NORTH DAKOTA

Initial Proposal Volume II

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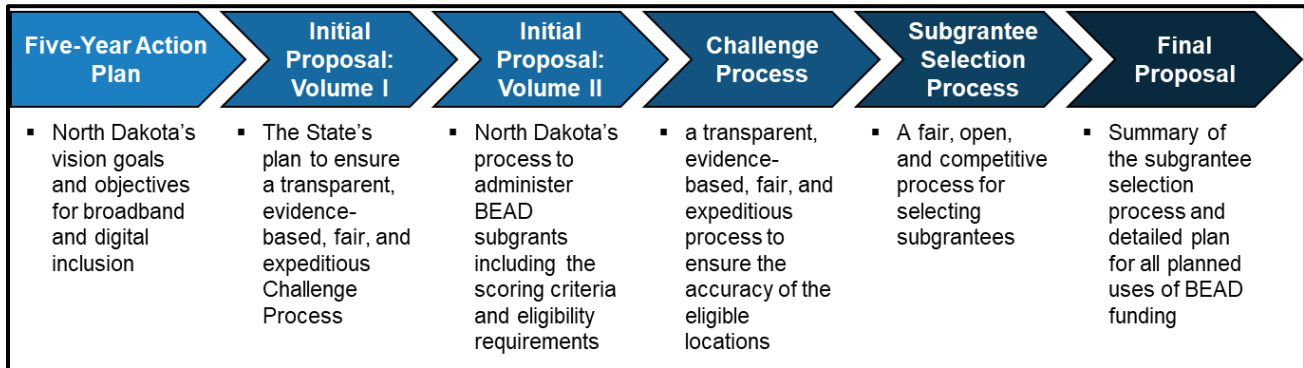
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2. Volume II

Introduction

The Broadband Equity, Access, and Deployment (BEAD) Program, authorized by the Infrastructure Investment and Job Act (IIJA), provides over $42 billion for broadband planning, deployment, mapping, equity, and adoption activities. The National Telecommunications and Information Administration (NTIA) allocated $130.2M through the BEAD Program to North Dakota to help close the digital divide across the state.

The State Broadband Program Office within the North Dakota Information Technology (NDIT) Department will oversee the State's strategy to expand broadband access and promote digital equity by administering the funds received from the NTIA. This important endeavor will help advance North Dakota's goal of becoming the first state to secure 100% broadband coverage.

This document outlines requirements 1, 2, 4, and 8 – 19 of the BEAD Program's Initial Proposal and builds off the State's Initial Proposal: Volume I which primarily outlines the State's plans to run a transparent, evidence-based, fair, and expeditious Challenge Process. Volume II covers the State's intended approach for conducting the subgrantee selection process for deployment and non-deployment activities. The State's approach encompasses strategies for soliciting and awarding applications for projects, including the State's scoring criteria, and the qualifications and requirements for potential subgrantees.

The sections of this document describe the State Broadband Program Office's responses to the requirements outlined by the NTIA, which can be found in *blue italics* at the beginning of each section.

Figure 1: BEAD Program Process

Five-Year Action Plan	Initial Proposal: Volume I	Initial Proposal: Volume II	Challenge Process	Subgrantee Selection Process	Final Proposal
▪ North Dakota's vision goals and objectives for broadband and digital inclusion	▪ The State's plan to ensure a transparent, evidence-based, fair, and expeditious Challenge Process	▪ North Dakota's process to administer BEAD subgrants including the scoring criteria and eligibility requirements	▪ a transparent, evidence-based, fair, and expeditious process to ensure the accuracy of the eligible locations	▪ A fair, open, and competitive process for selecting subgrantees	▪ Summary of the subgrantee selection process and detailed plan for all planned uses of BEAD funding

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2.1   Objectives (Requirement 1)

2.1.1 Long-Term Objectives

Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

The following goals and objectives will guide the implementation of the Broadband Equity, Access, and Deployment (BEAD) Program. The goals will inform a multipronged strategy that not only extends service to the approximately 10,000 remaining unserved and underserved locations, but also empowers all North Dakotans to connect with the opportunities provided by high-speed internet.[1, 2]

Goal 1 – Promote Universal Access for All: Deploy the broadband infrastructure to provide every business, resident, and institution with access to reliable, high-speed service by 2028.

Equipping all individuals, businesses, and Community Anchor Institutions (CAIs) with access to reliable, high-speed internet is a critical step in North Dakota's broadband expansion efforts. Nearly 10,000 locations remain unserved or underserved within the state.[3] For North Dakota, it remains a priority to facilitate universal access to these locations. Additionally, the State aims to deploy technologies that maximize end-to-end fiber projects, wherever feasible, in accordance with the BEAD Program's priorities.

The State has planned for various deployment and non-deployment activities. However, funding for deployment activities will be prioritized. Funding that remains after the successful rollout of deployment activities will be utilized for non-deployment activities. **Section 2.4** outlines this prioritization and provides further explanation.

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[1] Note: Based on FCC BDC data as of July 12, 2023, the estimate utilizes the NTIA definition of unserved and underserved as locations receiving service at speeds less than 100 Mbps download speeds and 20 Mbps upload speeds via (i) fiber-optic technology; (ii) Cable Modem/ Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

[2] Note: The State is currently performing additional outreach and analysis to determine the number of locations that would not be eligible for BEAD funding as a function of enforceable commitments or planned service.

[3] Note: Based on FCC BDC data as of July 12, 2023, the estimate utilizes the NTIA definition of unserved and underserved as locations receiving service at speeds less than 100 Mbps download speeds and 20 Mbps upload speeds via (i) fiber-optic technology; (ii) Cable Modem/ Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

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Objectives and associated KPIs:

1. Deploy the broadband infrastructure to provide universal, reliable internet by serving 100% of locations at ≥100/20 Megabits per second (Mbps) and serving 100% of CAIs at ≥1 Gigabit per second (Gbps).

KPI	Percentage of locations with access to ≥100/20 Mbps download/upload speeds (KPI also measured in the State Digital Equity Plan)[4]
Baseline	97.1%[5]
Short-term Target	99% within three years
Long-term Target	100% within five years

KPI	Percentage of CAIs with access to 1 Gbps download/upload speeds
Baseline	72%[6]
Short-term Target	88% within three years
Long-term Target	100% within five years

2. Maximize the impact of federal funding by upgrading North Dakota's broadband infrastructure.

KPI	Percentage of locations with access to fiber and/or cable
Baseline	95.3%[7, 8]
Short-term Target	98% within three years
Long-term Target	99% within five years

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[4] Note: The State recognizes the Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding their Broadband Location Reporting Obligations, which states that a location is considered served by broadband if it could be provided service within 10 business days, given normal circumstances, especially in regard to weather.
[5] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.
[6] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.
[7] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.
[8] Note: Represents percentage of locations with access to fiber and/or cable based on FCC National Broadband Map.

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Goal 2 - Promote Broadband Affordability: Expand the availability of low-cost, high-speed internet options for cost-burdened users.

Increased internet access is less consequential if the cost to obtain the service is prohibitively expensive. Currently, the average low-cost service plan in North Dakota is close to 30% more expensive than the national average, while enrollment in discount programs lags the national average by 23%, according to Education SuperHighway. [9], [10], [11] Additionally, during the development of this Initial Proposal, several stakeholders noted that cost was a significant barrier to broadband adoption for covered populations such as low-income and aging populations. North Dakota is committed to expanding access to low-cost service offerings and increasing the participation of eligible households in discount programs.

Objectives and associated KPIs:

1. Encourage Internet Service Providers (ISPs) to provide more low-cost internet options for North Dakotans.

KPI	Percentage of locations with access to an ISP participating in a discount service program (Affordable Connectivity Program (ACP)) offering service ≥ 100/20 Mbps
Baseline	92.5%[12]
Short-term Target	97% within three years
Long-term Target	100% within five years

2. Increase participation of eligible populations in low-cost internet offerings.

KPI	Statewide participation in the Affordable Connectivity Program (KPI also measured in the State Digital Equity Plan)[13]
Baseline	11%[14]
Short-term Target	20% within three years
Long-term Target	35% within five years

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[9] Note: Statistic was derived by reviewing ISP websites and compiling data on the cost of the lowest tier internet plan offered.

[10] USTelecom (published on June 29, 2022), 2022 Broadband Pricing Index. Accessed at: https://ustelecom.org/research/2022-bpi/.

[11] Education SuperHighway (accessed on May 9, 2023), Affordable Connectivity Program Enrollment Dashboard. Accessed at: https://www.educationsuperhighway.org/no-home-left-offline/acp-data/.

[12] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.

[13] Note: This KPI is contingent upon the continuation of the Affordable Connectivity Program. Should the program be discontinued, the KPI will be replaced.

[14] Education SuperHighway (accessed on May 9, 2023), Affordable Connectivity Program Enrollment Dashboard. Accessed at: https://www.educationsuperhighway.org/no-home-left-offline/acp-data/.

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Goal 3 - Support Economic Growth: Provide individuals and businesses with the resources needed to support employment growth and economic development.

For individuals to fully unlock the benefits of high-speed internet, they must be equipped with relevant digital skills. North Dakotans can access digital skills trainings that range from short videos on how to increase font size on devices to more complex trainings on computer programs. The State is committed to enabling and supporting North Dakotans to gain digital skills and help them engage with the opportunities of tomorrow. Additionally, North Dakota aims to support the business community by expanding access to high-speed and reliable broadband infrastructure for business locations.

Objectives and associated KPIs:

1. Increase participation in digital skills trainings.

KPI	Number of digital skills and awareness programs specifically supporting each covered population in the state (KPI also measured in the State Digital Equity Plan)
Baseline	Identified digital skills and awareness programs for each covered population:[15] - Low-income individuals – 0 programs - Aging – 6 programs - Incarcerated – 1 program - Individuals with a disability – 5 programs - Veterans – 0 programs - Individuals with a language barrier or low literacy – 1 program - Racial or ethnic minorities – 1 program - Rural – 4 programs
Short-term Target	Provide at least one digital skills and awareness program to each covered population in the state within three years
Long-term Target	Provide a proportionate number of digital skills and awareness programs to each covered population in the state based on each population's size within five years

2. Increase access to high-speed internet among the business community.

KPI	Percentage of business locations with access to fiber and/or cable
Baseline	93.5%[16]
Short-term Target	97% within three years
Long-term Target	99% within five years

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[15] Note: Digital skills and awareness programs captured in the totals include only those that explicitly serve the covered population in question. They do not include those programs that generally serve the population as a whole.
[16] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.

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Goal 4 - Increase Broadband Adoption: Equip all North Dakotans with the necessary skills, resources, and training to adopt and utilize the internet.

Lastly, the State is committed to increasing overall broadband adoption across North Dakota. Although 97% of locations in the state have access to high-speed service, 84% of households have an internet subscription. This suggests that barriers beyond lack of access may prevent North Dakotans from utilizing the internet. A few of these challenges include a lack of affordability, limited awareness, and limited access to devices.[17, 18] Increased access to high-speed internet and more affordable options will likely raise this adoption rate. However, the State also recognizes the importance of a more targeted approach to communicate the advantages of using the internet amongst underrepresented communities.

Objectives and associated KPIs:

1. Address barriers to internet use to increase broadband adoption in underrepresented communities.[19]

KPI	Percentage of households with a broadband subscription (KPI also measured in the State Digital Equity Plan)
Baseline	84%[20]
Short-term Target	87% within three years
Long-term Target	90% within five years

2. Increase internet use by expanding public device offerings.

KPI	Percentage of state libraries with public device offerings
Baseline	47%[21]
Short-term Target	61% within three years
Long-term Target	70% within five years

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[17] Federal Communications Commission (published on December 31, 2022), FCC National Broadband Map. Accessed at: https://broadbandmap.fcc.gov/data-download/nationwide-data?version=jun2022.

[18] United States Census American Community Survey (published in 2021), Selected Social Characteristics 2021 5-Year Estimates. Accessed at: https://data.census.gov/table?q=DP02&g=040XX00US38&tid=ACSDP5Y2021.DP02.

[19] Note: The short-term target is based on the national broadband subscription rate identified using ACS data. The long-term target is based on the average of the top 10 states with the highest broadband subscription rates.

[20] United States Census American Community Survey (published in 2021), Types of Computers and Internet Subscriptions 2021 5-Year Estimates. Accessed at: https://data.census.gov/table?q=internet+subscription+band+computer+ownership&tid=ACSST5Y2021.S2801.

[21] Note: The list of Public Libraries in North Dakota offering public devices was created by compiling an inventory of all State Public Offerings and detailing the ones advertising public device offerings on their websites. A full list of Libraries and their offerings can be found in Section 3.2.5 of the State's Digital Equity Plan.

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2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1 Local, Tribal, and Regional Broadband Planning Process

Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

To support the development of this Initial Proposal, a significant amount of stakeholder and public engagement was initiated by North Dakota and its partners. As the State prepares to implement the BEAD Program, it will continue to collaborate with key internal and external stakeholders, including local, Tribal, and regional stakeholders to help advance broadband deployment and digital inclusion efforts, particularly in communities that demonstrate the greatest need. With this in mind, the State envisions a planned partnership approach that consists of touchpoints with Tribal Governments, the establishment of a Broadband Advisory Committee, and engagement with three partner categories – the Digital Equity Working Group, the Broadband Infrastructure Working Group, and the Workforce Development Working Group. This approach is depicted in **Figure 2** and the specific engagement tactics are described below. Through the partnership structure and engagement tactics detailed below, the State will seek to create alignment and coordination with local, Tribal, and regional governments to deploy broadband and help close the digital divide. The intention of the proposed stakeholder engagement strategy is to allow for frequent and consistent communication between these entities to avoid duplication of efforts and maximize the impact and efficacy of BEAD funding. This engagement strategy will be particularly important, as the State did not identify any existing local, Tribal, or regional broadband or digital equity plans through its BEAD planning process.

Figure 2: Planned Partnership Structure
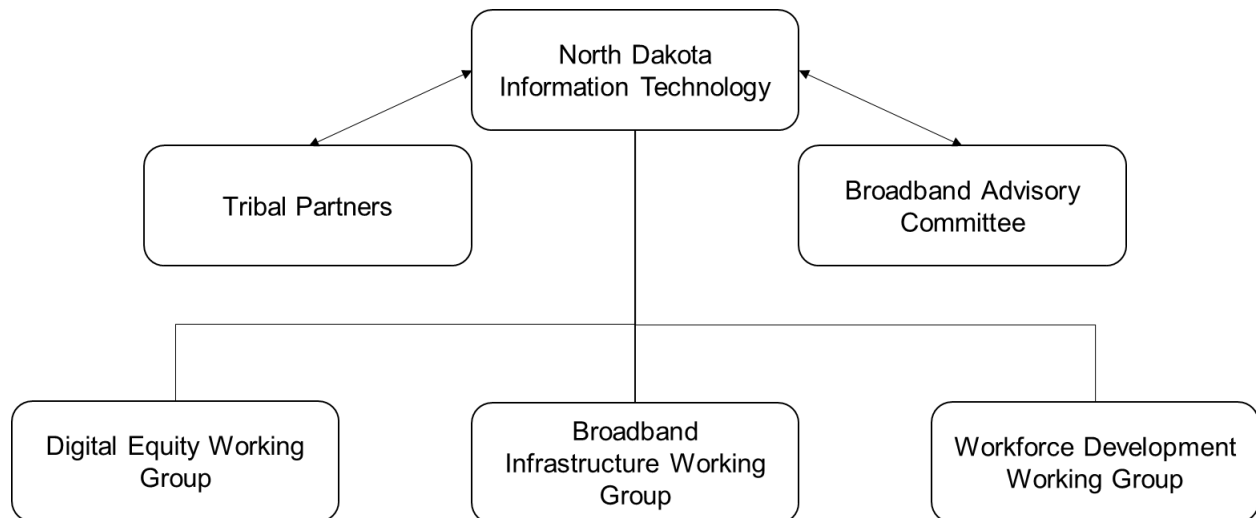
Specific engagement tactics include:

- **Tribal Engagement touchpoints** to support an open dialogue about the broadband infrastructure and digital equity needs of North Dakota's Tribal Entities. These touchpoints will offer insight into the specific digital inclusion needs of each Tribal Entity. **Membership:** Each of the five federally recognized Tribal Entities in North Dakota – Sisseton Wahpeton

Oyate Nation, Spirit Lake Nation, Standing Rock Sioux Tribe, Three Affiliated – MHA Nation, and Turtle Mountain Band of Chippewa. **Meeting frequency:** quarterly, or at a cadence requested by each Tribal Entity.

