Before the
National Telecommunications and Information Administration
Washington, DC 20230

In the Matter of

Infrastructure Investment and Jobs Act Implementation	Docket No. 220105-0002

COMMENTS OF NATIONAL DIGITAL INCLUSION ALLIANCE

Angela Siefer, Executive Director
Amy Huffman, Policy Director
3000 E Main Street, #50
Columbus, Ohio 43209

February 4, 2022

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Introduction

Achieving true digital equity in the United States would mean that all the nation's individuals and communities have the information technology capacity needed for full participation in our society, democracy and economy. Digital Equity is necessary for civic and cultural participation, employment, lifelong learning, and access to essential services. The $65 billion investment in digital equity and broadband through the Infrastructure Investment and Jobs Act (IIJA) is the largest investment in digital equity and broadband in U.S. history. If implemented with the understanding that digital equity is a long term problem, this investment could result in the development and implementation of systemic solutions.

To achieve digital equity, deploying broadband to every household in the United States--even if it is scalable, future-proof technologies--will not be enough. Neither will a federal subsidy designed to make the internet more affordable for low-income households. Robust, comprehensive programs that address the human-side of the issue in addition to the technical must be designed and implemented across the country to create systems that work for everyone, where every person has access to the technologies, skills, and opportunities necessary to thrive.

The National Digital Inclusion Alliance (NDIA) prioritizes equity. This means our digital inclusion work prioritizes people who have been left behind in the digital age. NDIA's comments to the National Telecommunications and Information Administration (NTIA) in the matter of the Infrastructure Investment and Jobs Act Implementation Request for Comments[1] focus on equitably expanding access to affordable broadband service, appropriate devices, and digital skills training and support. NDIA bridges the community of digital inclusion practitioners and policymakers, serving as a unified voice advocating for broadband access, devices, digital skills training, and tech support. Working collaboratively, NDIA identifies, crafts, and disseminates resources and tools to help community based digital inclusion programs increase their impact and serve those most impacted by the digital divide. While universal, the digital divide disproportionately impacts disadvantaged communities and individuals, particularly people of color and people experiencing poverty. NDIA's more than 660 affiliates in 44 states serve these populations. Their work informs the following recommendations and, if implemented, would ensure the digital equity and broadband programs established through the IIJA make significant progress in advancing digital equity.

[1] DEPARTMENT OF COMMERCE, National Telecommunications and Information Administration, [Docket No. 220105–0002] RIN 0660–ZA33, Infrastructure Investment and Jobs Act Implementation, Notice, Request for Comment, Federal Register, Vol. 87, No. 6, January 10, 2022, pp. 1122-1126.

General Questions

Bringing Reliable, Affordable, High-Speed Broadband to All Americans

Question 1

NTIA seeks comment regarding the important steps necessary to ensure that the Bipartisan Infrastructure Law's broadband programs meet their goals with respect to access, adoption, affordability, digital equity, and digital inclusion. Deploying broadband to every household in the United States--even if it is scalable, future-proof technologies--won't be enough to achieve digital equity. Neither will a federal subsidy designed to make the internet more affordable for low-income households. Robust, comprehensive programs that address the human-side of the issue in addition to the technical must be designed and implemented across the country to create systems that work for everyone, where every person has access to the technologies, skills, and opportunities necessary to thrive.

As such, NDIA recommends that NTIA should ensure that the IIJA programs fund holistic, comprehensive programs that address broadband access, affordability, digital skills, computer ownership, and technical support.

To date, most of the digital inclusion work throughout the country has been led by community based organizations, libraries, and local governments. NTIA should ensure the IIJA funds are invested in increasing the capacity of trusted community based organizations and community anchor institutions to provide digital inclusion services.

NDIA recommends NTIA encourage states to establish a digital equity office or team with a minimum of one full-time equivalent (FTE) to manage the digital equity planning and implementation for the state. As governors are charged with selecting an administering entity for the digital equity act programs. Today, most states and some territories have a dedicated broadband office and are leading efforts to increase broadband access throughout their state but few have had the resources, capacity, or political support to develop a robust digital equity strategy with dedicated digital equity staff. Most broadband and agency capacity that exists within state governments is currently allocated toward managing broadband deployment efforts. As such, NTIA should encourage states to establish a digital equity office or team within the broadband office or adjacent to it in the same agency in which the broadband office resides. The digital equity office or team should be required to coordinate with other state agencies such as the state library, education and workforce development.

Should the governor appoint an entity other than the broadband office as the administering entity, a digital equity office or team should still be created, connected to the broadband office, with a minimum of one FTE to aid in coordination and lead the affordability work the office will undertake to implement the Broadband Equity, Access and Deployment (BEAD) program. Additionally, the administering entity should be required to formally and actively coordinate with the broadband office throughout the life of the IIJA programs.

NTIA should require states to allocate a minimum of one FTE to the digital equity or administering entity's office, and encourage states to increase the count of FTEs in the office in proportion to the programmatic, demographic, and geographic needs identified in the state's digital equity plan. For example, should a state determine through the planning process that the state will establish four digital inclusion grant programs (such as affordable internet sign up outreach, computer distribution, digital literacy, and digital navigation) and two state-led digital inclusion support programs, a minimum of six FTEs (in addition to the digital equity lead) would be needed to effectively manage the programs.

NTIA should allow states to use the administrative funds allocated through BEAD and the State Capacity Grants to fund these staff positions.

