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BROADBAND INFRASTRUCTURE PROGRAM ANNOUNCEMENT

On May 19, 2021, the National Telecommunications and Information Administration (NTIA) published the Notice of Funding Opportunity (“NOFO”) for the Broadband Infrastructure Program, authorized by the Consolidated Appropriations Act, 2021. NTIA will make up to \$288 million available for this program. The purpose of the Broadband Infrastructure Program is to make grants on a competitive basis to “covered partnerships” for “covered broadband projects.”

The term “covered partnership” is defined in the NOFO as a partnership between: (A) a State or one or more political subdivisions of a State and (B) a provider or multiple providers of fixed broadband service. The provider of broadband service is not required to be designated as an eligible telecommunications carrier. The State or political subdivision of the State must serve as the lead applicant for the covered partnership and must assume primary operational and financial responsibility for completing the project should an award be made.

The term “covered broadband project” means a competitively and technologically neutral project for deployment of fixed broadband service that provides broadband service of at least 25 Mbps/3 Mbps. The proposed project must be in an eligible service area, which is defined as a census block in which broadband service is not available at one or more households or businesses in that census block.

To apply to the Broadband Infrastructure Program, a covered partnership must submit an application that describes (1) the covered partnership, (2) the covered broadband project (including the cost of the project and the speed of the broadband service offerings), and (3) the proposed service area. The covered partnership must also disclose any other federal or state support that the broadband service provider has received to deploy broadband service in the proposed service area. A covered partnership may not apply for multiple grants under this program. However, a

provider of fixed broadband service may participate in more than one covered partnership arrangement and could be selected to receive multiple awards in different service areas.

According to the NOFO, in awarding grants under this program, NTIA must give priority to applications for covered broadband projects as follows in decreasing order of priority:

1. Covered broadband projects designed to provide broadband service to the greatest number of households in an eligible service area;
2. Covered broadband projects designed to provide broadband service in an eligible service area that is wholly within any area other than:
 - a. A county, city, or town that has a population of more than 50,000 inhabitants; and
 - b. An urbanized area contiguous and adjacent to a city or town of more than 50,000 inhabitants;
3. Covered broadband projects that are the most cost-effective, prioritizing such projects in areas that are the most rural; and
4. Covered broadband projects designed to provide broadband service with a download speed of not less than 100 Mbps/20 Mbps.

There is no statutory cost sharing or matching funds requirement for covered broadband projects. However, the NOFO states that NTIA will favorably consider applications that propose to contribute a non-federal cost share of at least 10 percent of the total eligible costs of a project.

The deadline to apply for the Broadband Infrastructure Program is August 17, 2021. NTIA expects to complete its review and selection of awardees by November 15, 2021. The earliest start date of awards is expected to be November 29, 2021. NTIA expects to award between \$5 million and \$30 million to each selected covered partnership. Covered partnerships are required to complete their covered broadband project within one year of their receipt of grant funds. However, the covered partnership may ask the Assistant Secretary of Commerce for Communications and Information to extend the award period. The Assistant Secretary may extend the award period for projects if the covered partnership certifies that it has a plan for the use of grant funds, the construction project is underway, or extenuating circumstances require an extension of time to allow the project to be completed. Recent NTIA webinars on the Broadband Infrastructure Program indicate that NTIA expects extensions to be granted to most covered partnerships that require more time to complete the covered broadband projects.

To learn more about the Broadband Infrastructure Program, visit NTIA's [website](#).