- **Broadband Advisory Committee** to support internal government coordination and alignment. The Broadband Advisory Committee will help the State implement proposed activities that require coordination among internal players and will recommend leading practices for broadband-ready communities throughout the state. **Membership:** State of North Dakota department representatives, particularly those that provide services to covered populations. This group would also include representation from North Dakota Information Technology (NDIT) leadership. **Meeting frequency:** quarterly.

- **Working Groups** to further explore barriers and gaps and to recommend solutions to address or resolve these issues. Focus areas for these groups are:

  - **Digital Equity Working Group** to help identify and prioritize digital inclusion needs across North Dakota. Members will represent various covered populations and help bring to light the unique barriers they face related to broadband adoption, access, and affordability. The Digital Equity Working Group will also identify opportunities to address statewide digital inclusion challenges and those specific to vulnerable communities. **Membership:** Organizations representing unserved/underserved individuals and geographies and organizations providing support and/or services to covered populations. This includes but is not limited to: city/county officials, CAIs, libraries, public housing authorities, regional councils, veteran support agencies, senior service providers, disability service providers, representatives of the agricultural community, rural businesses or chambers of commerce, organizations representing incarcerated individuals, nonprofit organizations. **Meeting frequency:** quarterly.

  - **Broadband Infrastructure Working Group** to represent the statewide broadband deployment and infrastructure needs. This group will primarily help identify and provide proposed solutions to implementation challenges related to broadband deployment projects. This may include the identification of policy, funding, topographic, and other constraints to help the State deliver on its commitment to provide universal access to high-speed, reliable internet. This group will also explore the feasibility of developing partnerships, especially public-private partnerships, to amplify the effects of state and federal grant funding for broadband deployment. **Membership:** ISPs, owners/operators of adjacent infrastructure and roadways, local departments of transportation, statewide information network operators, users of broadband in rural and remote areas, county and municipal governments – all with a particular representation of geographic areas that remain unserved and/or underserved. **Meeting frequency:** quarterly.

  - **Workforce Development Working Group** to be tasked with supporting a skilled and ready workforce that is prepared to deliver on broadband deployment projects. This group will provide recommendations to help reconcile any discrepancies between the skills required by organizations that will be charged with deployment responsibilities and the current skills possessed by the workforce. This group will also identify the longer-term workforce needs to help support the sustainability and maintenance of buildouts. **Membership:** Workforce training agencies, administrators of adult education and literacy programs, state/local workforce boards, labor organizations, community organizations, institutions of higher learning. **Meeting frequency:** quarterly.

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2.3 Local Coordination (Requirement 4)

### 2.3.1 Local Coordination and Ongoing Coordination

Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

The State Broadband Program Office conducted a significant amount of stakeholder engagement to inform the development of its BEAD Five-Year Action Plan, Digital Equity Plan, and this Initial Proposal. This stakeholder engagement process, tactics, and outputs are described in detail below.

Stakeholder Identification

To work towards the inclusion of diverse stakeholder perspectives throughout the BEAD Program, the State has developed a comprehensive stakeholder list with a wide range of organizations, including Tribal Governments, state agencies, associations of county and municipal governments, institutions of higher education, agencies responsible for implementing workforce development programs, economic development organizations, community action institutions, labor unions, ISPs, and nonprofit organizations, particularly those supporting the covered populations as defined by the National Telecommunications and Information Administration's (NTIA) Digital Equity Act programs.

Figure 3: Geographic Map of Engaged Stakeholders to Date[22]
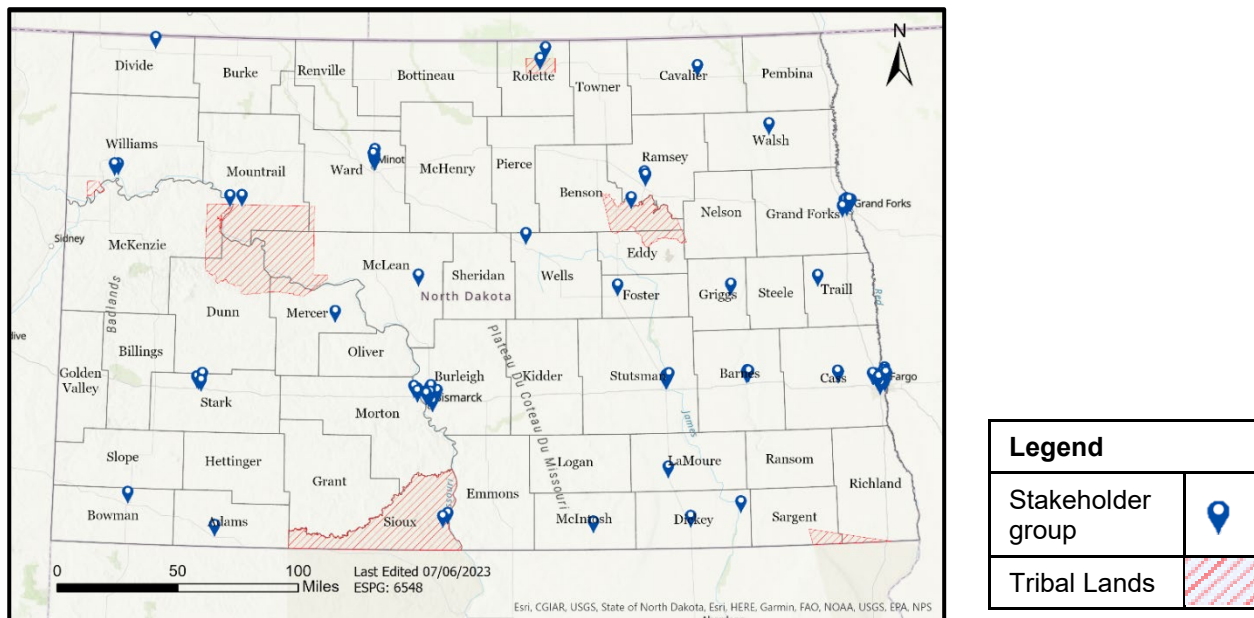
The stakeholder engagement process aims to maximize statewide geographic coverage of stakeholder groups through various strategies. Organizations and state agencies providing statewide services or representing statewide populations have been prioritized for inclusion and ongoing engagement. North Dakota's current stakeholder list was designed to be comprehensive,

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[22] Note: Twenty-four of the stakeholders engaged are not captured in Figure 3 due to lack of address data.

including organizations that represent the diverse needs and interests within North Dakota, such as both urban and rural agricultural communities. To encourage participation from stakeholders in areas with the most unserved and underserved locations, the State reviewed FCC broadband data in tandem with North Dakota's eight economic development regions, as shown in **Figure 4**, as identified by the North Dakota Department of Commerce. The four regions with the lowest broadband accessibility and adoption rates were targeted for additional public outreach events.

Figure 4: Economic Development Regions of North Dakota[23]
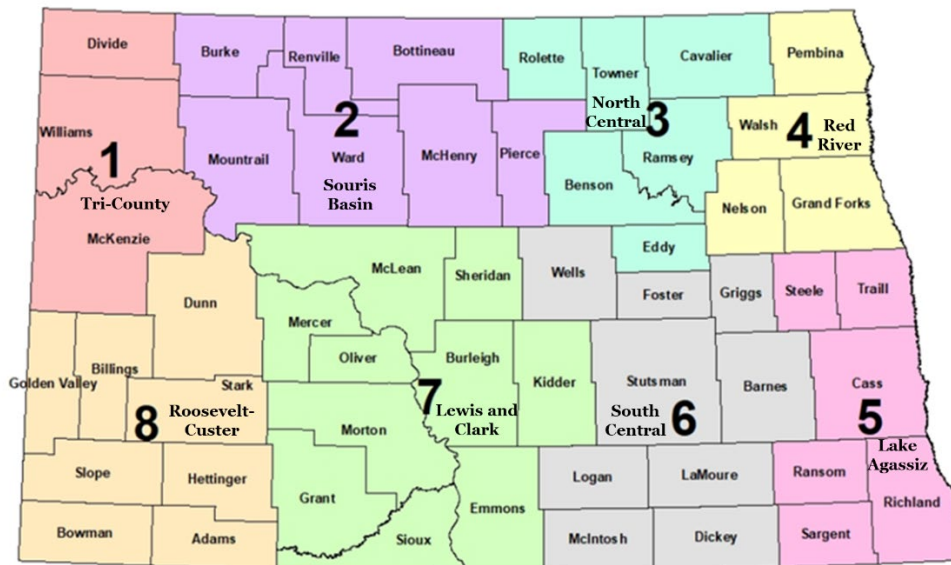
Table 1: Priority Regions for Public Outreach Events

Region	Counties Included
1	Divide, McKenzie, Williams
3	Benson, Cavalier, Eddy, Ramsey, Rolette, Towner
6	Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman, Wells
8	Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Stark, Slope

Stakeholder Engagement Strategies

North Dakota's stakeholder engagement included three primary engagement methods: interviews, focus groups, and public outreach events. For each stakeholder identified, a preferred method of engagement was determined based on the objectives of engagement and expected impact and influence the stakeholder has over BEAD planning. For example, interviews were used to gather direct input on current broadband assets and digital equity needs. Stakeholders were included in focus groups to provide insights on challenges with digital inclusion, especially for covered populations as identified by the NTIA Digital Equity Program. Public outreach events

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[23] North Dakota Department of Commerce (accessed on July 12, 2023), Regional Councils. Accessed at: https://www.commerce.nd.gov/community-services/community-development/community-development-block-grant-cdbg/regional-councils.

aimed to boost awareness and obtain feedback from those in the most underserved areas. The State designed the overall stakeholder engagement strategy to obtain the most meaningful feedback from each stakeholder. As new stakeholders were identified, the State determined an appropriate engagement method and frequency.

In addition to these three primary engagement methods, the State solicited stakeholder feedback through formal Tribal Consultations, online surveys, and other local events and conferences. Completed stakeholder engagement activities as of August 28, 2023, are detailed below:

- **Interviews with 26 internal State department leaders.** During these interviews, State leaders were asked about the current state of broadband from their department's perspective, barriers and initiatives for digital opportunity, and planning for the future in relation to workforce and broadband access. When applicable, interview questions were customized for a deeper dive into a specific department's unique operations and programming – particularly when the agency served at least one covered population.

- **Interviews with 12 external stakeholders.** During these interviews, organizations were asked about the current state of broadband for the populations they serve, barriers and initiatives for digital opportunity, and planning for the future in relation to workforce development and broadband access. Specific interview questions were designed to obtain more information on each organization's services and programming.

- **Tribal Consultations with federally recognized Tribal Entities.** The State has conducted consultations with three of the five federally recognized Tribes in North Dakota. During the initial consultations, the State has provided a general overview of current broadband programs and the planning process. Discussion aims to focus on recommendations from Tribal Entities regarding current broadband gaps and barriers, community needs, key opportunities, areas for investment, desired future state, and strategies for implementation. The State has shared Dear Tribal Leader letters with each Tribal Entity and is currently working to schedule the final two Tribal Consultations with the remaining federally recognized Tribes in the state.

- **Seven targeted focus groups**. Focus group discussions were wide-ranging and meant to highlight key barriers, digital equity recommendations, and future goals for each group. Focus groups were organized by the following topic areas: Senior Services, Veterans, Tribal Colleges, Low-Income Populations, Rural Economic Development, Workforce Development, Disability Services.

- **Online surveys** were distributed through select stakeholders to their members. The surveys focused on identifying geographical service gaps and digital equity needs. As part of this effort, surveys were circulated to the members of:
  - o BAND (Broadband Association of North Dakota) whose members are local telecommunications companies and ISPs
  - o North Dakota League of Cities whose members are city governments of all sizes across the state

- **Public outreach events** were attended by the State to spread awareness and gather feedback for the planning process in four priority regions with the lowest broadband accessibility and adoption rates. The following public events were part of this effort:
  - o Food truck rodeo – Watford City; June 9, 2023
  - o Lake Region Arts Festival – Devils Lake; June 10, 2023
  - o West River Community Center Pool Party – Dickinson; July 13, 2023
  - o Jamestown Arts Market – Jamestown; July 13, 2023

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- **Attendance at conferences** to promote awareness of planning efforts and boost collaboration among government partners and Tribal Entities as well as among local telecommunications companies. Representatives presented information at:
  - Government to Government Conference – Bismarck; June 22, 2023
  - Broadband Association of North Dakota (BAND) Conference – Medora; July 11, 2023

Support for local, Tribal, and regional broadband planning processes

The State utilized multiple channels to solicit information regarding local, Tribal, and regional broadband and digital equity plans. This included explicit questions during stakeholder interviews, focus groups, and Tribal consultations, and surveys that were distributed to local and regional governments. Through this process, no existing local or Tribal plans were identified, making it particularly important for the State to coordinate these efforts moving forward. Equipping local and Tribal entities with both the resources and support to pursue broadband and digital equity planning will allow the State to maximize the sustainability and impact of its own efforts.

Opportunities for Public Input

The State Broadband Program Office is committed to maintaining transparency throughout the development of its Initial Proposal. The State recognizes the importance of representing the lived experiences of North Dakotans in its broadband expansion efforts. As such, the State publicized the findings of its Five-Year Action Plan and will take the same approach for its Initial Proposal. North Dakota's BEAD Five-Year Action Plan and this Initial Proposal will be posted for public comment. The State Broadband Program Office will employ a multipronged communications approach that may encompass a combination of print and digital channels to publicize opportunities for the public to provide input on the Initial Proposal. Comments will be documented, reviewed, and leveraged to inform revisions and finalization of this Initial Proposal and the subsequent development of the Final Proposal.

Stakeholder Impact on Initial Proposal

The stakeholder engagement process described above informed the State's broadband and digital equity strategy and in turn, the content of this Initial Proposal. More specifically, stakeholder input allowed the State to identify the existing connectivity needs, gaps, and resources. This insight allowed the State Broadband Program Office to develop a prioritization for the allocation or BEAD funding. Each element and component of this Initial Proposal balances desktop research and data analysis and leverages stakeholder insights to corroborate these findings. The ultimate intention of this stakeholder engagement process was to confirm that the BEAD Five-Year Action Plan and this Initial Proposal accurately reflect the perspectives of local, Tribal, and regional governments, ISPs, and vulnerable populations, among others.

The outputs of this stakeholder engagement strategy are reflected in the subgrantee selection process detailed in **Section 2.4,** which aims to prioritize projects based on the insights gleaned through stakeholder conversations. Furthermore, stakeholder engagement helped inform workforce needs and gaps, which ultimately lay the foundation for the workforce development strategy, outlined in **Section 2.8**. Finally, stakeholders were key contributors to the identification of cost and barriers to broadband deployment. Based on identified barriers and proposed mitigation strategies, the State developed its planned approach to address these roadblocks within **Section 2.10**. As detailed in **Section 2.2**, the State will continue to conduct stakeholder engagement to address the requirements set forth by the NTIA and inform the development of the Final Proposal.

2.3.1.1   Local Coordination Tracker Tool
As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

The list of stakeholders engaged and specific stakeholder engagement activities conducted are included in **Section 2.18.2** and **Section 2.18.3** and also in the attachment titled [North Dakota Local Coordination Tracker.xlsx].

2.3.2   Formal Tribal Consultation Process

Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note "Not applicable."