Question 2

NTIA seeks input regarding strategies that will ensure that all voices and perspectives are heard and brought to bear on the questions relating to the Bipartisan Infrastructure Law's broadband programs. Engaging organizations historically underrepresented in stakeholder engagement needs to be intentional. We urge NTIA to be proactive in engaging the voices and concerns of stakeholders through several measures. First, NTIA should host small focus groups through national and regional partners. Second, NTIA should continue to host large public stakeholder sessions, but NTIA should also modify the platform or listening format so participants can both see and hear from the speakers submitting comments orally. Third, NTIA staff should attend established groups of organizations historically underrepresented in stakeholder engagement. Such groups include but are not limited to NDIA's Affiliates of local digital inclusion practitioners, the Multicultural Media, Telecom and Internet Council's Black Churches for Digital Equity and State Offices of Refugee Settlement supported by Migration Policy Institute and the Tribal Broadband Bootcamp.

Question 3

NTIA seeks comment regarding data collection requirements for funding recipients, including aspects such as reporting and methods of analyzing the data, in order to determine whether funds are being used lawfully and effectively. NDIA urges NTIA to establish several data reporting requirements. To measure the total reach of funding under the Bipartisan Infrastructure Law program's, NTIA should require each recipient to report the types of services delivered under that recipient's funded project(s) and the number of people served by each of that recipient's funded project(s), disaggregated at a minimum by the covered populations identified in the Digital Equity Act. NTIA should specify the data sources (preferably the Decennial Census or American Community Survey) that recipients should use to calculate population totals and population proportions.

NTIA should require BEAD sub-grant recipients to report on pricing structures with the same data required in the FCC's broadband nutrition label, subscriber totals for each plan and how outreach was conducted for the low-cost plan. In addition, NTIA should require BEAD sub-grant recipients to report data regarding their workforce, work conditions, and any subcontracted workers to promote transparency, accountability, and ensure pathways to high quality jobs are available to women and people of color.

NTIA should impose and implement reporting requirements in plain language. NTIA's grant management and reporting software should be intuitive and easy to use, so as to diminish the barrier to participation for smaller organizations.

Supporting States, Territories, and Sub-Grantees to Achieve the Goal

Question 5

NTIA seeks comment on what kinds of technical assistance would be most valuable to relevant parties in the implementation of the Bipartisan Infrastructure Law's programs. The most valuable technical assistance that NTIA can provide is 1) comprehensive and 2) flexible.

First, NDIA urges NTIA to prioritize technical assistance to organizations directly serving covered populations. These organizations, often community based organizations and community anchor institutions, are often under-resourced, yet are most trusted by communities of color and other populations most impacted by the digital divide. Because they are under-resourced, these organizations are often

unaccustomed to engaging directly with the federal government and obtaining federal funds for their programs. NTIA should prioritize providing TA to these organizations.

Second, NTIA should provide technical assistance throughout all stages--pre-planning, planning, and implementation--of the Bipartisan Infrastructure Law's programs. This would involve advising on best practices regarding each step in the rollout of these programs, including but not limited to advice on how to conduct meaningful stakeholder engagement (particularly with organizations serving members of covered populations), how to conduct local and state digital inclusion asset mapping, how to conduct digital inclusion community surveys, how to promote sign-ups for subsidized and low-cost broadband plans, and best practices regarding local and state digital inclusion programming, data collection practices, and privacy protection strategies. Comprehensive technical assistance would also include grant writing assistance and reporting assistance.

Finally, NTIA should provide technical assistance that is flexible to the needs of localized entities and communities. The many stakeholders involved in planning and implementing the Bipartisan Infrastructure Law's programs have diverse needs, concerns, strengths, and weaknesses. NTIA's scope, programming, and system for providing technical assistance to these stakeholders must therefore be able to account for such diversity. A flexible system of technical assistance would allow for local input regarding the provision of technical assistance, would involve technical assistance led by those who reflect the demographics of the community they are assisting, and defines its parameters inclusively and flexibly to capture the diverse needs of communities. NDIA also urges NTIA to identify an informational point of contact for each state to whom states can ask questions regarding technical assistance and the Bipartisan Infrastructure Law's programs. Ideally, this point of contact would be familiar with the broadband and digital inclusion work occurring in their assigned states.

Question 6

NTIA seeks comment regarding the methods that should be adopted in evaluating a state or territory's subgrant award process. NTIA should create processes for ensuring sub-grants awarded for digital equity programming reach organizations with a proven track record of being trusted by covered populations. NTIA should encourage states to reduce barriers to the sub-awarded grants to these trusted organizations and intentionally provide outreach to these organizations in addition to any public announcements of the RFPs.

In addition, NTIA should establish mechanisms for assisting states in properly preventing bad actors from taking advantage of the digital equity programs while simultaneously encouraging entrepreneurship and innovation.

Question 9

NTIA requested comment on the circumstances under which NTIA should waive matching fund requirements for grant and subgrant recipients under several Bipartisan Infrastructure Law broadband programs. Because community based organizations and nonprofits are often resource constrained, they are less likely to be able to provide a financial match and thus participate in the BIL programs. As such, to lower the barriers to participation in BIL programs, NTIA should consider waiving the matching requirements for nonprofit organizations, community anchor institutions, women- and minority-owned businesses, and any organization operating under a certain annual budget threshold. If a full waiver cannot be granted for such entities, NTIA should consider an alternative method of monetary "matching" that permits "matching" in the form of in-kind or volunteer support for the program. NTIA should also reduce the proportion at which community owned networks must match the money they receive from BIL programs, for many community owned networks do not have the same resources as large incumbent providers.

