

Title **0020** 11/12/2023

by **Lori Adams** in **Kansas BEAD Volume 2 Public comment** id. 44677986

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## Original Submission 11/12/2023

Please provide your first and last name Lori Adams

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

Which organization are filing on behalf of? Nokia

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

At Nokia, we create technology that helps the world act together. As a B2B technology innovation leader, we are pioneering networks that sense, think and act by leveraging our work across mobile, fixed and cloud networks. In addition, we create value with intellectual property and long-term research, led by the award-winning Nokia Bell Labs.

Service providers, enterprises and partners worldwide trust Nokia to deliver secure, reliable and sustainable networks today – and work with us to create the digital services and applications of the future. We have an extensive portfolio of fixed network services and solutions spanning fiber, cable, and wireless technologies. This allows us to help operators bring ultra-broadband services to more people, more quickly, and at the right

cost.

Nokia employs approximately 7500 workers in the United States and is the top supplier of fiber-optic broadband technology for service providers in the U.S. Seven out of ten fiber broadband connections in North America are made through Nokia equipment. Nokia is the number one vendor for XGS-PON technology globally and in the U.S. market. Nokia was the first to deploy 1, 10 and 25 Gigabit fiber-optic broadband networks in the U.S.

On August 3, 2023, at an event in Kenosha, Wisconsin - Nokia, the Vice President of the United States, and the United States Secretary of Commerce jointly announced that Nokia is the first telecom company to establish the U.S. manufacturing of fiber-optic broadband network electronic products for the Broadband Equity, Access and Deployment (BEAD) program. The key details of the announcement are as follows:

Nokia partners with Sanmina Corporation to manufacture OLT, OLT Line cards, and ONT products in the U.S.

Nokia partners with Fabrinet to manufacture OLT optical modules in Santa Clara, California bringing additional high-tech jobs to the country.

Manufacturing of Nokia's fiber-optic broadband products to start in 2024. Products are expected to be available for the first BEAD awards that are issued in mid-2024.

Nokia can scale to meet the demand of the BEAD Program

All of Nokia's products that are being manufactured in the United States are fully compliant with the Department of Commerce and the National Telecommunications Information Administration's (NTIA), proposed Limited General Applicability Nonavailability Waiver of the Buy America Domestic Content Procurement Preference as Applied to Recipients of Broadband Equity, Access and Deployment Program (Waiver) issued on August 22, 2023.

## Comments

Response to Section 2.4.5 - The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA)<sup>6</sup> requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, 14 and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

First, Nokia applauds Kansas' proposed approach to ensuring that all BEAD applicants meet the Buy America requirements. However, Nokia is providing some recommendations on additional ways for the State to approach this requirement that further streamlines the process and makes compliance even easier to achieve.

Nokia supports the Buy America Waiver for BEAD that was issued by the Department of Commerce on August 22, 2023. The Waiver took significant time and effort to create and recognizes the challenges within the industry and provides a reasonable roadmap for compliance for those products that

do not fall under a Waiver category. The Waiver will also enable the goals of the Buy America program to be met while serving the critical purpose of the BEAD Program of connecting all Americans and closing the digital divide.

The Waiver does the following key things related to broadband electronics:

1. Fully waives both criteria of the Buy America requirement for all broadband electronics EXCEPT OLTs, OLT line cards, OLT optics modules and ONTs. This means that no manufacturing vendor, provider or state needs to apply for a waiver. The requirement is automatically waived.
2. Waives the 55% criteria for OLTs, OLT line cards, OLT optics modules and ONTs but requires these products to be manufactured in the US and meet manufacturing process definitions detailed in the Waiver. This means that no manufacturing vendor, provider or state needs to apply for a waiver for the 55%. The requirement is automatically waived.
3. Prohibits the purchase of products manufactured in China.
4. Establishes a process for manufacturers to voluntarily self-certify Buy America compliance with NTIA for products that are required to be manufactured in the U.S.
5. The Waiver completely reduces the state and provider burden of compliance with Buy America laws for BEAD through the creation of the list of vendor compliant Buy America products. As noted by the Waiver, the purpose of the creation of the list is to protect U.S. manufacturing of Buy America compliant products:

“Manufacturers that have expressed a willingness to onshore manufacturing of key electronics are concerned that they will be undercut by companies falsely claiming BABA compliance.” <sup>1</sup>

To meet Section 2.4.5 of the State’s Bead Volume 2 requirements, Nokia recommends that Kansas require all BEAD grant applicants to select all non-waived products from the NTIA list of vendor compliant Buy America products. This will enable your grant review teams to literally check the box for Buy America compliance and rest assured that your BEAD dollars are not being spent on products that are falsely claimed to be Buy America compliant. Please note that the list is open to all non-waived products and not just limited to broadband electronics. Nokia intends to certify our list of Buy America compliant products as soon as the process for self-certification is released.

Nokia recognizes that the NTIA certification process has not been established yet. Prior to the publication of the list, Nokia recommends that states either establish their own Qualified Vendor List that aligns with the Waiver or require that BEAD applicants submit a manufacturer certification with their grant application that the products they have selected meet the Buy America requirements along with a timeframe for availability. If a manufacturer is providing less than the 4 products for the BEAD, then multiple certifications would be required to be submitted by the applicant.

Please let us know if you require further information to support our position. Nokia appreciates your consideration of our comments, and we look forward to continuing to engage with you on these matters.

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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.

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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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