Tribal Consultations

North Dakota's stakeholder engagement process included consultations with Tribes to gain a thorough understanding of current initiatives and goals related to broadband and digital equity. The State Broadband Program Office followed NTIA's prescribed protocol for conducting Tribal consultations with its five federally recognized tribes. To initiate this process, the State Broadband Program Office worked with the Indian Affairs Commission to schedule these discussions. The Indian Affairs Commission sent to each federally recognized Tribe a formal Dear Tribal Leader Letter. Subsequently, the State Broadband Program Office conducted meetings with Spirit Lake Tribe, Turtle Mountain Tribe, Mandan, Hidatsa, and Arikara Nation (MHA Nation), as listed in **Table 2**. These consultations were designed to gather information on Tribal perspectives and current resources and inform the development of the broadband and digital equity strategy.

Table 2: Tribal Consultations

Federally Recognized Tribes	Consultation Date
Spirit Lake Tribe	6/15/23
Turtle Mountain Tribe	6/15/23
Mandan, Hidatsa, and Arikara Nation (MHA Nation)	8/15/23
Sisseton Wahpeton Oyate Nation	TBD
Standing Rock Sioux Tribe	TBD

During these initial consultations, the State has provided a general overview of current broadband programs and the planning process. The discussions also allowed Tribal Entities to provide input on current broadband gaps and barriers, community needs, key opportunities, areas for investment, desired future state, and strategies for implementation.

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2.3.2.1   Evidence of formal Tribal Consultation Process

As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

The approved notes and/or agenda from completed Tribal consultations are attached as an appendix to this Initial Proposal, found in **Section 2.18.1.**

2.4 Deployment Subgrantee Selection (Requirement 8)

2.4.1 Deployment Projects Subgrantee Selection Process & Scoring Approach

Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.
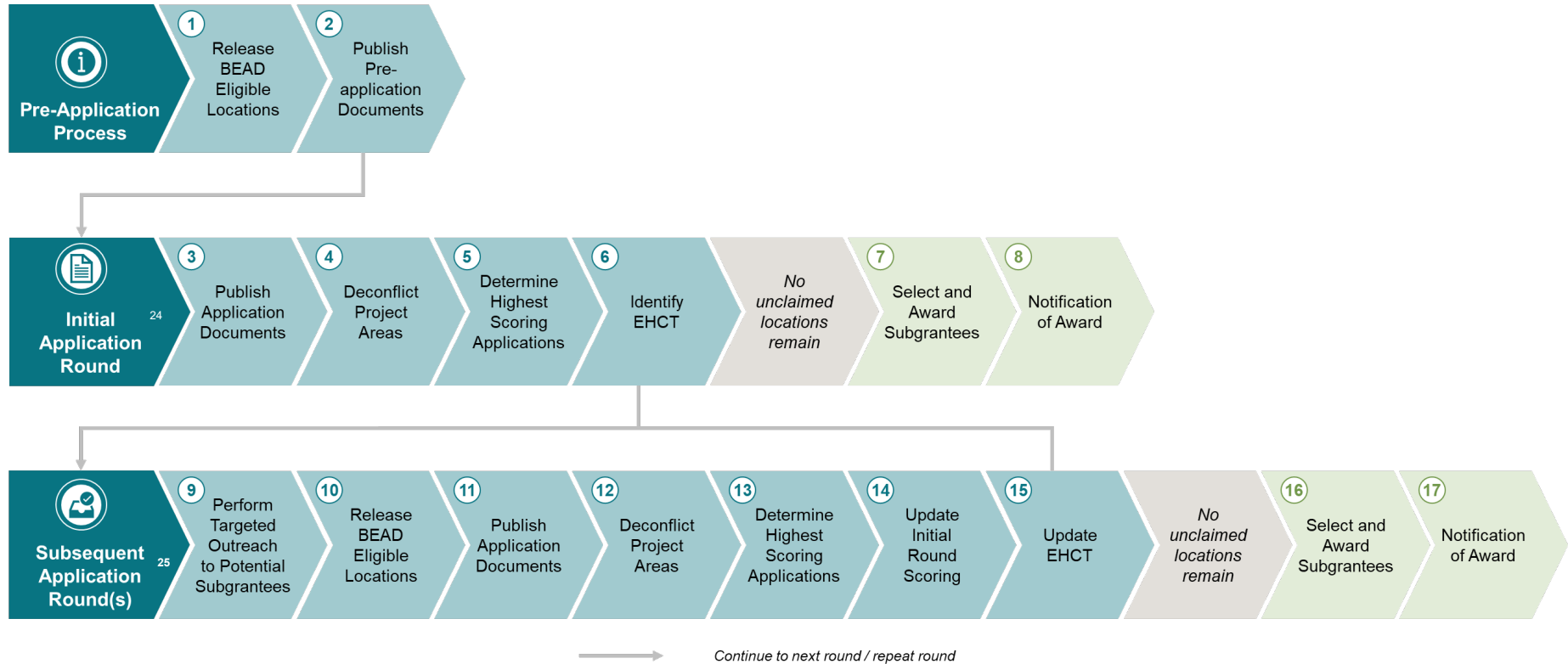
The State Broadband Program Office will conduct a fair, open, and competitive subgrantee selection process that will help advance the objectives outlined in **Section 2.1**. The process will involve an initial pre-application process to identify locations potential subgrantees are interested in servicing and likely at least two staggered rounds of applications. The intention of this multi-step solicitation approach is to work towards addressing all unserved and underserved locations through the subgrantee selection process. Each application round will involve a deconfliction process for project areas with multiple bidders through the solicitation of a best and final offer. Additionally, these rounds will assess and address any locations that may not receive an application, hereafter referred to as "unclaimed locations." During each phase of the process, the State Broadband Program Office will post clearly and timely information and updates on https://broadband.nd.gov. **Figure 5** shows the State's timeline for the BEAD Program in 2024.

Figure 5: 2024 Timeline for BEAD Program
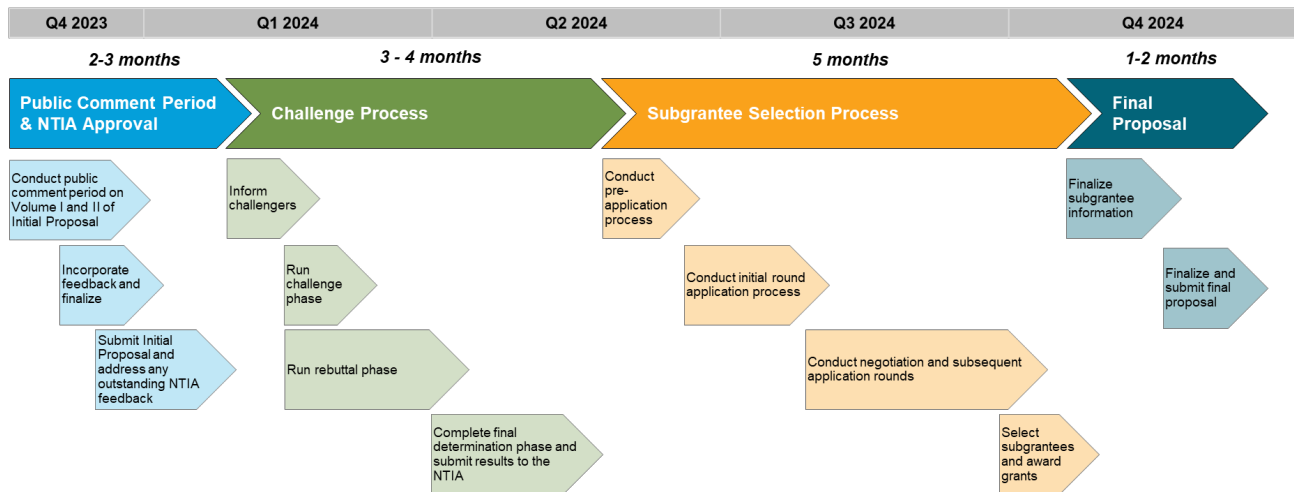
The State will accept applications for both "Priority Projects" that will provision service via end-to-end fiber-optic facilities to each end-user premises as well as "Other Last-Mile Projects" that will provision service to end-user premises via any reliable technology other than fiber during each application round. For the locations currently "served" by DSL and reclassified as "underserved," the State Broadband Program Office will not accept DSL proposals. During the application process, the State will clearly denote any such locations that are classified as underserved. **Section 2.4.2** outlines the scoring criteria the State Broadband Program Office will use to evaluate deployment applications to create a transparent selection process for Priority and Other Last-Mile Projects. The subgrantee selection process is depicted in **Figure 6** and is described in greater detail below.

Figure 6: Deployment Subgrantee Selection Process

Continue to next round / repeat round

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[24] Note: If the State Broadband Program Office identifies unclaimed locations in any application round, the State will initiate the process outlined in the "subsequent application round(s)" discussion below. Conversely, if the State does not identify any unclaimed locations, the current round will be considered the final application round.

[25] Note: If the State Broadband Program Office identifies unclaimed locations in any application round, the State will initiate the process outlined in the "subsequent application round(s)" discussed below. Conversely, if the State does not identify any unclaimed locations, the current round will be considered the final application round.

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1. Release of BEAD Eligible Locations: The State Broadband Program Office will begin North Dakota's BEAD subgrantee selection process upon completion of the BEAD Challenge Process and the publication of the finalized list of unserved locations, underserved locations, and eligible CAIs on https://broadband.nd.gov after NTIA's approval.[26]

2. Conduct Pre-application Process: The State Broadband Program Office will issue an anonymous pre-application questionnaire to solicit information from ISPs regarding their locations of interest. The State will notify all potential subgrantees that serve BSLs in North Dakota according to the National Broadband Maps and other identified service providers. In addition, the State will publicly announce the pre-application questionnaire on https://broadband.nd.gov. Prospective subgrantee will have 15 days to submit the pre-application questionnaire. The State Broadband Program Office will communicate the exact timeline of the pre-application questionnaire window with potential subgrantees.

The purpose of the pre-application process will be to identify the unserved locations, underserved locations, and eligible CAIs that potential subgrantees intend to apply for. The State Broadband Program Office will utilize this information to identify the potential locations that may not receive an application during the application process. This information will solely be used by the State for planning purposes and will not be made publicly available.

Conduct Application Process: After the State collects information from potential deployment subgrantees through the pre-application process, it will issue at least two application rounds to solicit applications for all unserved and underserved locations and eligible CAIs. Prospective subgrantees will be able to submit an application for the projects through the State Procurement Office (SPO). The State Broadband Program Office will communicate the exact timeline of the application window with prospective subgrantees.

   Initial Application Round:

   3. Issue Application: The State Broadband Program Office will solicit applications for unserved and underserved locations and eligible CAIs. The State will accept applications for Priority Projects and Other Last-Mile Projects. [27] The applications will gather information about the business- and risk-profile of potential subgrantees consistent with **Section 2.4.11** through **Section 2.4.17** of this document and the corresponding requirements outlined in the BEAD Notice of Funding Opportunity (NOFO). Prospective subgrantee will have 30 days to submit initial round applications.

   4. Deconflict Project Areas: After receiving the initial round of applications, the State Broadband Program Office will deconflict project areas through a process outlined in **Section 2.4.6**.

   5. Determine the Highest Scoring Initial Priority and Other Last-Mile Applications: After project areas are deconflicted, the State Broadband Program Office will identify the highest scoring applicants for Priority Projects and Other Last-Mile Projects for each BEAD-eligible location using the selection criteria outlined in **Section 2.4.2**.

   6. Identify the Preliminary Extremely High Cost Threshold (EHCT): Using the information gathered in the initial application round, the State Broadband Program Office will calculate and set a preliminary EHCT, the process for which is further explained in **Section 2.4.9**. Using the preliminary EHCT, the State Broadband Program Office will

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[26] Note: As per the BEAD NOFO, an eligible CAI is a community anchor institution that lacks access to Gigabit-level broadband service.

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identify the Priority Project for which the average cost per location exceeds the EHCT. These locations will be deemed unclaimed locations. If the State identifies unclaimed locations, the state will initiate a subsequent application round.

Subsequent Application Round(s):

9. Perform Targeted Outreach to Potential Subgrantees: The State Broadband Program Office will identify potentially unclaimed locations after the initial application round, if any exist. If the State identifies unclaimed locations, a new application round will be opened in an expedient manner. In an effort to promote coverage of all unserved and underserved locations through a fair and open process, the State Broadband Program Office will conduct targeted outreach to potential subgrantees in proximity to the unclaimed locations using geo-processing software. To identify these proximal ISPs, the State Broadband Program Office will utilize mapping software that will determine if the unclaimed location is within a defined radius of existing BSLs that the provider is listed as serving within the FCC's National Broadband Map. The State Broadband Office will then perform targeted outreach to the identified potential subgrantees. Additionally, if during this process, the State Broadband Program Office suspects that there may not be enough funding to address all unserved and underserved locations after completing the initial application round, the State will prioritize unserved locations over underserved locations. This prioritization will be based on a threshold for both a) the percentage of locations that are unserved in each proposed project area and b) the average cost of serving applicable locations. This process for prioritizing unserved locations is further explained in **Section 2.4.3**.

10. Release Unclaimed BEAD Eligible Locations: If unclaimed locations remain, the State Broadband Program Office will publish the list of unclaimed unserved locations, underserved locations, and eligible CAIs on https://broadband.nd.gov.

11. Issue Application: After releasing the list of unclaimed unserved and underserved locations and eligible CAIs, the State Broadband Program Office will issue an application for the unclaimed locations. Prospective subgrantee will have 30 days to submit applications.

12. Deconflict Project Areas: The State Broadband Program Office will then deconflict project areas through a process outlined in **Section 2.4.6**.

13. Determine the Highest Scoring Priority and Other Last-Mile Applications: After project areas are deconflicted, the State Broadband Program Office will identify the highest scoring applicants for Priority Projects and Other Last-Mile Projects for each BEAD-eligible location using the selection criteria outlined in **Section 2.4.2**.

14. Update the Extremely High Cost Threshold (EHCT): Using the information gathered in all application rounds, the State Broadband Program Office will establish the EHCT, the process for which is further explained in **Section 2.4.9**. The EHCT will be used to determine subgrantee selection in situations where applications for Priority Projects and Other Last-Mile Projects demonstrate overlap in locations of interest. If the State identifies unclaimed locations, the State will repeat the process listed above and no subgrantee selection will be finalized until all locations receive bids or the State Broadband Program Office identifies prospective subgrantees to serve each unserved and underserved location.

7 or 15. Select and Award Subgrantees: If no unclaimed locations remain after any round, the State Broadband Program Office will deem that round the final round. The State Broadband Program Office will then finalize the EHCT and will award the highest scoring Priority Project

applications to project areas with an average cost per location below the EHCT. In situations where Priority Project applications exceed the EHCT and there exists alternative submissions for Other Last-Mile Projects, the highest scoring applicants for Other Last-Mile Projects may be the selected subgrantees. The State Broadband Program Office may, in select circumstances, choose to award the project area to a Priority Project applicant that exceeds the EHCT.

8 or 16. Notification of Award: The State Broadband Program Office will then notify all providers that participated in the solicitation process of the subgrantee selection determinations.

With the intention of ensuring the compliance of deployment subgrantees, the State Broadband Program Office will require all subgrantees to comply with the processes outlined in the Subgrantee Accountability Procedures. The procedures include details on disbursement of funding to subgrantees, claw-back provisions, and reporting requirements. Additionally, Subgrantee Accountability Procedures outline comprehensive monitoring and management requirements of awarded subgrantees. Details of the procedures are described in **Section 2.16**.