Broadband Equity, Access and Deployment (BEAD) Program

Ensuring Publicly Funded Broadband Networks that Sustain and Scale

Question 14

NTIA seeks comment on the criteria states should be required to consider to ensure broadband projects are sustainable, accessible, affordable, and will best serve unserved, underserved, and historically disconnected communities. NTIA should encourage states to require BEAD sub-recipients to partner with trusted organizations to assist eligible households with signing up for service and integrate local digital inclusion programming into their outreach initiatives, with a priority for low-income neighborhoods, particularly historically disconnected communities.

NDIA and others have documented numerous examples of digital redlining, i.e. discrimination by internet service providers in the deployment, maintenance, or upgrade of infrastructure or delivery of services. Communities harmed by digital redlining are often marginalized in other ways linked to the race, ethnicity and/or economic status of their residents. Slow, unreliable broadband service and the absence of competition among providers can put redlined communities at a significant disadvantage in attracting and retaining residents and businesses, compared to better served neighboring areas. Obsolete technology also discourages broadband adoption in a variety of ways, most recently by blocking eligible residents of some redlined communities from taking full advantage of the Emergency Broadband Benefit.

Given the outsized negative ramifications of digital discrimination and digital redlining on historically disconnected communities, and its direct and negative impact on equity, NTIA should provide clear and bold requirements for BEAD funds to ensure BEAD funds are not used to support these practices, misusing taxpayer dollars without penalty.

In the IIJA, Congress directed the FCC to develop rules prohibiting digital discrimination to ensure that no one in the country is left behind. At a minimum, once the FCC defines and creates rules for digital discrimination, NTIA and the FCC should develop a process for interagency cooperation and information sharing. The FCC should routinely share with NTIA and states a list of providers found to engage digitally discriminatory practices. If an ISP is found to engage in a discriminatory practice, the ISP should become ineligible for receiving funds from any IIJA program. Should the ISP already have received funds from any of the IIJA programs, NTIA should require states to include a clawback provision and the ISP should be required to return the funds to the state.

Allocation and Use of BEAD Funds to Achieve Universal, Reliable, Affordable, High-Speed Broadband

Question 17

NTIA seeks comment on what additional factors, not currently recommended in the Bipartisan Infrastructure Law, should be considered in determining what constitutes a “high-cost area”. Poverty rates are highly correlated with broadband adoption rates, in areas with high poverty rates, broadband adoption rates are lower. As such, NTIA should establish that poverty rates be considered with equal weight to other factors when determining high cost areas. NTIA should provide states guidance on how to assess and incorporate poverty rates into determining and identifying high cost areas. In addition, NTIA should encourage states to consider current subscription or adoption rates for the area as contributing factors to high cost areas.

Question 18

NTIA seeks comment on additional eligible uses of BEAD funding to facilitate program goals. Eligible entities under the BEAD program are authorized to use grant funds to competitively award subgrants for "any other use determined necessary by the Assistant Secretary to facilitate the goals of the BEAD program." Subsection B of Section 60102 establishes the BEAD program with the explicit purpose of bridging the digital divide.

Bridging the digital divide requires much more than universal broadband deployment. While universal broadband access is necessary to bridging the digital divide, it is not sufficient. In addition to broadband service access, people need to be able to afford reliable broadband services, understand how to use their broadband service in a safe and efficient manner, and with devices that allow them to fully participate in our society, democracy, and economy.

Therefore, to further BEAD's goal of bridging the digital divide, NTIA should include digital inclusion activities, as defined in the Digital Equity Act, as eligible uses of BEAD funding. That is, eligible entities of BEAD grant funds should be authorized and encouraged to competitively award subgrants for "activities that are necessary to ensure that all individuals in the United States have access to, and the use of, affordable information and communication technologies, such as—(i) To develop and implement digital inclusion activities that benefit covered populations. (ii) To facilitate the adoption of broadband by covered populations in order to provide educational and employment opportunities to those populations. (iii) To implement, consistent with the purposes of this title— (I) training programs for covered populations that cover basic, advanced, and applied skills; or (II) other workforce development programs. (iv) To make available equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services to covered populations at low or no cost. (v) To construct, upgrade, expend, or operate new or existing public access computing centers for covered populations through community anchor institutions. (vi) To undertake any other project and activity consistent with the Digital Equity Act programs."[2]

Establishing Strong Partnerships Between State, Local and Tribal Governments

Question 19

NTIA seeks comment on the establishment of requirements for state and territories to ensure local perspectives are critical factors in the design of state plans. States should take advantage of this once-in-a-generation opportunity to design their plans with key stakeholders, like members of local communities, at the decision making table from the outset. NTIA should require states to weave community engagement throughout the planning process for both the BEAD program and the digital equity planning processes.

NTIA should strongly encourage states to create and design a robust stakeholder engagement plan that elevates the voices of those who directly work with or who themselves have direct lived experience of being disconnected and weaves stakeholder engagement throughout the entire planning process and. Ensuring the voices of covered populations and underrepresented groups are built into the planning process is essential to ensure the plan is comprehensive and truly addresses the concerns and needs of the state's disconnected residents. NTIA should require states to intentionally identify and engage the organizations trusted by covered populations and historically disconnected communities to engage in both the BEAD and DEA (Digital Equity Act) planning processes.

[2] BIL § 60305(d)(2)(A)(i)-(vi)

Stakeholder engagement should not be a one-time occurrence, but rather be baked in throughout the entire planning process with multiple permeable pathways for residents and trusted community based organizations to participate in the process.

