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Funding for Broadband Infrastructure Projects: What's Next (Part III) - Squire Patton Boggs

In our last post, we previewed that states would be spending the months leading to December 2023 preparing "Initial Proposals" to award the funds that the National Telecommunications and Information Administration (NTIA) allocated to them under the Broadband Equity, Access, and Deployment program (the "BEAD program"). The Initial Proposals are the documents that must (1) identify the specific locations in the state that qualify for funding as unserved, underserved, or community anchor institutions and (2) outline the competitive bidding process each state proposes to employ to select projects and award funds. Much has happened since.

Submission of BEAD Initial Plans

Most states have chosen to split their Initial Plans (as allowed by NTIA rules) into a first part identifying qualifying locations proposing a process to challenge whether specific locations qualify for funding (Volume I) and a second part addressing the state's proposed procurement process, including participation requirements and evaluation criteria (Volume II). NTIA must approve a state's Initial Plan before the state can move forward with implementation. That means no state can initiate its challenge process until NTIA has approved its Volume I Initial Proposal, and no state can initiate its BEAD procurement process until NTIA has approved the Volume II Initial Proposal and the challenge process has concluded.

Although most states have released their Volume I Initial Proposals, so far, only 12 states have submitted their Volume I Initial Proposals to NTIA for approval. NTIA has only approved those of Virginia and Louisiana. Virginia, Louisiana, and Nevada are the only states that have submitted their Volume II Initial Proposals to NTIA for approval. NTIA has created a dashboard tracking each state's process with the submission and approval of Initial Proposals.

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