The State Broadband Program Office has designed a fair subgrantee selection process with safeguards against collusion, bias, conflicts of interest, and arbitrary conditions. During the pre-application and application process, the State will safeguard against collusion by taking actions such as limiting the amount of information shared with prospective subgrantees prior to the application process and validating costs with third party estimates. Additionally, the State will limit bias by using the published rubric that was independently developed. The State will also safeguard against conflicts of interest and arbitrary conditions by scoring applications based on an established criteria. The State may also leverage a third-party to score applications to eliminate any potential for bias. Central to the fairness of the process are i) the compliance and monitoring requirements that intend to confirm that subgrantees are monitored and kept accountable, and ii) the transparent scoring criteria that will determine the most qualified applications for each proposed project area. As part of designing a fair, competitive, and open subgrantee selection process, the State Broadband Program Office will work to ensure that any recipients of financial assistance originating from the U.S. Department of Commerce shall timely disclose whenever the recipient has credible evidence that a principal, employee, agent, or subrecipient has committed i) a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations or ii) a violation of the civil False Claims Act.

2.4.2 Prioritization and Scoring

Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

The State Broadband Program Office will adopt the selection criteria, outlined in **Table 3**, to select among Priority Projects covering the same proposed service area.[28] The outlined selection criteria will only be applied to proposals that 1) constitute Priority Projects and 2) satisfy all other requirements set out in the BEAD NOFO with respect to subgrantees.

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[28] Note: Per the BEAD NOFO, Priority Projects are projects that will provision service via end-to-end fiber-optic facilities to each end-user premises.

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Table 3: Selection Criteria for Priority Projects

Criteria – *Points available*	Description	Scoring
Minimal BEAD Program Outlay – *200pts*	The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25% of the project cost or the threshold to be set by the State Broadband Program Office, whichever is higher), with the specific points or credits awarded increasing as the BEAD outlay decreases.	Applicants with the lowest requested funding to the application area will receive full credit under this section. Applicants with a greater amount of BEAD funds requested will receive a percentage of points available, reflective of their percent difference from the application with the lowest requested funding. The State Broadband Program Office will use cost estimates for locations to validate the costs to safeguard against collusion.
Affordability – *60pts plus 10pts of possible extra credit*	The applicant's commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area.	The State Broadband Program Office will benchmark the costs committed by prospective subgrantees to the Low-Cost Service Option of $30, as outlined in **Section 2.12**. Applicants that commit to a service package cost at 1 Gbps/1 Gbps download and upload speeds, inclusive of taxes, fees, and additional charges, less than or equal to the Low-Cost Service Option will receive full credit under this section. More expensive packages will receive a percentage of points available, reflective of their percent difference from the Low-Cost Service Option. **Extra Credit –** Up to 10 bonus points available based on the cost of the low-cost service option. The most affordable Low-Cost Service Options will receive full credit under this section and more expensive options will receive a percentage of points available, reflective of their percent difference from the least expensive option with no points awarded to providers offering plans equal to the Low-Cost Service Option.

Fair Labor Practices – *50pts plus 10pts of possible extra credit*	A description of the applicant's record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD funded projects.	Applicants will either be scored as having demonstrated a record of compliance with federal labor and employment laws, plans to be, or neither. Any applicant that does not demonstrate a record of compliance or plans to be compliant will receive no credit. Points will be added based on the demonstrated record of compliance to the following categories: • Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls – *8pts* • Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project) – *6pts* • Use of local hire provisions – *6pts* • Commitments to union neutrality – *6pts* • Use of labor peace agreements – *6pts* • Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded) – *6pts* • Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure) – *6pts* • Taking steps to prevent the misclassification of workers – *6pts* **Extra Credit –** Up to 10 bonus points available based on strength of the Workforce Plan. Each applicant's workforce plan will be given bonus points based on the ability to address the factors identified in **Section 2.8**.
Speed to Deployment – *55pts*	The applicant's ability and commitment to adhere to required BEAD Program deployment timelines. All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the State.	Applicants with the shortest proposed timeline to deploy infrastructure and begin service will receive full credit. Longer duration applications will receive a percentage of points available, reflective of their percent difference from the shortest duration project.

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Speed of Network *– 10pts*	The applicant's ability and commitment to deliver 1 Gbps symmetrical speeds.	Applicants that commit to deploying infrastructure capable of delivering service at speeds not less than 1 Gbps upload and download will receive full credit under this section. Applicants that commit to deploying infrastructure capable of delivering service at speeds less than 1 Gbps symmetrical speeds will receive a percentage of points available, reflective of their percent difference from 1 Gbps speeds.
Local and Tribal Coordination: Letter of Support *– 10pts plus 10pts of possible extra credit*	The applicant's provision of a formal letter of support from local and Tribal governments.	Applicants which have received a letter of support from all local and Tribal governmental entities the defined project area spans will receive full credit under this section. Applicants which have received a letter of support from only a subset of the local and Tribal government entities will receive the proportion of points equal to the number of locations in the project area covered by a letter of support. Applicants without such support will receive no credit under this criterion but are still permitted to submit proposals in the jurisdiction. **Extra Credit** – 10 bonus points available for providers that obtain Letter of Consent from Tribal Lands, where applicable.
History of Successful Deployment in North Dakota *- 10pts of possible extra credit*	The applicant's demonstrated history of completing contracted deployment projects on time and in accordance with contractual specifications.	Applicants that have a demonstrated history of completing deployment projects on time and as agreed upon within North Dakota will receive 10 points. Applicants that do not have a demonstrated history of completing deployment projects within North Dakota will receive 5 pts. All other applicants that have a record of contract default with respect to deployment projects in North Dakota will receive 0 pts.

The state Broadband Program Office will utilize a separate scoring criteria for Other Last-Mile Projects. [29] In situations where proposed Priority Projects exceed the Extremely High-Cost Threshold, proposed Other Last-Mile Projects will be considered for subgrantee selection. The State will use the scoring criteria outlined in **Table 4** when deciding between projects covering the same proposed service areas that are Other Last-Mile Projects. The outlined selection criteria will only be applied to applications that 1) do not constitute Priority Projects and 2) satisfy all other requirements set out in the BEAD NOFO with respect to subgrantees.

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[29] Note: Per the BEAD NOFO, Other Last-Mile Projects are projects that will provision service to each end-user premises via a technology other than end-to-end fiber-optic facilities.

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Table 4: Selection Criteria for Other Last-Mile Projects

Criteria – *Points Available*	Description	Scoring
Minimal BEAD Program Outlay – *200pts*	The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25% of the project cost or the threshold to be set by the State Broadband Program Office, whichever is higher), with the specific points or credits awarded increasing as the BEAD outlay decreases.	Applicants with the lowest requested funding to the application area will receive full credit under this section. Applicants with a greater amount of BEAD funds requested will receive a percentage of points available, reflective of their percent difference from the application with the lowest requested funding. The State Broadband Program Office will use cost estimates for locations to validate the costs to safeguard against collusion.
Affordability – *60pts plus 10pts of possible extra credit*	The applicant's commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the project area.	The State Broadband Program Office will benchmark the costs committed by prospective subgrantees to the Low-Cost Service Option of $30, as outlined in **Section 2.12**. Applicants that commit to a service package cost at 1 Gbps/1 Gbps download and upload speeds, inclusive of taxes, fees, and additional charges, less than or equal to the Low-Cost Service Option will receive full credit under this section. More expensive packages will receive a percentage of points available, reflective of their percent difference from the Low-Cost Service Option. **Extra Credit –** Up to 10 bonus points available based on the cost of the low-cost service option. The most affordable Low-Cost Service Options will receive full credit under this section and more expensive options will receive a percentage of points available, reflective of their percent difference from the least expensive option with no points awarded to providers offering plans equal to the Low-Cost Service Option.

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Fair Labor Practices – *50pts plus 10pts of possible extra credit*	A description of the applicant's record of and plans to be in compliance with federal labor and employment laws. Applicants without a record of labor and employment law compliance are permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD funded projects.	Applicants will either be scored as having demonstrated a record of compliance with federal labor and employment laws, plans to be, or neither. Any applicant that does not demonstrate a record of compliance or plans to be compliant will receive no credit. Points will be added based on the applicants demonstrated record of compliance to the following categories: • Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls – *8pts* • Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project) – *6pts* • Use of local hire provisions – *6pts* • Commitments to union neutrality – *6pts* • Use of labor peace agreements – *6pts* • Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded) – *6pts* • Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure) – *6pts* • Taking steps to prevent the misclassification of workers – *6pts* **Extra Credit –** Up to 10 bonus points available based on strength of the Workforce Plan. Each applicant's workforce plan will be given bonus points based on the ability to address the factors identified in **Section 2.8**.
Speed to Deployment – *10pts*	The applicant's ability and commitment to adhere to required BEAD Program deployment timelines. All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband services within the project area not later than four years after the date on which the subgrantee receives the subgrant from the State.	Applicants with the shortest proposed timeline to deploy infrastructure and begin service will receive full credit. Longer duration applications will receive a percentage of points available, reflective of their percent difference from the shortest duration project.

| Speed of Network and Other Technical Capabilities – *40pts plus 10pts of possible extra credit* | Applications will be assessed based on the proposed speeds, latency, and other technical capabilities of the technologies proposed by prospective subgrantees seeking to deploy projects that are not Priority Broadband Projects. | Applications will be scored based on the download and upload speeds and latency of the technologies proposed.
• ***Download Speeds – 15 points:*** Applications with the fastest proposed download speeds will receive full credit. Applications with slower speeds will receive a percentage of points available, reflective of their percent difference from the fastest proposed download speed.
• ***Upload Speeds – 15 points***: Scoring will follow the same logic as that of download speeds, outlined above.
• ***Latency – 10 points***: Applications with the lowest latency will receive full credit. Applications with higher latency will receive a percentage of points available, reflective of their percent difference from the lowest latency proposal.

Extra Credit – Up to 10 bonus points available based on useful life of funded infrastructure and the cost to upgrade.
• ***Useful Life of Funded Infrastructure – 5 points:*** Applications deploying technology with a useful life of greater than 10 years will receive full credit. Applications deploying technology with a useful life between 5 and 10 years will receive 2 points. Applications deploying technology with a useful life less than 5 years will receive no credit.
• ***Cost to Upgrade – 5 points***: Applications with the most cost-effective technology to upgrade to faster speeds will receive full credit. Applications with more expensive cost to upgrade will receive a percentage of points available, reflective of their percent difference from the most cost effective to upgrade. |
| **Local and Tribal Coordination: Letter of Support** – *10pts plus 10pts of possible extra credit* | The applicant's provision of a formal letter of support from local and Tribal governments. | Applicants which have received a letter of support from all local and Tribal governmental entities that the defined project area spans will receive full credit under this section. Applicants which have received a letter of support from only a subset of the local and Tribal government entities will receive the proportion of points equal to the number of locations in the project area covered by a letter of support. Applicants without such support will receive no credit under this criterion, but are still permitted to submit applications in the jurisdiction.

Extra Credit – 10 bonus points available for providers that obtain Letter of Consent from Tribal Lands, where applicable. |

History of Deployment Performance in North Dakota *- 10pts of possible extra credit*	The applicant's demonstrated history of completing contracted deployment projects on time and in accordance with contractual specifications.	Applicants that have a demonstrated history of completing deployment projects on time and as agreed upon within North Dakota will receive 10 points. Applicants that do not have a demonstrated history of completing deployment projects within North Dakota will receive 5 pts. All other applicants that have a record of contract default with respect to deployment projects in North Dakota will receive 0 pts.

2.4.2.1   Scoring Rubric

Attachment: As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA, or use their own format for the scoring rubric.

The State Broadband Program Office included the scoring rubric that will be used in the subgrantee selection process for deployment projects in the attached excel file [North Dakota_BEAD Initial Proposal_Volume II_Subgrantee Selection Scoring Rubric.xlsx].

2.4.3 Prioritization Process for Unserved Locations

Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

To try to ensure that the State has sufficient funds to serve all unserved and underserved locations, the State will utilize multiple application rounds to encourage the prioritization of locations that demonstrate the greatest need (i.e., unserved locations).

If the State Broadband Program Office suspects that there may not be enough funding to address all unserved and underserved locations after completing the initial application round, the State will prioritize unserved locations over underserved locations. This prioritization will be based on a threshold for both a) the percentage of locations that are unserved in each proposed project area and b) the average cost of serving applicable locations. For proposed project areas above the average cost threshold but below the established threshold for proportion of unserved locations, the State Broadband Program Office will engage prospective subgrantees to obtain amended applications. The intention will be for the amended applications to adhere to the established thresholds. After receiving updated applications, the State will then select and award the subgrantees. If BEAD funds remain, the State will then consider addressing the underserved locations that were removed from projects below the threshold. The State will select and award the subgrantees for the maximum number of underserved locations. After addressing all unserved and underserved locations, the State Broadband Program Office will then begin to address eligible CAIs.

If, during or before the initial rounds of the subgrantee selection process, it becomes clear to the State Broadband Program Office that there are insufficient funds available to fund deployment to all unserved, underserved, or eligible CAI locations, the State will prioritize projects within each category based on a strong preference for projects in high poverty areas or persistent poverty counties. Eleven counties in North Dakota were considered high poverty areas according to the

American Community Survey.[30] Three of those counties are also considered persistent poverty counties. The USDA defines persistent poverty counties as an area with a poverty rate greater than or equal to 20% in four consecutive measurement periods spanning 30 years (baseline period plus three evaluation periods), ending in the reference year.[31] **Table 5** lists the counties that will be prioritized if there are insufficient funds to serve all locations. The State Broadband Program Office will revise this list to reflect the most up-to-date data as it is released.

Table 5: High Poverty Areas of Persistent Poverty Counties in North Dakota

County	High Poverty Area	Persistent Poverty County
Adams	Yes	No
Benson	Yes	Yes
Eddy	Yes	No
Grand Forks	Yes	No
Kidder	Yes	No
McKenzie	Yes	No
Mountrail	Yes	No
Ramsey	Yes	No
Rolette	Yes	Yes
Sioux	Yes	Yes
Towner	Yes	No
Walsh	Yes	No

2.4.4 Prioritization of Non-Deployment Projects versus CAIs

If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."

Not Applicable

2.4.5 Compliance with Environmental and Historic Preservation and Build America, Buy America

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) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

North Dakota is committed to ensuring that taxpayer dollars are spent procuring needed products and supplies from American workers and businesses. As such, the State Broadband Program

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[30] United States Census American Community Survey (published in 2021), Poverty Status in The Past 12 Months 2021 5-Year Estimates. Accessed at:
https://data.census.gov/table?q=poverty+characteristic+of+families&g=040XX00US38,38$0500000&tid=ACSST5Y2021.S1701.
[31] United State Department of Agriculture Economic Research Service (updated in 2023), Poverty Area Measures: Accessed at: https://www.ers.usda.gov/data-products/poverty-area-measures/

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Office will mandate all subgrantees to demonstrate in the selection process how they intend to comply with all applicable Build America, Buy America Act (BABA) requirements for all project(s). To facilitate compliance with the Act, the State Broadband Program Office will post information and links to the requirements on https://broadband.nd.gov for applicants to reference. Particularly important for deployment projects, BABA dictates that potential subgrantees must ensure all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States, unless a waiver is granted. In determining whether a product is produced in America, subgrantees must comply with definitions included in Section 70912 of the Build America, Buy America Act.[32] All materials must be accompanied by a Manufacturer's Certification certifying that the items provided by the manufacturer meet the domestic preference requirements of BABA.

The Secretary of Commerce may waive the application of this requirement when (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project or other eligible activities by more than 25 percent. Consistent with the waiver principles detailed in Sec. 70921(b)(1) of the Build America, Buy America Act and the Buy America Guidance, the Secretary will seek to minimize waivers, and any waivers will be limited in duration and scope.

Additionally, the State Broadband Program Office is committed to properly analyzing and assessing the environmental impacts of any deployment activity or any other eligible activities containing construction and/or ground-disturbing activities, as required by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). To facilitate compliance with the Acts, the State Broadband Program Office will post information and links to the requirements on https://broadband.nd.gov for applicants to reference. The State Broadband Program Office will require any subgrantee to provide confirmation that they contain sufficient information to allow NTIA staff to conduct a NEPA analysis. The State Broadband Program Office will require the subgrantee to submit all necessary federal, Eligible Entity, and local governmental permits and approvals necessary for the proposed work to be conducted. All projects will be expected to be designed in a manner that minimizes the potential for adverse impacts on the environment.