In addition, NTIA should encourage states to gather input from these stakeholders through multiple mediums including but not limited to: public hearings, surveys, focus groups, and one-on-one interviews. NTIA should encourage states to conduct in-person, public hearings in multiple locations throughout the state at times and places that enable broad public participation, including evenings and weekends for working adults. Ample public notice for the hearings should be provided through a number of mediums (i.e. newspapers, radio, websites, social media, etc.) to ensure broad participation. In addition, the public hearing should be structured so that disconnected and underconnected residents are encouraged to provide their experiences and all the consequences of their disconnection. In addition, residents should have the opportunity to provide input to the states on the solutions states should consider as they develop the digital equity plans. NTIA should encourage states to design thoughtful surveys accessible to the disconnected (i.e. phone or paper surveys should be encouraged). In addition, NTIA should encourage states to consider conducting focus groups and one-on-one interviews with stakeholders, especially members of the covered populations and the historically disconnected communities. NTIA should encourage states to share the verbatim quotes and collective insights from the interviews and focus groups with the planning teams. Ideal interviewee candidates would be people who are not typically engaged or asked and would receive payment for their time.

NTIA should require states to center the voices of covered populations and historically disconnected communities throughout the planning, development, and implementation of the plan. To do so, as noted previously, NTIA should encourage states to establish a planning team composed of diverse stakeholders, including lived experts from the covered populations, and from community based organizations (CBOs) and community anchor institutions (CAIs) who work directly with the covered populations. NTIA should encourage states in their guidance to compensate individuals (with funds from the state planning grant) from the covered populations who have experienced the digital disconnection first hand to participate in the planning team so their perspectives can shape the full planning process.

NTIA should require states who intend to work with CBOs and CAIs to conduct stakeholder outreach and engagement for the planning process to financially compensate the CBOs and CAIs for their time, expertise, and resource allocation.

Finally, states should be required to translate all materials developed throughout the planning process including but not limited to public notices, surveys, flyers, informational pamphlets, etc. into the state's predominant languages.

Question 20

NTIA seeks comment on the types of stakeholder groups and state agencies that warrant consideration in the development of state plans. NTIA should require states to engage in the development of state broadband plans the list of stakeholders outlined as collaboration partners in the Digital Equity Act[3] at a minimum. Those are: (i) community anchor institutions; (ii) county and municipal governments; (iii) local educational agencies; (iv) where applicable, Indian Tribes, Alaska Native entities, or Native Hawaiian organizations; (v) nonprofit organizations; (vi) organizations that represent— (I) individuals with disabilities, including organizations that represent children with disabilities; (II) aging individuals; (III) individuals with language barriers, including— (aa) individuals who are English learners; and (bb) individuals who have low levels of literacy; (IV) veterans; and (V) individuals in that State who are incarcerated in facilities other than Federal correctional facilities; (vii) civil rights organizations; (viii)

[3] BIL § 60304(c)(1)(D)(i)-(xi)

entities that carry out workforce development programs; (ix) agencies of the State that are responsible for administering or supervising adult education and literacy activities in the State; (x) public housing authorities in the State; and (xi) a partnership between any of these entities described above.[4]

In addition, NTIA should require states to intentionally engage organizations trusted by historically disconnected communities. Finally, NTIA should encourage states to include the additional following organizations and people in the BEAD and DEA planning and implementation processes.

- Members of the covered populations and historically disconnected communities ('Lived Experts')
- State cabinet level agencies
- State corrections department/agency
- State departments of education
- Digital inclusion coalitions located in the state
- State and local chambers of commerce or industry associations
- Regional councils of governments
- Economic development authorities
- Higher education institutions
    - State higher education coordinating board or governing board
    - Community or Technical College System
    - Public and Private Universities
    - Minority Serving Institutions
- Public housing resident associations and other low-income housing providers
- Labor unions (in particular, telecommunications workers' unions)
- Healthcare systems and networks
- Homeless continuum of care providers
- Private and nonprofit multi-family housing developers and owners
- Faith-based institutions (i.e. churches, temples, mosques, etc.)
- Entrepreneurs and business owners
- State or local foundations and funders
- Advocacy organizations
- Existing multi-stakeholder groups (i.e. councils on aging, etc.)
- Refugee resettlement organizations
- Re-entry organizations
- Organizations serving undocumented residents
- Early intervention coordinators (i.e. those providing in-home therapy for children ages 3-5)
- Trade organizations
- Agriculture extension offices
- Cultural organizations
- Local media outlets such as PEG station leaders and Ethnic media

Low-Cost Broadband Service Option and Other Ways to Address Affordability

Question 22

NTIA seeks comment on what factors should qualify an individual or household for a low-cost broadband option that BEAD funding recipients are required to offer. NDIA urges NTIA to establish the same eligibility criteria for a BEAD low-cost broadband option as the eligibility criteria established under the Affordable Connectivity Program. That is, any individual who is a member of a household that would qualify for the Affordable Connectivity Program would be eligible for a BEAD low-cost broadband

[4] BIL § 60304(c)(1)(D)(i)-(xi)

option. In effect, NTIA should define "eligible subscriber" as a member of a household that earns an income that is at or below 200% of the federal poverty guidelines or where any member of that household participates in certain assistance programs (SNAP, Medicaid, Federal Public Housing Assistance, SSI, WIC, or Lifeline), participates in Tribal specific programs (Bureau of Indian Affairs General Assistance, Tribal TANF, or Food Distribution Program on Indian Reservations), is approved to receive benefits under the free and reduced-price school lunch program or the school breakfast program, (including through the USDA Community Eligibility Provision in the 2019-2020, 2020-2021, or 2021-2022 school year), received a Federal Pell Grant during the current award year, or meets the eligibility criteria for a participating provider's existing low-income program. NTIA should define "household" as it is defined under the Affordable Connectivity Program. .

