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by **Jenny Miller** in **Kansas BEAD Volume 2 Public comment** id. 44677106

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Are you filing a comment on behalf of an organization? Yes

Which organization are filing on behalf of? EducationSuperHighway

Please indicate which sections of volume 2 you are responding to: Requirement 8: Subgrantee Selection process

Please provide your response to Requirement 8: Subgrantee Selection Process EducationSuperHighway Comments for KOBD's Initial Proposal Volume 2

EducationSuperHighway welcomes the opportunity to comment on the Kansas Office of Broadband Development's (KOBD) draft BEAD Initial Proposal Volume 2. At the outset, we would like to draw particular attention to, and strongly commend, KOBD's choice to have a section of their Volume 2 entitled "Multi-Dwelling Units Promotion." *Over 180,000 Kansans live in MDUs that are BEAD-eligible.* KOBD is doing a service to these 180,000+ Kansans by ensuring they will have home broadband, thereby ensuring that they too can live, work, learn, and compete in a global economy.

Comment on Requirement 8: Deployment Subgrantee Selection

USDs that contain both MDU BSLs and non-MDU BSLs

KOBD chooses to use their Unified School District (USD) boundaries as Project Funding Areas (PFA). A challenge with bidding at the USD level (or any predefined PFA, for that matter, including simple hexagons – this problem is not because KOBD chose USDs as their PFAs) is that each USD may contain both MDU BSLs and non-MDU BSLs (that is, a USD will contain a mix of single family homes and MDUs). In situations like these, a partnership of subgrantees will be necessary to adequately address the needs of the Kansans residing in that USD, especially households in MDUs. There could exist large, last-mile providers who could at best only provide a “pass-by” to the MDU (i.e. drop a connection off to the MDU at the building level, but not fiber or other high-speed connection to the units). Further, the Managed Service Providers (MSPs) who specialize in property-wide, managed-Wi-Fi solutions in the MDU space, may not have services for connecting single family homes.

One way to ensure the problem of “MDU pass-bys” does not occur, and that all the units of an MDU BSL get served, is to require that *any proposed solution from subgrantees bidding on USDs that include MDUs must demonstrate how it will connect all units within an MDU.*

EducationSuperHighway will make a similar comment on all states’ Volume 2, invoking the NOFO language that asks “how the Eligible Entity intends to ensure that *every resident* has access to a reliable, affordable, high-speed broadband connection” (emphasis added).(1)

Cost per unit versus cost per BSL

Connecting all the units of an MDU will cost more than connecting a single family home. For this reason, we encourage KOBD to evaluate costs for MDUs on a per unit basis as opposed to costs per BSL. This will allow a more accurate comparison between applicants’ BEAD program outlays for MDUs. In particular, while we will go into further detail on this issue in the “Scoring criteria” section of our comments, we *strongly recommend replacing “Cost per passing” with “Cost per unit connected” for BSLs that are MDUs* in KOBD’s scoring rubric.

Normalization of proposal costs & consumer pricing

Accordingly, KOBD could then request that a cost per unit breakdown be included in any proposal that contains an MDU BSL to accurately identify the most competitive and cost-effective solution. Similarly, a breakdown of price per customer served (e.g. price per unit in MDUs) should also be included to make it easier to compare proposals for MDUs that may express their pricing differently e.g. bulk pricing (charges to the property owner) versus retail pricing (charges to the unit).

Scoring criteria

Evaluating for affordability

Affordability is a primary criterion in the BEAD NOFO.(2) We recognize the proposed scoring rubric calculation already assigns a weight of 15 percent for affordability. EducationSuperHighway respectfully suggests KOBD consider *awarding additional points to solutions that have a commitment to offer free service during the performance period of BEAD.* Free broadband service for Kansans who need it is a powerful solution for affordability since it reduces and/or eliminates many of the barriers to network adoption currently in place, such as any financial commitment, credit checks, and enrollment paperwork. Therefore, we respectfully invite KOBD to consider incentivizing solutions that provide a free tier of service as part of their affordability plan.

Given that affordability is the primary reason $\frac{2}{3}$ of the digital divide exists today, we generally would recommend assigning higher weight than the 15 percent to affordability that is currently provided in the scoring rubric. However, as KOBD expects a projected overall shortfall to achieve universal service of \$240 million (or more), in this case we fully understand why KOBD chose to weight BEAD minimal outlay so highly – to optimize every BEAD dollar. It's a tough optimization problem to solve, and we have full faith that the team at KOBD can solve it.

Finally, this section would not be complete without us calling out and applauding, on page 93, that KOBD specifies that “free Wi-Fi access should be provided to communal areas in MDU.”