The State Broadband Office will collect all environmental documentation and submit to the NTIA with the Final Proposal. The Final Proposal will also describe how the State will comply with applicable environmental and national historical preservation requirements. Subgrantees will be required to work alongside the State Broadband Program Office to cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposed projects or other eligible activities.

Failure by the subgrantee to submit any required documentation or failure to cooperate with the State Broadband Office and NTIA may be grounds for award dismissal. Subgrantees will be informed that if additional information is required after an application is accepted for funding, funds

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[32] Note: Section 70912 of the Build America, Buy America Act states that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55%of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.

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can be withheld. This aligns with a specific award condition requiring the awardee to submit additional environmental compliance information sufficient for the agency to make an assessment of any impacts that a project or other eligible activity may have on the environment.

Last-Mile Broadband Deployment Project Areas

2.4.6   Definition of Project Areas

Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

Given the limited number of unserved and underserved locations remaining in North Dakota that comprise three percent of the state's total locations, the State Broadband Program Office will allow potential subgrantees to submit applications for the locations they wish to serve with BEAD funds during each application round. These submitted preferences will represent the project areas. In order to allow for like-to-like comparisons on competing applications for the same locations, the State will identify locations with overlap and request potential subgrantees to submit a revised applications that separate the overlapped area(s) and the remaining original project area.

As part of the revised application, potential subgrantees will be required to submit updated information for only the aspects of the application that affect the following scoring criteria 1) costs; 2) BEAD match; 3) affordability; 4) speed to deployment; 5) speed of network, 6) other technical capabilities[33]; and 7) local and Tribal coordination. The State Broadband Program Office will then use the scoring criteria to identify the highest scoring applications for both Priority and Other Last-Mile Projects for the conflicting areas. Applications will be re-evaluated based on updated submissions and subgrantees will be selected using the prescribed scoring criteria. For applicants that are selected for the areas of overlap, the State will award them the entire project area defined in their original application. For losing applicants, the State Broadband Program Office will use the techniques outlined in **Section 2.4.7** in an attempt to incentivize the provider to serve the remainder of locations beyond those included in the overlapping area. If the State is unable to incentivize the provider, the locations will be deemed unclaimed and included in future application rounds.

This deconfliction process will occur during each round of applications, and the State Broadband Program Office will create clear communication between the State and potential subgrantees regarding outcomes and timelines.

2.4.7   Subsequent Funding Rounds

If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

As outlined in **Section 2.4.1**, the State Broadband Program Office plans to utilize a pre-application process to begin identifying which locations may go unclaimed before initiating the application process. The State will subsequently administer an application process comprised of likely at least two rounds. The State is proposing multiple rounds of funding to maximize the number of

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[33] Note: This applies only to Other Last-Mile Broadband Projects.

applications submitted across all technology types. Incentivizing one or more applications for all unserved locations, underserved locations, and eligible CAIs will be instrumental in advancing the State's goal of becoming the first to achieve 100% coverage.

Central to the use of multiple funding rounds will be the targeted outreach the State plans to perform after the initial round of applications. Using the geospatial process outlined in **Section 2.4.1**, the State will identify potential subgrantees that may be able to serve unclaimed locations. The State will then conduct negotiations with prospective subgrantees to incentivize serving remaining unclaimed locations. The State plans to deploy negotiation strategies that involve applying for waivers for the match requirement, exploring the use of intergovernmental funds to fulfill the match requirement, applying for waivers for the letter of credit requirement, and lastly exploring the use of alternative technologies.

Through discussions with other state broadband offices, ISPs, and other stakeholders, the State Broadband Program Office has become aware of the financial constraints imposed by the letter of credit and match requirements, which may dissuade the submission of applications. The State is concerned that this dissuasion may cause some unserved and underserved locations to not receive any applications. Due to this concern, the State Broadband Program Office is exploring opportunities to reduce the burden imposed by these two financial requirements. This may, for example, include requests for waivers.

If waivers are not approved or do not cover the entirety of the match requirement, the State Broadband Program Office is considering the use of intergovernmental funds to supplement the match. The State will explore partnerships with other state and local entities in an attempt to use public funds to fulfill this requirement.

Lastly, if locations remain unclaimed after all negotiation strategies are employed, the State will explore the use of alternative technologies. This will be leveraged as a last resort given plans to prioritize the use of reliable technologies as outlined by the BEAD NOFO. The State will work with the NTIA to ensure that the use of alternative technologies in these instances will be in line with the requirements of the BEAD program.

If locations still remain unclaimed after all the outlined strategies, the State will partner with the NTIA to explore alternative tactics to provide high-speed internet to all locations in North Dakota.

2.4.8 Proof Of Tribal Governments' Consent to Deployment

Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

The State Broadband Program Office has engaged with Tribal Governments through the formal Tribal consultation process and plans to continue this engagement. As it prepares for implementation, the State Broadband Program Office will include as part of its subgrantee scoring criteria proof of Tribal Governments' consent. More specifically, subgrantee applicants with plans to build on Tribal lands will be asked to submit a Resolution of Consent or other formal demonstration of consent from Tribal Governments. Applicants will be encouraged to submit additional documentation that demonstrates holistic coordination with applicable tribes.

As a preliminary step to securing Tribal Governments' consent to deployment for planned projects on Tribal lands, the State Broadband Program Office will strongly suggest that prospective subgrantees obtain a Letter of Support from Tribal Governments. This will be accounted for within the scoring criteria and will help incentivize engagement with Tribal Governments from the onset of planned projects.

After the preliminary selection of projects, the subgrantees will be required to submit to the State Broadband Program Office a Resolution of Consent or other formal demonstration of consent

from the Tribal Government(s), upon whose Tribal Lands the infrastructure will be deployed. The State Broadband Program Office will then submit this documentation to the NTIA.

Extremely High Cost Per Location Threshold

2.4.9 Process for Identifying Extremely High Cost Per Location Threshold

Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include operational costs for the lifespan of the network.

The State Broadband Program Office plans to establish an Extremely High-Cost Threshold that, as outlined in the BEAD NOFO, will maximize the use of the best available technology while simultaneously increasing the likelihood that the State's BEAD program will serve all unserved and underserved locations. Given that the cost of deploying fiber will hinge upon potential inflationary and other macroeconomic pressures along with regional differences in topography, population density, and other features, the State Broadband Program Office will not preemptively set an EHCT. Instead, the State Broadband Program Office will identify the EHCT during the subgrantee selection process.

The State will identify the EHCT using the following steps:

1. **Collect Priority and Other Last-Mile Project applications**: The State Broadband Program Office will request applications for both Priority and Other Last-Mile Projects for all unserved and underserved locations, and eligible CAIs.

2. **Determine the highest scoring Initial Round Priority and Other Last-Mile applications**: The State will then use the respective selection criteria to determine the highest scoring application for both project types.

3. **Remove highest scoring applications for project areas with only one project type**: For project areas that receive only Priority Project application(s) or only Other Last-Mile Project application(s), the BEAD outlay of the highest scoring application in question will be removed from the calculation of the EHCT. More specifically, this requested dollar amount will be subtracted from the State's total BEAD allocation.

4. **Identify the average BEAD outlay per location**[34]

5. **Optimize model to identify EHCT:** Utilize an optimization model to establish the EHCT as high as possible, while ensuring that total costs do not exceed the remaining BEAD allocation, calculated in the previous step. This optimization calculation will be informed by the highest scoring Priority Project and Other Last Mile Project applications for the same project areas.

6. **Identification of applications exceeding EHCT:** The State will then identify any Priority Project applications from the initial round with an average BEAD outlay that exceeds the EHCT. These project areas will be included in the subsequent application round to solicit other Priority Projects as well as Other Last-Mile Projects.[35]

The State Broadband Program Office recognizes the importance of maximizing the impact of federal funding as it advances its goal of deploying the broadband infrastructure to provide every

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[34] Note: For the calculation of BEAD outlay, the State Broadband Program Office will only consider the capital expenditure needed for the projects and will not consider other factors such as operational costs for the life span of the network.

[35] Note: Should these project areas receive an alternative Priority Project Application in the final round that is below the finalized EHCT, it will be awarded accordingly.

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business, resident, and institution with access to reliable, high-speed service by 2028. The EHCT will help the State achieve this balance.

2.4.10 Application of Extremely High Cost Per Location Threshold

Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- *The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive;*
- *The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy; and*
- *The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.*

The EHCT will be used during the initial application rounds to identify locations with Priority Project bids that may exceed the final EHCT, and during the final application round with the intention of optimizing the allocation of BEAD funds to serve all unserved and underserved locations and eligible CAIs.

As outlined in **Section 2.4.1**, the State Broadband Program Office will identify a preliminary EHCT during the initial round of applications. Before initiating this process, the State Broadband Program Office will determine the highest scoring applications for both Priority and Other Last-Mile Projects. Using the methodology outlined in **Section 2.4.9**, the State will identify a preliminary EHCT. Any Priority Projects with an average cost per location that exceeds the EHCT may be deemed as unclaimed locations and may be included in the next round of applications, at the discretion of the State Broadband Program Office. This decision will be made on a project-by-project basis. The intention of this process is to incentivize potential subgrantees that submitted applications that may exceed the final EHCT to revise their applications.

During the final application round, the State will calculate the final EHCT. The State Broadband Program Office will begin this process after it has identified the highest scoring Priority Projects and Other Last-Mile Projects for each project area. After completing the application process and identifying the final EHCT, the State will award subgrants to the highest scoring Priority Projects with an average BEAD outlay per location below the final EHCT. For any locations where the Priority Project's average BEAD outlay per location is greater than the final EHCT, the State may reject the Priority Project application and accept the highest scoring Other Last-Mile Project application. Although the State will use the EHCT to select between Priority and Other Last-Mile Projects, the State reserves the right to evaluate projects and project areas on a project-by-project basis to maximize the use of fiber. If the State identifies a project area which may, due to varying circumstances, be able to be served by fiber without causing unserved or underserved locations to go unfunded, the State will accept the Priority Project application.

Deployment Subgrantee Qualifications

2.4.11 Minimum Qualifications for Financial Capability

Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72 – 73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements;*
- *Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF);*
- *Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements; and*
- *Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.*

The State Broadband Program Office is committed to confirming that all prospective subgrantees meet the qualifications to carry out activities funded by the subgrant in a competent manner and in compliance with all applicable federal, state, territorial, and local laws. A central qualification is to validate whether prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined by the BEAD NOFO. The specific forms of evidence are to be determined, pending further guidance from the NTIA. This may include items such as certifications of financial qualification or ongoing submission of audited financial statements.

The State Broadband Office will require all potential subgrantees to certify that they are financially qualified to meet the obligations associated with a project, that they will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all program requirements, including service milestones.[36] Since the State Broadband Program Office plans to distribute funding to subgrantees on a reimbursement basis, the State will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the project. As detailed in **Section 2.16.1**, the State Broadband Program Office may also distribute a percentage of funding to the subgrantee upfront.

The State Broadband Program Office also will establish a model letter of credit to provide an additional layer of assurance for the State, NTIA, and the potential subgrantees. The letter of credit will be substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF). The State Broadband Program Office will require applicants to submit a letter from an eligible bank (see 47 C.F.R. § 54.804(c)(2)) in which the bank commits to issuing an irrevocable standby letter of credit to the applicant. The letter must include the dollar amount of the letter of credit and the issuing bank's agreement to adhere to BEAD Program's model letter of credit terms and conditions. Before executing any subgrantee agreements, each applicant must obtain an irrevocable standby letter of credit, which the State Broadband Program Office deems acceptable, and amounts to no less than 25% of the subgrant amount. An opinion letter from legal counsel must be included with the letter of credit stating,

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[36] Note: The State will expect and mandate compliance with service requirements within normal operating conditions. In certain scenarios outside the reasonable control of the prospective subgrantees (e.g., extreme weather), the State Broadband Program Office will make exceptions to the program requirements.

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subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the 19 "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee's bankruptcy estate under Section 541 of the Bankruptcy Code.

The State Broadband Program Office will also require each potential subgrantee to submit financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year. The potential subgrantee will then certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by the State Broadband Program Office. The State Broadband Program Office will not approve any grant for the deployment or upgrading of network facilities unless it determines that the documents submitted demonstrate the potential subgrantee's financial capability with respect to the proposed project.

Lastly the State Broadband Program Office will require potential subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project. The analyses can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project.

The State will post information and links to the financial qualifications required for BEAD funds on https://broadband.nd.gov for applicants to reference.

2.4.12 Minimum Qualifications for Managerial Capability

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.*
- *Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.*

The State Broadband Program Office will require all prospective subgrantees to submit evidence of their managerial capacity to meet the commitments of the subgrantee under the subgrant and other requirements as have been prescribed by the BEAD NOFO. The State Broadband Program Office will require all prospective subgrantees to submit resumes for all key management personnel and any necessary organizational chart(s) detailing all parent, subsidiaries, and affiliates.

The State Broadband Program Office will also require that each prospective subgrantee provides a narrative describing its readiness to manage a broadband services network. Prospective subgrantees will be required to describe the experience and qualifications of key management for undertaking this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies.

The State Broadband Program Office will not approve any subgrant for the deployment or upgrading of network facilities unless it determines that the documents submitted to it demonstrate the potential subgrantee's managerial capability.

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The State will post information and links to the requirements related to managerial capability qualifications on https://broadband.nd.gov for applicants to reference.

2.4.13 Minimum Qualifications for Technical Capability

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce; and*

- *Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.*

The State Broadband Program Office will require each potential subgrantee seeking funding to deploy or upgrade a broadband network to certify that it is technically qualified to complete and operate the project. This includes the ability to carry out the funded activities in a competent manner and the use of an appropriately skilled and credentialed workforce. **Section 2.7** outlines how the State Broadband Program Office will work to confirm that subgrantees and their contractors and subcontractors adhere to strong labor standards and protections. Additionally, the State Broadband Program Office will require applications to include the following:

- Resumes and years of equivalent experience for key technical personnel, including the project manager and superintendents, foremen or other personnel responsible for major components.
- Documentation of current licensing as applicable.
- History of operating a network and providing services in North Dakota or states in the same region or with similar characteristics.
- Experience deploying broadband projects of a size, complexity, nature, and value similar to the current applications.
- Experience executing a project of a similar size and duration while maintaining a strong safety record.
- Experience responding to network performance impairments or outages.

The State Broadband Program Office will additionally require that all potential subgrantees submit a network design, diagram, project costs, build-out timelines and milestones for project implementation. Potential subgrantees will also be required to submit a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant. This must be certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the project. The State Broadband Program Office shall not approve any subgrant for the deployment or upgrading of network facilities unless it determines that the materials submitted demonstrate the prospective subgrantee's technical capability.

The State will post information and links to the minimum requirements for technical capabilities on https://broadband.nd.gov for prospective applicants to reference.

2.4.14 Minimum Qualifications for Compliance with Applicable Laws

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.*

- *Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.*

The State Broadband Program Office is committed to upholding applicable federal, state, territorial, and local laws throughout its subgrantee selection process. As a minimum qualification, the State Broadband Program Office will only consider applicants that successfully demonstrate the ability to carry out funded activities in a manner that is compliant with applicable laws, as outlined on page 74 of the BEAD NOFO. To facilitate this, the subgrantee application will require prospective subgrantees to provide a detailed history of and commitment to compliance with all applicable federal, territorial, local, and state laws, including the provisions of the North Dakota Century Code.[37]

The State Broadband Program Office will also require prospective subgrantees to allow workers to create worker-led health and safety committees to maintain compliance with occupational safety and health requirements. In conjunction, subgrantees will be encouraged to establish ongoing safety and health management systems. To facilitate this, the State Broadband Program Office will make available resources to support occupational health and safety compliance to prospective and selected subgrantees, including but not limited to the offerings of Occupational Health and Safety Administration Training Institute Education Centers.[38] Prospective subgrantees will be required to provide details related to policies and procedures to maintain compliance with these occupational safety and health requirements within their application.