Question 23

NTIA seeks comment on factors that should be considered in guiding states to craft programs to achieve the goal of developing low-cost broadband service options; such considerations include whether a baseline standard should be adopted for the "low-cost broadband service option", and the benefits and risks of this approach. We recommend NTIA adopt a baseline standard to reduce potential confusion amongst consumers, reduce administrative costs, and ensure all U.S. residents can afford to access the new broadband infrastructure built using IIJA funds. Recently published research[5] from John Horrigan, the Senior Fellow at Benton Institute for Broadband and Society, found in a nationally representative survey of lower and middle income households that 40 percent of households said they cannot afford to pay anything for a home internet high-speed service subscription. Another 46 percent said it is "very" or "somewhat" difficult to build their monthly internet bill into their budget; and another 62 percent reported they would require significant cost relief (relative to market prices) to have broadband service at home. Additional research suggests that to be affordable for a low-income household, a monthly subscription would be between $10 and $20.[6]

As such, the low-cost tier option must be less than or equal to the Affordable Connectivity Program's $30 per month limit. NTIA should establish scalable minimum requirements for a low-cost plan that meets the bandwidth, speeds starting at 100/20, and performance (i.e. latency, reliability, etc.) needs of a family of four or more who are simultaneously utilizing their home internet connection for high-bandwidth activities such as two-way videoconferencing for remote school and work. The scalable minimum requirements should be evaluated annually to ensure they continue to meet the current use-case demands.

The consumer protections associated with the low-cost broadband service options should be identical to the consumer protections established under the Affordable Connectivity Program, where applicable. For instance, just as internet service providers are prohibited from considering the results of a credit check before deciding to enroll a household in the Affordable Connectivity Program, so recipients of BEAD funding should also be prohibited from considering the results of a credit check before deciding to enroll a customer in a low-cost broadband service option. Similarly, the termination of broadband service for reasons of customer non-payment should be due only to customer debts associated with the low-cost broadband service option, and providers should not be able to consider any non-payment associated with services not related to the low-cost broadband service option.

The reporting and measurement requirements with respect to low-cost broadband service options should be identical across all states. Amongst these, NTIA should include a requirement that

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[5] Affordability and the Digital Divide, Horrigan, December 2021, https://static1.squarespace.com/static/5aa8af1fc3c16a54bcbb0415/t/61ad7722de56262d89e76c94/1638758180025/EveryoneOn+Report+on+Affordability+%26+the+Digital+Divide+2021.pdf

[6] https://www.benton.org/blog/creating-affordability-agenda

sub-recipients report to states the number of households who subscribe to the low-cost broadband service option.

NTIA should encourage states to fund community outreach efforts to amplify the existence of and increase enrollment in low-cost broadband service options in each state.

Question 24

NTIA seeks comment on which factors should be considered in the deployment of BEAD funds to help drive affordability beyond the low-cost option. NTIA should require sub-grantees of the BEAD program participate in the ACP program in addition to establishing a low-cost option. According to Pew Research Center, 26 percent of people across the US are worried about paying for their internet bill over the next few months and 54 percent of all households earning less than $25,000 a year don't have a broadband subscription.[7]According to an NTIA survey on internet use, approximately 28 million American households do not use the Internet from home, with affordability concerns being one of the most cited reasons for lack of adoption.[8] Studies show that $10 per month is the most that low-income Americans can afford to pay for broadband.[9] However, according to US Telecom, the most popular broadband plans cost on average $47.15, and the fastest broadband plans cost on average $68.96.[10] Requiring participation in the ACP program would enable households that cannot afford to pay more than $10 per month to purchase a subscription.

NTIA should encourage states to prioritize the allocation of BEAD funds to community-based, locally accountable providers. For example, community and municipally owned networks, electric member cooperatives (EMCs), and telephone member cooperatives (TMCs) are all community based and owned by community members, thus are proactively accountable to the community members and sensitive to their nuanced needs, including affordability barriers to broadband adoption.

Implementation of the Digital Equity Act of 2021

State Digital Equity Plans

Question 25

NTIA seeks comment on best practices that should be required of states in building Digital Equity Plans. The IIJA provides a powerful opportunity to states to step back and thoughtfully design a statewide digital equity strategy to holistically meet the unique needs of state residents, leverage state assets, and identify innovative and creative solutions to achieve digital equity. Building a statewide digital equity plan is similar to building a state broadband plan or a state economic development plan. To date, no state has developed a statewide plan with a singular focus on achieving digital equity. NTIA should support states by providing thorough guidance and clear requirements on developing a plan. Congress's intent for

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[7] *Technology has been a lifeline for some during the coronavirus outbreak but some have struggled, too*. (2021, August 31). Pew Research Center. https://www.pewresearch.org/internet/wp-content/uploads/sites/9/2021/08/PI_2021.09.01_covid-and-tech_0-01a.png

[8] Rafi Goldberg, *Unplugged: NTIA Survey Finds Some Americans Still Avoid Home Internet Use,* National Telecommunications and Information Administration, (Apr. 15, 2019), https://www.ntia.gov/blog/2019/unpluggedntia-survey-finds-some-americans-still-avoid-home-internet-use.

[9] Sallet, J. (2020, January 23). *Creating an Affordability Agenda*. Benton Foundation. https://www.benton.org/blog/creating-affordability-agenda

[10]Arthur Menko, *2020 Broadband Pricing Index*, U.S. Telecom at 4 (2020, September 16), https://www.ustelecom.org/research/2020-broadband-pricing-index-report/.

the plans as required in the DEA is that the plans would be the precursor for action. They are intended to provide an opportunity for the states to step back, assess their residents' needs, and determine what strategies, partnerships, and programs are needed to foster digital equity within their states.

