensure that BEAD money can go where it's needed if RDOF or ARPA projects fall through or must cut back on promised service areas. Solutions should be outlined (perhaps in grant rounds beyond the initial one) to make sure that areas don't end up being left out when their RDOF or ARPA projects don't end up being completed.**

Support state policy in the implementation of the state's broadband plans, including:

- a. Support technical assistance by the Kansas Office of Broadband Development to local jurisdictions in the review of applications submitted by ISP providers or others to ensure that the federal grant funds are meeting the priority needs.**
 - b. Encourage the Kansas Department of Transportation and other state agencies to fully utilize existing infrastructure (e.g., state highway system's right-of-way) to extend broadband services in the most cost-effective manner possible.**
 - c. Support the ability of local governments to invest in broadband systems to ensure all residents, businesses, and community anchor institutions have access to affordable reliable broadband service, particularly when the private sector companies are not able to deploy and maintain such infrastructure for all who need access.**
 - d. Encourage, and if necessary, provide incentives for utility providers to offer universal and affordable pole sharing through use agreements.**
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Marlene Nagel August 30, 2023

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.