The State Broadband Program Office will publicize applicable requirements throughout the subgrantee selection process through a variety of mechanisms. This will include a consolidated list of applicable laws and requirements within grant applications, contracts, and monitoring policies. Information and links to these requirements will also be shared at https://broadband.nd.gov.

2.4.15 Minimum Qualifications for Operational Capability

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD

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[37] North Dakota Legislative Branch (accessed on August 21, 2023), Century Code. Accessed at: https://www.ndlegis.gov/general-information/north-dakota-century-code/index.html.
[38] Occupational Safety and Health Administration (accessed on August 21, 2023), OSHA Training Institute Education Centers. Accessed at: www.osha.gov/otiec.

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subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project;*
- *Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating;*
- *Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations;*
- *Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution; and*
- *In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.*

Prospective subgrantees will be required to certify that they possess the operational capacity to complete and operate the project by submitting the following information:

- years providing broadband and/or electric transmission or distribution service;
- list of current subscribers, including residential and commercial users and community anchor institutions;
- completed federally funded deployment projects, including funding source and timeframe; and
- history of contract default or termination for broadband-related projects.

Prospective subgrantees will be required to certify that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating. As proof, prospective subgrantees will be required to submit as an attachment a current list of subscribers and description of completed federally funded deployment projects.

Prospective subgrantees that have provided a voice and/or broadband service must certify that they have timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise have complied with the Commission's rules and regulations. Alternatively, a prospective subgrantee should provide an explanation for pending or completed litigation in which it failed to comply with the Commission's rules and regulations.

Prospective subgrantees that are new entrants or have operated only an electric transmission or distribution service must submit qualified operating or financial reports that they have filed with

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the relevant financial institution for the relevant time period. They must also provide a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

The State Broadband Program Office will publicize applicable requirements throughout the subgrantee selection process through a variety of mechanisms. Information and links to these requirements will also be shared at https://broadband.nd.gov.

2.4.16 Minimum Qualifications for Providing Information on Ownership

Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).*

The State Broadband Program Office will require prospective subgrantees to submit evidence of their capacity to deploy network facilities in a manner that meets the minimum qualifications for providing ownership information as outlined on page 75 of the BEAD NOFO. Only applicants that demonstrate the ability to meet these requirements will be considered for BEAD funding. As such, applicants will be required to submit ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7), as follows: [39]

(1) List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;

(2) List the name, address, and citizenship of any party holding 10% or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;

(3) List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);

(4) List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;

(5) List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10% or greater;

(6) List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest; and

(7) List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns

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[39] Code of Federal Regulations (accessed on August 21, 2023), Ownership disclosure requirements for applications. Accessed at: https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-1/subpart-Q/subject-group-ECFR7e6f5a3219dc9cd/section-1.2112.

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10% or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10% of Company B (the applicant) and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

(1) On its application to participate in competitive bidding (i.e., short-form application (see 47 CFR 1.2105)):

(i) List the names, addresses, and citizenship of all officers, directors, affiliates, and other controlling interests of the applicant, as described in § 1.2110, and, if a consortium of small businesses or consortium of very small businesses, the members of the conglomerate organization;

(ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10% or greater interest or a total of 10% or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;

(iii) List all parties with which the applicant has entered into agreements or arrangements for the use of any of the spectrum capacity of any of the applicant's spectrum;

(iv) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: The applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;

(v) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4); and

(vi) If applying as a consortium of designated entities, provide the information in paragraphs (b)(1)(i) through (v) of this section separately for each member of the consortium.

(2) As an exhibit to its application for a license, authorization, assignment, or transfer of control:

(i) List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the applicant, as described in § 1.2110;

(ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10% or greater interest or a total of 10% or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;

(iii) List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small business under the applicable designated entity provisions, including the

establishment of *de facto* or *de jure* control. Such agreements and instruments include articles of incorporation and by-laws, partnership agreements, shareholder agreements, voting or other trust agreements, management agreements, franchise agreements, spectrum leasing arrangements, spectrum resale (including wholesale) arrangements, and any other relevant agreements (including letters of intent), oral or written;

(iv) List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and rights to hire and fire employees and to appoint members to boards of directors or management committees;

(v) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;

(vi) List and summarize, if seeking the exemption for rural telephone cooperatives pursuant to § 1.2110, all documentation to establish eligibility pursuant to the factors listed under § 1.2110(b)(4)(iii)(A).

(vii) List and summarize any agreements in which the applicant has entered into arrangements for the use of any of the spectrum capacity of the license that is the subject of the application; and

(viii) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4).

The State Broadband Program Office will publicize these requirements throughout the subgrantee selection process through a variety of mechanisms. Information and links to these requirements will also be shared at https://broadband.nd.gov.

2.4.17 Minimum Qualifications for Providing Information on Other Public Funding

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- *Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds; and*

- *At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.*

The State Broadband Program Office will require applicants that seek to deploy network facilities to provide information on other public funding. To address this, prospective subgrantees will be required to disclose any application they have submitted or plan to submit and every broadband deployment project that the prospective subgrantee or its affiliates is undertaking at the time of the application using public funds, including but not limited to funds provided under:

- The Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178);
- The CARES Act (Public Law 116-136; 134 Stat. 281);
- The Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182);
- The American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4); and
- any federal Universal Service Fund high-cost program (e.g., RDOF, CAF), or any Eligible Entity or local universal service or broadband deployment funding program.

The State Broadband Program Office will also require disclosure for each broadband deployment project:

- the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules);
- the geographic area to be covered;
- the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);
- the amount of public funding to be used;
- the cost of service to the consumer; and
- the matching commitment, if any, provided by the subgrantee or its affiliates.

The State Broadband Program Office will publicize these requirements throughout the subgrantee selection process through a variety of mechanisms. Information and links to these requirements will also be shared at https://broadband.nd.gov.

2.5   Non-Deployment Subgrantee Selection (Requirement 9)

2.5.1   Description of Fair, Open, and Competitive Subgrantee Selection Process

Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

North Dakota's strategy for allocating BEAD funding is to prioritize unserved and underserved. Upon addressing connectivity gaps for remaining locations and Community Anchor Institutions, the State will then begin to fund non-deployment activities. In the event that the State has excess funds, it will pursue these non-deployment initiatives. Under this assumption, the State is committed to holding a fair, open, and competitive selection process for prospective subgrantees. In order to adhere to these principles, the State has created safeguards against each of the following:

Collusion

The State Broadband Program Office is committed to developing a subgrantee selection process that aims to prevent collusion and anti-competitive practices, including bid suppression, complementary bidding, bid rotation, and / or market allocation. The State Broadband Program Office will aim to discourage anti-competitive behavior by adopting the following practices:

- develop an expanded list of prospective subgrantees;
- require prospective subgrantees to sign and submit a non-collusion affidavit;
- maintain procurement records e.g., bid lists, awards, applications; and
- request further information with respect to prices when further clarification is needed.

These preventative measures, along with others, will allow the State to disincentivize anti-competitive behavior and prevent illegal practices. This will also encourage competitive pricing that will maximize the efficacy, reach, and impact of BEAD funds.

Bias

To avoid bias in decision making and the subgrantee selection process, applications will be evaluated by an established scoring criteria and point system. This point system aims to score applications on a level-playing field and on a quantitative basis. The selection criteria will help verify that subgrantees and their projects conform to objective standards set by the State Broadband Program Office.

Conflicts

To discourage conflicts of interest, subgrantee selections will be made by a diverse group of decision-makers who are impartial. Ethical standards will be followed and applied to all decision making, which will include selection through the lens of honesty, fairness, accountability, objectivity, and confidentiality. Additionally, any existing relationships and potential conflicts of interest will require disclosure at the onset of the selection process.

Arbitrary decisions

To avoid arbitrary decisions, the State Broadband Program Office will make fair choices based on the establishment of a selection criteria. Selections will not be made based upon personal will and discretion. The proposed selection criteria are discussed in greater detail in **Section 2.5.2.**

In order to promote an open selection process, the State will work to create significant public awareness surrounding available opportunities. To allow for this, the State Broadband Program Office will publicize non-deployment project opportunities through a variety of channels. For example, the State may leverage existing marketing channels and platforms from stakeholders to promote awareness surrounding available opportunities. In addition, the State will publicize non-deployment project opportunities through its internal contracting portal and website. This publicity will encourage participation among relevant stakeholders who may demonstrate an interest in participating in the subgrantee selection process. Furthermore, this will provide potential subgrantees sufficient time to review requirements and plan for the submission of their applications.

To promote a fair and competitive subgrantee selection process, the State will assess applications using neutral evaluation criteria. This approach will remove bias from the decision-making process. Specific weights and the final selection criteria for non-deployment subgrantee selection will be determined through ongoing stakeholder engagement.

2.5.2   Selection of Eligible Non-Deployment Activities

How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds.

To distribute funding for non-deployment initiatives, the State Broadband Program Office will issue an open-ended application for potential opportunities. The State will request that prospective subgrantees submit applications for their intended use of the BEAD funding. This method will help incentivize innovative project ideas. If after the deployment subgrantee selection process, the State has remaining BEAD funds available, it will begin the subgrantee selection process for non-deployment activities. Before initiating the subgrantee selection process, the State will establish specific criteria, scoring, and preferences for review. The following prioritization criteria will be used to help the State Broadband Program Office select between subgrantees and their proposed non-deployment initiatives:

- **Minimal BEAD Program Funding**: The total BEAD funding that is requested for the project
- **Impact on Broadband Access and / or Availability**: The effect that the proposed project will have on promoting broadband access
- **Sustainability of Initiative**: The capacity for the initiative to be sustained after BEAD funds have been spent
- **Return on Investment (ROI)**: The ability of the initiative to have a longitudinal impact beyond the lifecycle of the program, as measured by the number and types of residents reached and the number of years benefits will accrue
- **Impact on identified need or gap**: The capacity for the initiative to address identified gaps with respect to broadband access, affordability, and adoption, and digital equity as identified in the Five-Year Action Plan and / or Digital Equity Plan

How the non-deployment initiatives will address the needs of residents within the jurisdiction.

The State's proposed non-deployment goals, strategies, and activities under the BEAD Program seek to promote broadband affordability, support economic growth, and increase broadband adoption. A diverse set of non-deployment activities allows for the benefits of these initiatives to be felt by various populations in North Dakota, such as covered populations identified within the DE NOFO. Through the subgrantee selection process, the State will determine the specific non-

deployment initiatives that will be prioritized for BEAD funding; however, the types of non-deployment activities and their impacts on the needs of residents are discussed below.

To increase broadband affordability, the State will encourage lower-cost offerings, encourage Affordable Connectivity Program (ACP) participation, and leverage support programs. This goal and its associated activities aim to address the challenges imposed by the lack of affordable internet service options. Cost has been the second most cited reason for internet non-use by offline households, with lack of interest being the first. [40] Residents in North Dakota can immediately feel the impacts of these activities, especially low-income populations. This will help lower the cost barrier to broadband adoption for low-income individuals.

The State Broadband Program Office recognizes the interdependence between broadband access and economic growth. As such, the State Broadband Program Office will support solutions that encourage fiber to businesses and targeted industry advancements, along with digital skills offerings. This will help address challenges faced by both North Dakota's workforce and business community. Furthermore, this will equip both businesses and employees with the resources needed to thrive in the 21st century economy.

Finally, the State can drive broadband adoption by supporting activities ranging from establishing a digital navigator program, connectivity hubs, digital inclusion webtool, cybersecurity offerings, and more. This goal and its associated activities aim to address the challenge of limited uptake and will help empower resident to take advantage of internet and device offerings. Without the proper knowledge and support, it is challenging for many to utilize technology and get connected. This will particularly support aging populations and individuals with disabilities, who may need additional support navigating and utilizing the internet.

The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities.

A robust stakeholder engagement process helped inform the state's current needs and gaps with respect to broadband deployment, equity, access, and deployment. While stakeholder engagement conducted to date helped the State identify proposed non-deployment activities, ongoing stakeholder engagement will allow the State Broadband Program Office to understand which challenges are most pertinent for various communities and how to prioritize associated activities. To conduct this engagement and promote the inclusion of diverse stakeholder perspectives, the State has developed a comprehensive stakeholder list that encompasses a wide range of organizations, including Tribal governments, state departments, associations of county and municipal governments, institutions of higher education, agencies responsible for implementing workforce development programs, economic development organizations, community action institutions, labor unions, ISPs, and nonprofit organizations, particularly those supporting the covered populations as defined by NTIA's Digital Equity Act programs. With this in mind, the State envisions a planned partnership approach that consists of touchpoints with Tribal Governments, the establishment of a Broadband Advisory Committee, and engagement with three partner categories – the Digital Equity Working Group, the Broadband Infrastructure Working Group, and the Workforce Development Working Group.

The State will continue to collaborate with key internal and external stakeholders to help advance broadband deployment and digital inclusion efforts, particularly in communities that demonstrate the greatest need. This engagement will help to inform the selection, prioritization, and

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[40] National Telecommunications and Information Administration (accessed on May 8th 2023), Switched Off: Why Are One in Five U.S. Households Not Online? Accessed at: https://ntia.gov/blog/2022/switched-why-are-one-five-us-households-not-online

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sequencing of non-deployment activities. Through ongoing coordination with the planned Working Groups, the State can begin to refine its list of potential non-deployment activities based on stakeholder insights regarding needs and gaps in their jurisdiction and territory. Additionally, stakeholders might highlight opportunities to augment existing offerings to address the most pertinent broadband needs. Alternatively, stakeholder input might uncover the need for new solutions beyond those that were proposed within the BEAD Five-Year Action Plan. Activities will be prioritized based on their scoring and reception against the project prioritization criteria detailed earlier in the section.

How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program's equity, access, and deployment goals.

The State Broadband Program Office will consider uses of funds that align with the eligible activities outlined in the BEAD NOFO, as detailed below:

- user training with respect to cybersecurity, privacy, and other digital safety matters;
- remote learning or telehealth services/facilities;
- digital literacy/upskilling (from beginner-level to advanced);
- computer science, coding, and cybersecurity education programs;
- implementation of Eligible Entity digital equity plans (to supplement, but not to duplicate or supplant, Planning Grant funds received by the Eligible Entity in connection with the Digital Equity Act of 2021);
- broadband sign-up assistance and programs that provide technology support;
- multi-lingual outreach to support adoption and digital literacy;
- prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills, etc.;
- digital navigators;
- direct subsidies for use toward broadband subscription, where the Eligible Entity shows the subsidies will improve affordability for the end user population (and to supplement but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program);
- costs associated with stakeholder engagement, including travel, capacity-building, or contract support; and
- other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described below in Section V.H.2 of this NOFO.

Although the BEAD Program articulates a priority for broadband deployment efforts, the State Broadband Program Office will consider non-deployment activities within the categories listed above, particularly if they advance deployment or digital equity goals. The State intends to prioritize non-deployment activities that are authorized by the BEAD NOFO, as these will be the most impactful in addressing the State's goals with respect to equity, access, and deployment. However, the State Broadband Program Office will consider funding activities outside those detailed within the BEAD NOFO if they demonstrate alignment with the prescribed selection criteria.

2.5.3 Plan to Prioritize Coverage to all Unserved and Underserved Locations First

Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

The State Broadband Program Office will first prioritize allocating BEAD funding to address unserved and underserved locations, Community Anchor Institutions, and areas that have demonstrated reliability issues. If funding is available after addressing unserved and underserved locations, the State Broadband Program Office will begin to embark on non-deployment activities. The State has developed a total cost estimate for universal service that ranges between $122 - $194 million. Since the cost of deploying service to the remaining unserved and underserved locations may exceed the State's $130.2 million BEAD allocation, funding will be sequenced in a way to address all unserved and underserved locations first. After this initial allocation to unserved and underserved locations, the State will then utilize remaining funding to address coverage gaps for CAIs. Thereafter, the State will begin to consider non-deployment activities. More specifically, the subgrantee selection process for non-deployment projects will not begin until the subgrantee selection process for deployment projects has concluded. By adopting this strategy, the State Broadband Program Office will maximize funding available for deployment-related activities. This approach will allow the State to deploy the infrastructure needed to advance its goal of becoming the first to reach 100% coverage.