Part of the beauty of the United States is the diversity of the states. Each state's character and attributes differ, and the ways in which the digital divide manifests itself will reflect that diversity. Because of this, the contents of each plan should be unique to each state, yet NTIA should require each plan to contain or address the following core elements:

1. **Vision for digital equity**: states should be required to cast a vision for digital equity, describe its importance to their state, and outline goals for achieving the stated vision.
2. **Needs assessment**: The DEA requires states to identify barriers to digital equity faced by covered populations.[11] In addition to utilizing federal data, NTIA should require states to conduct a needs assessment for the covered populations so the states can determine how best to address the nuanced digital inclusion needs of each covered population.
3. **Asset inventory**: The DEA requires states to develop measurable objectives 'for documenting and promoting' among covered populations the five elements of digital inclusion.[12] To do so, NTIA should require states to first conduct an asset inventory of the outlined categories in the act, then define measurable objectives for promoting advancement of the digital inclusion elements amongst the covered populations.
4. **Implementation strategies, integration, evaluation, and timeline**: NTIA should require states to outline strategies for how they intend to implement the plan, achieve its goals and objectives, and sustain the efforts beyond the life of the funds provided through the DEA. The strategies should be holistic and address all barriers to participation in the digital world for covered populations including affordability, devices, digital skills, technical support, and digital navigation. In addition, NTIA should require states to outline how the planned strategies will integrate and complement or sustain efforts established or funded through other federal programs. Plans should be required to address the challenge of sustainability.

In addition to the above required core elements, NTIA should strongly encourage states to engage in the following practices to develop their plans:

1. NTIA should strongly encourage states to form planning teams consisting of a diverse set of stakeholders and partners to lead and advise the plan's development. The core planning team should include multiple staff members of the administering entity and a member of the team leading the BEAD planning process. Additional core planning team members could include partners from other state agencies, universities, representatives of CBOs and CAIs who work directly with the covered populations, and digital inclusion practitioners, and 'lived experts' (members of the covered populations). The administering entity should lead the planning team and the development of the plan, but the core planning team can serve as an advisory group of sorts, supporting the administering entity as it progresses through the planning process.
2. NTIA should strongly encourage states to allocate a portion of their planning funds to financially compensate residents of the covered populations, particularly individuals from historically disconnected communities with direct, lived experience of being disconnected, to join the planning team for the entire planning process. Including these 'lived experts' will provide a viewpoint and expertise to the team that cannot otherwise be obtained. Several NDIA affiliates, such as the Franklin County Digital Equity Coalition have begun incorporating this practice in

[11] BIL § 60304(c)(1)(A)
[12] BIL § 60304(c)(1)(B)(i)-(v)

their community-based coalition work and digital inclusion work. The practice is radically humanizing and would enable the states to tangibly demonstrate respect for the residents they serve.

3. NTIA should require states to create and design a robust stakeholder engagement plan that weaves stakeholder engagement throughout the entire planning process and elevates the voices of those who directly work with or who themselves have direct lived experience of being disconnected. Ensuring the voices of covered populations and underrepresented groups are built into the planning process is essential to ensure the plan is comprehensive and truly addresses the concerns and needs of the state's disconnected residents. Stakeholder engagement should not be a one-time occurrence, but rather be baked in throughout the entire planning process with multiple permeable pathways for residents and trusted community based organizations to participate in the process. After the plans are complete, states should continually engage with stakeholders as new ideas are developed to implement the plans. Whenever possible, new innovative strategies should be piloted as soon as possible, lessons learned should be documented and strategies iterated before full plan roll out. NTIA should require states who utilize CBOs and CAIs to conduct stakeholder outreach and engagement for the planning process to financially compensate the CBOs and CAIs for their time, expertise, and resource allocation. CBOs and CAIs should not be used as unpaid labor to develop the state's plan.

Finally, NTIA should clarify that ISPs are not eligible to be the DEA administering entity or a subawardee for the DEA state capacity grants as robust community engagement and digital equity planning is not within the scope of their expertise.

Question 26

NTIA seeks comment on the types of technical assistance, support data, or programmatic requirements that should be provided to states and territories to produce State Digital Equity Plans that accomplish the program's goals; NTIA also seeks input on what steps, if any, should be taken to monitor and assess these practices. The most valuable technical assistance NTIA can provide is 1) comprehensive and 2) flexible. NTIA should provide technical assistance throughout all stages--pre-planning, planning, and implementation--of State Digital Equity Plans to both the state, territory or DC government and the local organizations who will provide the digital inclusion programming defined in the Digital Equity Plan. States, territories and DC will be well served by NTIA providing technical assistance to the entities that will be sub-grantees of the Digital Equity Act.

NTIA should provide guidance and best practices regarding each step in the rollout of the Digital Equity Act, including but not limited to advice on how to conduct meaningful stakeholder engagement (particularly with organizations serving members of covered populations); how to conduct state and local digital inclusion asset mapping; how to support the deployment of community-based digital inclusion surveys; how to support CBOs in assisting sign up for subsidized and low-cost broadband plans; how to collect and publish robust digital literacy and skills data for robust measuring; and how to benchmark and identify needs and best practices regarding local and state digital inclusion programming, data collection practices, and privacy protection strategies. Comprehensive technical assistance would also include grant writing and reporting guidance. NTIA should create optional templates, models, and standard benchmarks states can leverage as they design and implement DEA plans.