Replace “Cost per passing” with “Cost per unit connected” for MDUs

As touched on briefly in the “Cost per unit versus cost per BSL” section, a Primary Scoring element on KOBD’s rubric is “cost per passing.” This makes sense for BSLs that do not have multiple units, but for BSLs that are MDUs, this runs the risk of setting a bad incentive for providers. Asking them to simply minimize “cost per passing” gives them the incentive to simply “pass by” a large MDU and drop off a minimal last-mile connection, thereby “serving” the building but in actuality not adequately serving any of the units. *A remedy to this would be to, for BSLs that are MDUs, score on cost per unit connected.*

Remember, solutions that connect many units are explicitly called out on page 7 of the BEAD NOFO as an example project by NTIA, when suggesting Eligible Entities have “...flexibility to pursue deployments in the manner best suited to their populations – including, for example, the deployment of Wi-Fi service within multi-family buildings.”(4)

MDU Internal Wiring

Recalling the NOFO language that “...also requires all projects to...*further prioritiz[e] proposals that improve affordability* to ensure that networks built using taxpayer dollars are accessible to all Americans.” Prioritizing solutions that promote long-term competition is an effective mechanism for addressing affordability. In the case of MDUs, when internal wiring infrastructure is owned by property owners and not the providers, property owners can continually engage in the wider marketplace (e.g., a national network of Managed Service Providers) without access restrictions. EducationSuperHighway recommends requiring, or at least scoring higher,

solutions that result in property owner ownership of *internal wiring within an MDU.*

In particular, the above suggestion might fit in nicely with KOBD's stated goals for "Objective 2: Leverage innovative solutions and "future-proof" technologies for broadband deployment and accessibility" beginning on KOBD's IPV2 page 4 – specifically the goal of "Examine process(es), partnership(s), and grant design(s) to ensure sustainability and the accrual of long-term benefits."

Evaluating Service Quality

EducationSuperHighway applauds the KOBD for inclusion of outage credits as a network quality accountability mechanism in its minimum service plan criteria. We support the KOBD's "means to ensure high-quality broadband services" by utilizing additional criteria beyond price and speed when scoring for affordability. Factors like this uptime guarantee make a plan effectively more "affordable" by providing more value in the form of network quality. For example, a \$50/month 100Mbps symmetric Managed Wi-Fi plan is actually more affordable than a \$50/month 100Mbps symmetric retail plan because Managed Wi-Fi services uniquely offer additional enterprise-quality network management practices and reliability commitments.

In addition, EducationSuperHighway encourages KOBD to consider additional factors to its scoring criteria that contribute to the service plan's ability to meet minimum requirements "consistently, verifiably, and reliably." Examples explicitly called out in the NOFO that broadband service options should address are "reliability commitments" and "download and upload speeds, latency, any limits on usage or availability, and any material *network management practices*." (7)

In this context, "material network management practices" and "reliability commitments" could include quality of *technical support, enforceable Service Level Agreements, and optimized spectrum design*, all practices provided as a standard for enterprise quality networks like those provided by Managed Wi-Fi.

Public benefits of a Managed Wi-Fi Solution

In addition, we recall the NOFO's reminder that "competition among broadband providers has the potential to offer consumers more affordable, high-quality options for broadband service." It should be noted that unlike the traditional model of relying on one or two broadband providers, those providers can serve as the backhaul connection to provide bandwidth for a managed Wi-Fi solution which can be sourced from the many existing Wi-Fi service providers across the country, including minority-, women-, or veteran-owned companies.

Other noteworthy elements of KOBD's plan

CAI emphasis despite a projected budget shortfall

EducationSuperHighway appreciates the difficulty faced by KOBD given a projected budget shortfall to achieve universal service. We want to *strongly commend* KOBD's decision to not just discard CAIs as a result, but rather setting a target for connecting all CAIs and requiring applicants to cover CAIs in all applications.

Encouragement of applicants to partner with housing agencies

When the NOFO defines and describes entities that are a CAI, it includes: a "...community support organization that *facilitates greater use of broadband service by vulnerable populations*..." (emphasis added). We applaud KOBD's encouragement for "applicants to partner with housing agencies to leverage programs benefiting residents in multi- dwelling units." Multi-dwelling housing is uniquely positioned to "facilitate greater use of broadband service" because MDUs can efficiently provide Internet as an amenity and offer training workshops and digital literacy outreach to many residents at once. As such, EducationSuperHighway recommends classifying Affordable Housing beyond just public housing as a CAI under the NOFO's definition of HUD-assisted housing or community support organization.(11)

Closing comment

EducationSuperHighway is honored to be mentioned as a partner on all things MDU in KOBD's Initial Proposal Volume 2. As mentioned before, we have great faith in the KOBD team to develop plans to ensure all Kansans receive access to affordable, reliable, high-speed internet. We look forward to seeing how the state's efforts continue to develop and stand ready to jump in with pro-bono resources where KOBD wants them to support their important work.

(1) BEAD NOFO, p.30.

(2) Ibid., p 43.

(3)

<https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/, 2.4.2.1-KOBD-Scoring-Rubric-BEAD-Attachment.pdf>

(4) BEAD NOFO, p. 7.

(5) Ibid.

(6) KOBD Draft IP Vol 2, p. 92.

(7) BEAD NOFO p. 67.

(8) Ibid., p. 50.

(9) Ibid., p. 11.

(10) KOBD Draft IP Vol. 2, p. 79.

(11) BEAD NOFO, p. 11.

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