2.5.4 Plan to Ensure Prospective Subgrantees Meet Minimum Requirements

Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.

The State Broadband Program Office has yet to determine if it will have sufficient funding to engage in non-deployment activities. Upon completing deployment activities, the State will utilize remaining funds to support non-deployment projects based on the prioritization criteria described in **Section 2.5.2**. Should the State Broadband Program Office determine that it has sufficient funding to support non-deployment initiatives, it will require prospective subgrantees to submit evidence of the following qualifications:

- Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, Eligible Entity, and local laws. Prospective subgrantees will be subject to the requirements outlined in **Section 2.4.14** to address this.

- Have the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the program and such other requirements as have been prescribed by the Assistant Secretary or the Eligible Entity. Prospective subgrantees will be subject to the requirements outlined in **Section 2.4.11** and **Section 2.4.12** to address this.

- Have the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award. To demonstrate operational capabilities, prospective subgrantees will be subject to the following requirements:
  - Prospective subgrantees will be required to certify that they possess the operational capacity to complete and operate the project by submitting the following information: 1) years providing applicable services; 2) list of current customers or beneficiaries; 2) completed federally funded projects, including funding source and timeframe; and 3) history of contract default or termination for broadband-related projects.
  - To demonstrate technical capabilities, prospective subgrantees will be subject to the following requirements: The State Broadband Program Office will require each potential subgrantee seeking funding for non-deployment initiatives to certify that it is technically qualified to complete and operate the project. This includes the ability to carry out the funded activities in a competent manner and the use of an appropriately skilled and credentialed workforce. As such, prospective

subgrantees will be required to submit project costs, timelines and milestones for project implementation.

2.6 Eligible Entity Implementation Activities (Requirement 10)

2.6.1 Eligible Entity Proposed Implementation Activities

Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

North Dakota's primary objective for the BEAD Program is to address the broadband availability gaps to advance its goal of becoming the first to achieve 100% coverage. In support of this, the State Broadband Program Office will prioritize the use of BEAD funds for deployment activities. While deployment activities will be implemented through selected subgrantees, the State will internally focus on administrative initiatives that support or help advance these deployment projects. The State Broadband Program Office will work towards addressing all unserved and underserved locations served before it addresses the connectivity gaps of eligible CAIs and funds non-deployment activities. The activities the State plans to implement without making a subgrant are organized within the following three categories:

Administering the BEAD Program

The State Broadband Program Office plans to execute administrative activities necessary to implement the BEAD program in a timely fashion. Centralizing the administrative activities necessary for program implementation will allow for more standardized program management processes, greater oversight, cohesive decision-making, and uniformity in the application of the program requirements. The State Broadband Program Office plans to refine administrative and other programmatic initiatives as additional guidance is released. As per the BEAD NOFO, the State's administrative costs for the program will not exceed 2% of the grant amounts received under the BEAD Program.

Supporting efforts of state agencies

Broadband deployment efforts will require coordination among various institutions: local, state, tribal, and municipal bodies, among others. The State Broadband Program Office plans to support broadband expansion efforts that fall within the jurisdiction of various state departments through the establishment of a Broadband Advisory Committee. This approach is depicted in **Figure 2.** The Broadband Advisory Committee will help the State execute on proposed activities that require coordination among internal players and will recommend best practices for broadband-ready communities. For example, to foster support for easement and permitting best practices, the State Broadband Program Office will discuss appropriate measures with North Dakota Department of Transportation (NDDOT) and other state departments. Additionally, the State Broadband Program Office will collaborate with the Broadband Advisory Committee and Tribal Partners to equip local and Tribal Governments with the resources necessary for local broadband and digital equity planning that is rooted in community-specific needs and gaps.

Establishing and organizing statewide Working Groups

With the goal of increasing the effectiveness and efficiency of the BEAD Program, the State Broadband Program Office plans to engage with three partner categories – the Broadband Infrastructure Working Group, the Workforce Development Working Group, and the Digital Equity Working Group. This approach is also outlined in **Figure 2**. As a first step, the State Broadband Program Office will stand up these groups by sending invitations to proposed members. The State will then convene each working group quarterly either virtually, in-person, or both. The State

Broadband Program Office will also determine the agenda for each meeting after soliciting proposed topics from participants. During these recurring working group meetings, participants will discuss BEAD Program updates and address any open concerns or challenges that fall within the expertise of each group.

2.7 Labor Standards and Protection (Requirement 11)

The State Broadband Program Office recognizes the importance of compliance with federal labor and employment laws across all levels of subgrantees, including selected subgrantees, their contractors, and their subcontractors. As such, prospective subgrantees will be required to demonstrate their historical record of compliance with applicable laws and their forward-looking commitments related to federal employment and labor laws as part of the application process. The strengths of these submissions will be accounted for within the subgrantee selection process. These requirements and the associated scoring approach are described below.

2.7.1 Record of Past Compliance

Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors record of past compliance with federal labor and employment laws.

- *Prospective subgrantees' record of past compliance with federal labor and employment laws, which:*
  - *Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;*
  - *Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and*
  - *Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.*
- *Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:*
  - *How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:*
    - *Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and*
    - *How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.*

The State Broadband Program Office will require prospective subgrantees to submit evidence of their capacity to carry out activities funded by a subgrant in a competent manner in compliance with all applicable federal labor and employment laws. Prospective subgrantees (along with their potential contractors and subcontractors, if any) will be required to submit as part of their applications the following three items:

- **A record of compliance with federal labor and employment laws** on broadband deployment projects in the last three years. For example, prospective subgrantees will be asked to submit data on their historical use of contracting and subcontracting

arrangements, including staffing plans, and at least one example of each contractor and subcontractor's past performance in the context of a similar project.

- **A certification from an officer/Director-level employee (or equivalent)** of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors.

- **Written confirmation** that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

New entrants without a record of labor and employment law compliance will be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Prospective subgrantees will be scored as follows on their compliance with federal labor and employment laws:

- **Compliance with federal labor and employment laws:** Applicants that can provide 1) the documentation detailed above with a record of full compliance with applicable federal labor and employment laws, as described in NOFO section IV.C.1.e, and no violations in the last three years and 2) An effective plan for ensuring compliance with federal labor and employment laws, as detailed in **Section 2.7.2** below will receive the full score of 10 points. New entrants who are unable to provide this information will be scored exclusively based on their forward-looking plans to demonstrate compliance with federal labor and employment laws.

- **Effective workforce plans:** Applicants can receive up to 10 additional points for the strength of their workforce plans based on the capacity to advance equitable workforce development and job quality objectives, as detailed in Section IV.C.1.f of the BEAD NOFO, including the approach to utilizing appropriate skilled workforce, the steps to confirm appropriate credentials, and the unionization status of the workforce.

2.7.2 Plans for Demonstrating Compliance

Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

- *Using a directly employed workforce, as opposed to a subcontracted workforce;*

- *Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;*

- *Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);*

- *Use of local hire provisions;*

- *Commitments to union neutrality;*

- *Use of labor peace agreements;*

- *Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);*

- *Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and*

- *Taking steps to prevent the misclassification of workers.*

As described above, prospective subgrantees will be assessed not only on their history of compliance with federal employment and labor laws, but also on their demonstrated commitment to maintaining this compliance. In turn, the State will require prospective subgrantees to submit a plan for demonstrating compliance with applicable laws. These plans must address, at a minimum, how the prospective subgrantee will maintain compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:

- a description of the prospective subgrantee's plans and specific strategies to incorporate strong labor practices, specifically addressing the items listed in **Section 2.7.3**;

- information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network;

- how the subgrantee will promote the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects; and

- details on litigations taking place within the past five years related to labor standards and the outcomes of these legal proceedings.

Prospective subgrantee's responses to these prompts will be evaluated and incorporated within the scoring criteria, as detailed in **Section 2.7.1.**

2.7.3 Commitments to Employment and Labor Laws

Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes.

The State Broadband Program Office will not incorporate the following items as binding legal commitments, but rather include them in their evaluation of applicants' "Fair Labor Practices." As part of their application, prospective subgrantees will be required to respond to these items in their plan to maintain compliance with employment and labor laws. Responses will be factored into the scoring of compliance with federal labor and employment laws, as detailed in **Section 2.7.1.** The State Broadband Program Office will request that applicants elaborate on their plans for each of the items listed below:

- paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;

- using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);

- use of local hire provisions;

- commitments to union neutrality;

- use of labor peace agreements;

- use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- taking steps to prevent the misclassification of workers.

2.8 Workforce Readiness (Requirement 12)

2.8.1 Equitable Workforce Development Plans

Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.

A highly-skilled, educated, and sufficiently supported workforce will be imperative for North Dakota to deliver upon its goal of becoming the first state to achieve 100% coverage. Workforce development objectives undergird the State's broader policy goals, particularly Governor Burgum's Main Street Initiative which recognizes the interdependence between a skilled workforce, efficient infrastructure, and vibrant communities – three elements that will advance and be advanced by broadband expansion efforts. According to one study, a 10-percentage-point increase in broadband access nationwide could yield 175,000 jobs and $37.2 billion in output per year.[41] In order for North Dakota to effectively unlock the potential workforce and economic benefits through increased broadband access, it must first support the development of a workforce that is prepared to deliver upon broadband deployment goals.

The State Broadband Program Office will leverage two primary mechanisms to support workforce development efforts, particularly as they relate to key BEAD occupations. These approaches will include leveraging existing community partnerships with key educational providers and workforce development institutions and incentivizing workforce development priorities among prospective subgrantees.
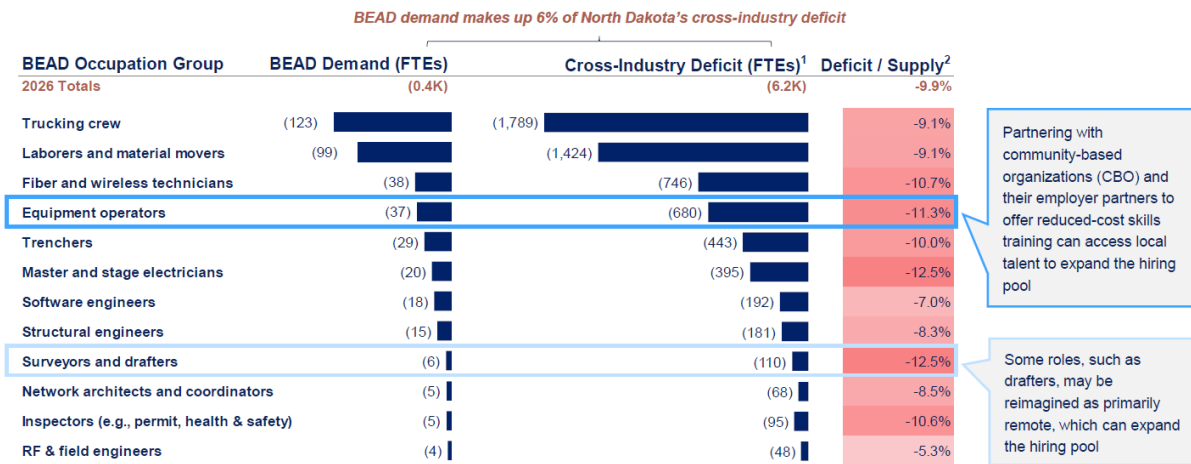
The Challenge

Supporting a skilled and ready workforce for broadband deployment projects will be instrumental to avoid delays and reduce employment gaps. Based on the workforce analysis conducted by the NTIA, BEAD demand makes up 6% (400 / 6,200) of North Dakota's cross-industry deficits for key occupations (**Figure 7**). The State demonstrates the greatest absolute cross-industry employment deficit across Trucking crew, Laborers and materials movers, and Fiber and wireless technicians occupation groups. In contrast the occupation groups with the largest percent deficit compared to the existing workforce include Master and stage electricians (-12.5%), Surveyors and drafters (-12.5%) and Equipment operators (-11.3%). The State will need to equip North Dakotans with the requisite formal and informal credentials and training requirements to reduce this deficit as it prepares to implement the BEAD Program.

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[41] Deloitte (accessed on August 29, 2023), Broadband for all: Charting a path to economic growth. Accessed at: https://www2.deloitte.com/content/dam/Deloitte/us/Documents/process-and-operations/us-charting-a-path-to-economic-growth.pdf.

Figure 7: North Dakota Workforce Deficits Across Key BEAD Occupation Groups[42]

BEAD demand makes up 6% of North Dakota's cross-industry deficit

BEAD Occupation Group	BEAD Demand (FTEs)	Cross-Industry Deficit (FTEs)[1]	Deficit / Supply[2]
2026 Totals	(0.4K)	(6.2K)	-9.9%
Trucking crew	(123)	(1,789)	-9.1%
Laborers and material movers	(99)	(1,424)	-9.1%
Fiber and wireless technicians	(38)	(746)	-10.7%
Equipment operators	(37)	(680)	-11.3%
Trenchers	(29)	(443)	-10.0%
Master and stage electricians	(20)	(395)	-12.5%
Software engineers	(18)	(192)	-7.0%
Structural engineers	(15)	(181)	-8.3%
Surveyors and drafters	(6)	(110)	-12.5%
Network architects and coordinators	(5)	(68)	-8.5%
Inspectors (e.g., permit, health & safety)	(5)	(95)	-10.6%
RF & field engineers	(4)	(48)	-5.3%

Partnering with community-based organizations (CBO) and their employer partners to offer reduced-cost skills training can access local talent to expand the hiring pool

Some roles, such as drafters, may be reimagined as primarily remote, which can expand the hiring pool

Most of the key BEAD occupations where North Dakota demonstrates a deficit in full-time employees (FTEs) coincide with more informal training requirements. As shown in **Table 6** below, only two of the twelve key occupation groups (Network architects and coordinators and RF and field engineers) require a bachelor's degree, according to the BLS Occupational Outlook Handbook.[43] Most of the remaining occupations require the pursuit of a high school diploma, various licenses, and on-the-job training. This is true for the three occupation groups (Master and stage electricians, Surveyors and drafters, and equipment operators) with the largest percent deficit compared to the workforce supply, which require a high-school diploma and typically include apprenticeship and / or on-the-job training.

Table 6: Key BEAD Occupation Group Educational Requirements[44]

Occupation Group	BEAD Demand	Educational Requirements		
		Required	**Typical**	**Helpful**
Trucking crew	(123)	• High school diploma • Commercial driver's license	• Professional truck driving school	• N/A
Laborers and material movers	(99)	• N/A	• 1 month of on-the-job training • Commercial driver's license	• N/A
Fiber and wireless technicians	(38)	• Postsecondary education in electronics, telecommunications, or computer networking	• Associate's degree in telecom • On-the-job training	• N/A
Equipment operators	(37)	• High school diploma • Commercial driver's license	• Vocational training • 3 or 4-year apprenticeship	• N/A
Trenchers	(29)	• On-the-job training	• High school diploma	• N/A

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[42] State Workforce Research Findings: North Dakota, National Telecommunications and Information Administration
[43] Bureau of Labor Statistics, Occupational Outlook Handbook. Accessed at: https://www.bls.gov/ooh/a-z-index.htm.
[44] Bureau of Labor Statistics, Occupational Outlook Handbook. Accessed at: https://www.bls.gov/ooh/a-z-index.htm.