As some of the suggested best practices for stakeholder engagement and development of the plans will be new and uncharted for states, NTIA should engage subject matter experts and support to provide this expertise to states through trainings, webinars, and workshops. For instance, conducting stakeholder interviews to gather information while simultaneously ensuring the participants feel heard and are met

with empathy may be new practices for the states, and they could benefit from additional training and resources from NTIA, subject matter experts, and organizations with human centered design expertise.

Finally, NTIA should provide technical assistance that is flexible to the needs of each state, territory, and DC and the stakeholders they engage. The many stakeholders involved in planning and implementing the State Digital Equity Plans have diverse needs, concerns, strengths, and weaknesses. NTIA's scope, programming, and system for providing technical assistance to these stakeholders must therefore account for such diversity. A flexible system of technical assistance would involve technical assistance led by those who reflect the demographics of the community they are assisting, and would define its parameters inclusively and flexibly to capture the diverse needs of communities.

Most states and territories have little to no experience in leading digital inclusion efforts, programs, or work and thus guidance is needed to ensure they are equipped with the knowledge, information, and best practices needed to develop and implement robust, comprehensive plans.

Question 27

NTIA seeks comment on methods to ensure that State Digital Equity Plans and the plans created by states and territories for the BEAD program are complementary, sequenced and integrated appropriately to address the goal of universal broadband access and adoption. NTIA should enable states to create a strong synergy and joint accountability between the 5-year Broadband Action Plan and the State Digital Equity Plan. While the planning processes and end products may necessarily be separate, the two plans should be intentionally linked, complementary, and mutually supportive of obtaining the same goals.

To ensure this, NTIA should require continuity between those tasked with developing the plans. NTIA should require states to integrate the portions of their BEAD and DEA plans where DEA covered populations are the focus of goals. For both plans, NTIA should require states to address non-availability broadband adoption barriers while deploying availability solutions.

NTIA should highly encourage states to establish a formal and direct communication and collaboration pathway between the DEA planning team and BEAD planning team that remains in place throughout the entire planning process and especially in regards to stakeholder engagement. It's essential that information gathered from stakeholders that may impact the DEA plan that is uncovered during the BEAD stakeholder engagement be shared with the DEA planning team and vice versa.

Ensuring this direct communication pathway would benefit both BEAD and DEA planning and would reduce the burden and confusion on community stakeholders, especially should the states interface directly with residents through surveys, focus groups, or town halls during the planning processes. Given the interconnected nature of broadband availability and broadband adoption, a resident's experience with broadband and being disconnected is typically a mix of factors. As such, when asked about broadband, information about a lack of access to their household or neighborhood is as likely to be discussed as a household's inability to adopt the service if it's available to them because of adoption barriers. Collecting all the experiences of the disconnected could robustly inform each plan. The burden of repeating their lived experiences, should not be placed on the residents engaging in the planning process. Instead, the DEA and BEAD planning teams should share relevant information between themselves.

Finally, NTIA should develop optional templates, models and standard benchmarks to make connected planning between Broadband and Digital Equity simple for states.

Question 28

NTIA seeks comment on how it should ensure that State Digital Equity Plans impact and interact with the State's goals, plans and outcomes related to (i) economic and workforce development; (ii) education; (iii) health; (iv) civic and social engagement; (v) climate and critical infrastructure resiliency; and (vi) delivery of other essential services, especially with respect to covered populations mentioned in Bipartisan Infrastructure Law.

By aligning state digital equity visions with state leaders' aspirations and goals in other areas such as health, economic development, and education and workforce development, officials can ensure that implementation of the DEA reinforces and amplifies momentum already occurring in their states. Assessing the digital equity plan's potential impact and interaction with other state plans will provide the state's opportunities to embed sustainability into the implementation of the plans. NTIA should require states to identify how the impact and interaction with other plans will create opportunities for sustaining the digital equity plans' recommendations and goals.

In addition to assessing how meeting objectives will impact and interact with the states plans as outlined in the DEA, NTIA should require states to also assess how meeting the outlined objectives will address income and equity gaps for the covered populations.

Question 29

The Bipartisan Infrastructure Law directs states and territories to include in their digital equity (i) the availability of, and affordability of access to, fixed and wireless broadband technology; (ii) the online accessibility and inclusivity of public resources and services; (iii) digital literacy; (iv) awareness of, and the use of, measures to secure the online privacy of, and cybersecurity with respect to, an individual; and (v) the availability and affordability of consumer devices and technical support for those devices. NTIA seeks comment on the best practices that states should follow in developing such objectives, the steps NTIA should take to promote or require adoption of these practices, and the additional guidance and oversight about the content of the State Digital Equity Plans NTIA should provide.

NTIA should require states to conduct an inventory of the assets present throughout their state that currently do, or potentially could, support digital equity in each of these categories, prior to outlining measurable objectives. The inventory should be inclusive of physical assets such as broadband infrastructure; organizations, programs, and individuals delivering digital inclusion services; funding sources to support digital equity work; and any other resources deemed important to characterize the digital equity landscape. To establish meaningful and measurable objectives requires a thorough understanding of the current landscape. An asset inventory would be a snapshot of the current landscape, however, NTIA should encourage the states to define a process for updating their inventory so as to benchmark progress towards reaching the measurable objectives.

To identify this information, states should conduct surveys, stakeholder interviews and/or focus groups, engage with existing digital inclusion entities including coalitions where they exist. An asset inventory not only identifies the hard, physical assets such as open, cost-free wi-fi networks, but also the organizational and human capital present throughout the state that is already dedicated partially or fully to digital inclusion programming. States should heavily emphasize local stakeholder engagement in determining specific digital inclusion needs to be met throughout the state, strategies to address them, and achievable and measurable objectives for the State Digital Equity Plans.

NTIA should support states in the asset inventory process by providing user-friendly, standardized templates and tools, along with asset mapping technical assistance.

NTIA should support states and stakeholders by providing a broadband adoption map that incorporates the most up-to-date, national datasets at a level of detail sufficient to analyze disparities in adoption rates across and within communities. The underlying data used for the map should also be discoverable to allow for analysis and integration with other datasets.

NTIA should support states and stakeholders by working with other federal agencies to improve local digital skills and literacy data collection methods and subsequent analysis. The Current Population Survey: Computer and Internet Use supplement, and to a lesser degree the Pew Research Center's Internet Use Survey, measure specific digital skills. However, no granular reliable data source or method for measuring digital literacy exists, particularly levels of digital literacy and comfort as reported by users. Currently, the Digital Navigator program surveys [13]seek to measure digital skills growth and understanding of privacy and security through longitudinal data gathered over the period of direct service. Standardizing these data will be essential to states to understand what digital literacy and skills needs are present throughout their state.

To date, the body of research on measuring digital inclusion programming outcomes is limited due to a lack of financial support for such work. As much as possible, NTIA should gather best practices for measurable objectives and disseminate them to states and local communities and fund and encourage research on these measurable objectives.

Finally, NTIA should encourage states and local stakeholders leverage NDIA's existing and forthcoming resources that may inform the formation of their digital equity plan and measurable objectives including but not limited to:

- State Digital Equity Scorecard
- Digital Inclusion Trailblazers
- Digital Inclusion Coalition Guidebook
- Digital Inclusion Startup Manual
- Digital Navigators Toolkit co-authored by NDIA and Salt Lake City Public Library
- White papers on "Defining a State Digital Equity Office", "Digital Divide and Structural Racism," "White Paper: Tier Flattening," "AT&T's Digital Redlining Of Cleveland"; for other publications and white papers, see here.
- Digital Inclusion Definitions

Digital Equity Coordination Requirements

Question 30

NTIA seeks comment on the steps it should take to ensure that states consult with historically marginalized and disadvantaged groups as well as any other potential beneficiaries of digital inclusion and digital equity programs when planning, developing, and implementing their State Digital Equity Plans. NTIA also seeks comment on how, if at all, it should monitor and assess these practices.

A state digital equity plan should be designed to create specific, statewide strategies to serve those most affected by the digital divide. Yet, in general, public policy plans are too often created without sufficient input from those the plan is designed to serve -- state residents. And according to new findings from a national survey of low-income households from John Horrigan and EveryoneOn, community anchor institutions garner the highest levels of trust when respondents were asked what institutions

[13] Digital Navigator Model, https://www.digitalinclusion.org/digital-navigator-model/

people trust "a lot." Overall, 38 percent of respondents trust "a lot" either local public libraries, schools, or community nonprofits when learning about programs such as discount internet offers.[14]

NTIA should require states to provide a stakeholder engagement plan as part of their application for the planning grants. NTIA should develop minimum standards for what constitutes a comprehensive and fundable stakeholder engagement plan and should a state not meet those standards, NTIA should provide technical assistance to the state to support the development of a robust and comprehensive stakeholder engagement plan. In addition, NTIA should require states to provide updates throughout the life of the planning grant at intervals determined by NTIA on the status of the state's stakeholder engagement.

NTIA should require states to intentionally engage organizations trusted by historically disconnected communities representatives from the list of organizations outlined by NDIA in response to question 20 above.

NTIA should require states to center the voices of covered populations and historically disconnected communities throughout the planning, development, and implementation of the plan. To do so, as noted previously, NTIA should encourage states to establish a planning team composed of diverse stakeholders, including lived experts from the covered populations, and from CBOs and CAIs who work directly with the covered populations. NTIA should encourage states in their guidance to compensate individuals (with funds from the state planning grant) from the covered populations who have experienced the digital disconnection first hand to participate in the planning team so their perspectives can shape the full planning process.

In addition, NTIA should encourage states to conduct in-person, public hearings in multiple locations throughout the state at times and places that enable broad public participation, including evenings and weekends for working adults. Ample public notice for the hearings should be provided through a number of mediums (i.e., newspapers, radio, websites, social media, etc.) to ensure broad participation. In addition, the public hearing should be structured so that residents are encouraged to provide their experiences living without the internet in their homes and all the consequences of their lack of disconnection. In addition, residents should have the opportunity to provide input to the states on the solutions states should consider as they develop the digital equity plans.

Some communities (towns, cities, counties and regions) have already developed digital equity plans. Where these exist, states should be encouraged to consider the data collected and goals developed by the communities when crafting the state digital equity plan.

NTIA should require states to report metrics of stakeholder outreach and engagement including the demographics of those who participated in planning for inclusive outreach and transparency.

Finally, states should be required to translate all materials developed throughout the planning process including but not limited to public notices, surveys, flyers, informational pamphlets, etc. into the state's predominant languages.

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[14] Horrigan, John B. and EveryoneOn, *Digital Skills and Trust: How they affect the way low- and lower-middle income households connected to the internet during the pandemic.* (2022, February 4). https://static1.squarespace.com/static/5aa8af1fc3c16a54bcbb0415/t/61fc71248a56247e899c2a20/1643933997111/EveryoneOn_Report_2_DigitalSkills_and_Trust.pdf