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		• Laborer's International Union of North America certifications (varies)	• 2-4 year apprenticeship	
Master and stage electricians	(20)	• High school diploma • Licenses (varies)	• 4-5 year apprenticeship • On-the-job training	• N/A
Software engineers	(18)	• N/A	• Bachelor's degree in computer and information technology or a related field, such as engineering or mathematics	• N/A
Structural engineers	(15)	• Licensures (varies)	• Bachelor's degree in civil engineering	• Professional engineer license • Certifications from American Society of Civil Engineers
Surveyors and drafters	(6)	• High school diploma	• Associate of applied science in drafting or a related degree	• American Design Drafting Association's certifications
Network architects and coordinators	(5)	• Bachelor's degree in computer and information technology or a related field, such as engineering	• N/A	• Certifications (varies)
Inspectors	(5)	• High school diploma	• On-the-job training	• Bachelor's degree in engineering or architecture or who have another postsecondary credential
RF and field engineers	(4)	• Bachelors in electrical engineering, electronics engineering, or a related engineering field	• N/A	• N/A

Workforce Development Strategy

As the State prepares to address the workforce gaps described above, it will need to coordinate with institutions of higher education to market existing educational offerings and employers to encourage participation in apprenticeship programs and provision of on-the-job training. The State Broadband Program Office will advance these objectives by leveraging partnerships through the proposed Workforce Development Working Group and incentivizing workforce development priorities among employers through the subgrantee selection process.

The State Broadband Program Office will utilize partnerships through the proposed Workforce Development Working Group to advance broadband-related workforce development objectives. The Workforce Development Working Group will be tasked with supporting a skilled and ready workforce that is prepared to deliver on broadband deployment projects. This group will provide recommendations to help reconcile any discrepancies between the skills required by companies that will be charged with deployment responsibilities and those possessed by the workforce. This group will also identify the longer-term workforce needs to help support the sustainability and maintenance of buildouts. The members of this working group will include workforce training agencies, administrators of adult education and literacy programs, state/local workforce boards,

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labor organizations, community organizations, and institutions of higher learning. While each member organization will play a unique role in advancing workforce development objectives for broadband expansion, key partners, particularly for prospective subgrantees, will include institutions of higher education. This will encompass North Dakota's six community colleges and technical colleges, among others. These institutions will play a key role in helping to connect the dots between the educational attainment level of the broadband workforce and the educational requirements of the key BEAD occupations listed **Table 6**.

To encourage the utilization of a highly-skilled and prepared workforce in BEAD-funded broadband deployment projects, the State Broadband Program Office will require prospective subgrantees to demonstrate a commitment to advancing workforce development. To demonstrate this commitment, prospective subgrantees will be required to submit a workforce plan as part of their application. The State Broadband Program Office will evaluate and assess responses based on their comprehensiveness. The quality of responses will dictate the potential to garner bonus points under the "Fair Labor Practices" scoring criteria. This plan must include the following elements:

- the ways in which the prospective subgrantee will utilize an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- the steps that will be taken to confirm that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- whether the workforce is unionized;
- whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- the entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

There is widespread consensus among workforce stakeholders that this historic investment will have reverberating, positive impacts on the state's workforce and economy – Impacts that will shape employment opportunities for North Dakotans today and for generations to come. The broadband expansion efforts of the BEAD Program will support the growth of high-quality, high-paying job opportunities across smart agriculture, customer service, network management, and more. This job growth will also unleash downstream economic benefits, including additional direct, indirect, and induced Gross State Product (GSP). The State Broadband Program Office is committed to helping the state unlock these employment and economic benefits by supporting existing and planned workforce development efforts through community partnerships and subgrantee commitments.

A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;

Access to training and wraparound services, such as high-quality, affordable childcare, transportation, and mentorship offerings can help underrepresented workers overcome challenges to securing and maintaining high-quality jobs within telecommunications. Various state departments within North Dakota currently offer individuals a range of supportive services, including resources related to transportation, childcare, and mentorship, as detailed in **Table 7**.

Many of these offerings are provided through the North Dakota Department of Transportation, North Dakota Health& Human Services, Job Service North Dakota, and North Dakota Department of Veteran Affairs. The State Broadband Program Office will leverage existing partnerships with these entities along with those established through the Workforce Development Working Group to build upon and publicize these offerings to applicable populations. As detailed in **Section 2.2**, the Workforce Development Working Group will also encompass workforce training agencies, administrators of adult education and literacy programs, state/local workforce boards, labor organizations, community organizations, and institutions of higher learning. As such, the inventory listed in **Table 7** will be expanded to include the offerings of member organizations. This list of training resources and wraparound services will ultimately be consolidated, publicized, and shared online.

The State Broadband Program Office will also engage the planned Broadband Infrastructure Working Group, which will include ISPs and other employers, to discuss wraparound service gaps and identify opportunities for employers to supplement existing offerings. Furthermore, the State Broadband Program Office may facilitate discussions between members of the proposed Broadband Infrastructure Working Group and Workforce Development Working Group to support ongoing partnerships and mutually beneficial relationships between employers, wraparound service providers, and training providers. Through these partnerships, employers can shed light on existing workforce needs and workforce development providers can utilize this information to tailor existing and planned wraparound services.

Table 7. North Dakota Wraparound Service Offerings

Wraparound Service	Description	Category	Organization
Demand Response[45]	Curb to destination service offered by local transit providers for the purpose of local ridership, town-to-town service, and medical rides	Transportation	North Dakota Department of Transportation
Dial-A-Ride/Para Transit[46]	Advance reservation transportation service for persons with disabilities and seniors that provides door-to-door accessible transport	Transportation	North Dakota Department of Transportation
Intercity[47]	Fixed route schedule to and from major North Dakota population centers is provided by Jefferson Lines, Standing Rock Public Transit and Souris Basin Transportation	Transportation	North Dakota Department of Transportation
Veteran Transportation[48]	Free transportation for Veterans to VA for authorized medical appointments	Transportation	North Dakota Department of Veteran Affairs

[45] North Dakota Department of Transportation (Accessed on August 27, 2023), Services. Accessed at: https://www.dot.nd.gov/divisions/localgov/transit-services.htm.
[46] North Dakota Department of Transportation (Accessed on August 27, 2023), Services. Accessed at: https://www.dot.nd.gov/divisions/localgov/transit-services.htm.
[47] North Dakota Department of Transportation (Accessed on August 27, 2023), Services. Accessed at: https://www.dot.nd.gov/divisions/localgov/transit-services.htm.
[48] North Dakota Department of Transportation (Accessed on August 27, 2023), Services. Accessed at: https://www.dot.nd.gov/divisions/localgov/transit-services.htm.

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Fixed Route[49]	Scheduled service along regular routes	Transportation	North Dakota Department of Transportation
Child Care Assistance Program[50]	Assistance program that helps pay a portion of the cost of childcare for working families, or families in training or education programs	Child Care	North Dakota Health & Human Services
North Dakota Vocational Rehabilitation[51]	Services to assist people with disabilities improve employment opportunities and achieve their goals for employment and independence	Mentorship	North Dakota Division of Vocational Rehabilitation
Services for People with Developmental Disabilities[52]	Services for individuals with an intellectual disability or related condition to maximize inclusion, independence, and self-sufficiency	Mentorship	North Dakota Health & Human Services
Supplemental Nutrition Assistance Program (SNAP)[53]	Assistance program that provides nutrition benefits to supplement the food budget of lower-income families so they can purchase healthy food and move towards self-sufficiency	Food Assistance	North Dakota Health & Human Services
Special Supplemental Nutrition Program[54]	Program that helps eligible pregnant women, new mothers, babies, and young children eat well, learn about nutrition and stay healthy	Food Assistance	North Dakota Health & Human Services
Behavioral Health Services[55]	Various services, ranging from mental health, addiction, and health promotion offerings	Health Care	North Dakota Health & Human Services
Medicaid[56]	Program that helps pay for medical services for qualifying low-income adults, children, pregnant women, older adults and people with disabilities	Health Care	North Dakota Health & Human Services
Children's Health Insurance Program[57]	CHIP can meet the needs of working families, who cannot afford health care coverage for their children, yet earn too much to qualify for Medicaid	Health Care	North Dakota Health & Human Services

[49] North Dakota Department of Transportation (Accessed on August 27, 2023), Services. Accessed at: https://www.dot.nd.gov/divisions/localgov/transit-services.htm.

[50] North Dakota Health & Human Services (Accessed on August 27, 2023), Child Care Assistance Program. Accessed at: https://www.hhs.nd.gov/applyforhelp/ccap.

[51] North Dakota Health & Human Services (Accessed on August 27, 2023), Vocational Rehabilitation. Accessed at: https://www.hhs.nd.gov/vr.

[52] North Dakota Health & Human Services (Accessed on August 27, 2023), Overview of Services for People with Developmental Disabilities. Accessed at: https://www.hhs.nd.gov/services-individuals-disabilities/overview-services-people-developmental-disabilities.

[53] North Dakota Health & Human Services (Accessed on August 27, 2023), Supplemental Nutrition Assistance Program. Accessed at: https://www.hhs.nd.gov/applyforhelp/snap.

[54] North Dakota Health & Human Services (Accessed on August 27, 2023), Women, Infants, and Children Program. Accessed at: https://www.hhs.nd.gov/food-programs/WIC.

[55] North Dakota Health & Human Services (Accessed on August 27, 2023), Behavioral Health. Accessed at: https://www.hhs.nd.gov/behavioral-health.

[56] North Dakota Health & Human Services (Accessed on August 27, 2023), Medicaid. Accessed at: https://www.hhs.nd.gov/healthcare/medicaid.

[57] North Dakota Health & Human Services (Accessed on August 27, 2023), Children's Health Insurance Program. Accessed at: https://www.hhs.nd.gov/healthcare/CHIP.

Senior Community Service Employment Program[58]	Job training program for qualifying people 55 and older who are low-income and not working. People gain confidence and skills by working part-time	Employment and Training Services	North Dakota Health & Human Services
Veterans Employment Services[59]	Range of employment and training services offered to veterans and their spouses	Employment and Training Services	Job Service of North Dakota
Various Veteran Services[60]	A range of services, including health care offerings, housing, training services, and financial services, among others	Various	North Dakota Department of Veteran Affairs
Job Service Online[61]	Consolidated resource with job services to guide job search and application process	Resume, Application, and Job Search Assistance	Job Service of North Dakota

A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process.

This historic investment in broadband expansion offers a unique opportunity for North Dakota to attract, recruit, and retain a highly-skilled and diverse workforce. The State Broadband Program Office can confirm that its workforce, particularly those that belong to historically underrepresented groups, are sufficiently prepared to assume broadband-related job opportunities by promoting equitable on-ramps through training and educational resources. While encouraging a high-quality workforce supply will be imperative for the timely deployment of broadband infrastructure, it will be equally important to maintain and encourage high-quality, high-paying job opportunities for these workers. To create equitable on-ramps and maintain job quality, the State Broadband Program Office will embark on the following:

- **Develop and publicize a consolidated list of current training offerings.** Through ongoing engagement with the Workforce Development Working Group, the State Broadband Program Office will task members with providing a list of applicable formal and informal training offerings. These resources will encompass formal degree programs offered by institutions of higher education, certification programs, on-the-job training offerings, apprenticeship programs, and licenses. This inventory will include existing offerings that would address the educational requirements for key BEAD occupational groups, as detailed in **Table 6**. In addition to these requirements, the inventory will also include generalized employee training resources. The State will publicize this consolidated list of workforce training offerings through the North Dakota Information Technology website, linked here: https://www.ndit.nd.gov/. Providing access to these training

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[58] North Dakota Health & Human Services (Accessed on August 27, 2023), Senior Community Service Employment Program. Accessed at: https://www.hhs.nd.gov/vr/senior-community-service-employment-program.

[59] Job Service of North Dakota (Accessed on August 27, 2023), Veterans. Accessed at: https://www.jobsnd.com/job-seeker/veterans.

[60] North Dakota Department of Veteran Affairs (Accessed on August 27, 2023), Benefits and Services. Accessed at: https://www.veterans.nd.gov/benefits-and-services.

[61] Job Service of North Dakota (Accessed on August 27, 2023), Begin Your Job Search. Accessed at: https://www.jobsnd.com/job-seeker/begin-your-job-search.

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opportunities will be imperative to developing a pipeline of talent that is ready for the jobs that will be created through the BEAD Program.

- **Engage with unions and employers to maintain job quality.** Ongoing engagement with workforce development stakeholders and employers will be instrumental to identifying opportunities to encourage fair labor standards. Conversations with unions, such as the Communications Workers of America Union (CWA) and other organizations that represent employee interests will help the State Broadband Program Office support strong labor standards among selected subgrantees. Conversely, engagement with employers, including subgrantees will allow the State Broadband Program Office to maintain compliance with established and enhanced labor standards. Furthermore, this will allow for continuous monitoring and transparency with respect to subgrantee labor practices.

- **Inform development of new broadband training programs.** The State Broadband Program Office will continue to engage with identified stakeholders to develop a renewed understanding of the gaps between the skills possessed by the workforce and those required by ISPs and other related employers. The State Broadband Program Office will leverage the Broadband Infrastructure Workforce Group and convene members to discuss workforce needs and shortcomings. Based on identified gaps in skillsets, the State Broadband Program Office will coordinate with members of the Digital Equity and Workforce Development Working Groups to inform the development of new training programs. Key partners within the space will include institutions of higher education and technical colleges, among other training providers. This will allow for continued training and up-skilling opportunities for North Dakota's broadband workforce.

A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.

It is important to not only encourage the creation of high-quality job opportunities, but also incentivize participation and representation of a diverse pool of workers. In North Dakota, it will be particularly important to encourage participation from historically underrepresented populations, including but not limited to women, minorities, individuals with disabilities, low-income individuals, and individuals for whom English is not a first language. Through existing workforce partnerships and a tailored subgrantee selection process, the State Broadband Program Office will help diversify the workforce that fills the jobs created through the BEAD Program.

The State Broadband Program Office will leverage existing relationships with key organizations that operate within the workforce development space. These organizations include the Department of Commerce – Workforce Commission, Job Service North Dakota, among others. Applicable workforce development organizations will be invited to participate in the Workforce Development Working Group, which will be tasked with supporting a skilled and ready workforce that is prepared to deliver on broadband deployment projects. These organizations will also be tasked with conducting marketing and outreach to the populations they serve to raise awareness of upcoming job opportunities available within the broadband space. These engagement tactics may range from in-person and virtual information sessions, job fairs, and distribution of marketing materials. The intention of these outreach efforts will be to raise awareness of job opportunities among populations that have historically been underrepresented within the broadband workforce.

To attract and retain a diverse workforce involved in the implementation of the BEAD Program, it will be imperative for all involved parties, including subgrantees, their contractors, and their subcontractors to demonstrate a commitment to workforce diversification. The State Broadband Program Office will encourage this by providing bonus points to prospective subgrantees that demonstrate a commitment to workforce diversification and equitable workforce development

objectives. Specific strategies may include, but are not limited to diversity in hiring practices, initiatives to promote workforce inclusion, targeted mentorship opportunities, and establishment of Diversity, Equity, Inclusion, and Accessibility (DEIA) Training programs, among others.

Upholding transparency and accountability will be key to advancing workforce diversification objectives across all partner levels. Together with the Workforce Development Working Group, the State Broadband Program Office may establish specific goals and objectives related to the representation of populations such as minorities, women, and others. Subgrantees will be required to collect and report data related to progress against specific targets to permit course correction as needed. Through partnerships with existing workforce development organizations and collaboration with subgrantees, the State Broadband Program Office will help diversify the current telecommunications workforce and the talent pipeline. The intention of this approach will be to encourage geographical, cultural, and economic diversity of the workforce that fills telecommunications jobs created by the BEAD Program.

2.8.2 Subgrantee Plans to Ensure a Skilled and Credentialed Workforce

Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce.

As part of the subgrantee selection process, prospective subgrantees will be required to submit their plans to support an appropriately skilled and credentialed workforce. For the purpose of the BEAD Program, "workforce" will encompass employees, contractors, and subcontractors that will be directly involved in BEAD-funded projects. The State Broadband Program Office will evaluate and assess responses based on their comprehensiveness. The quality of responses will dictate the scoring for the "Fair Labor Practices" criteria detailed in **Section 2.7.1.** Within submitted plans, prospective subgrantees will be required to include information regarding the criteria listed below:

- the ways in which the prospective subgrantee will encourage the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- the steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- whether the workforce is unionized;
- whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- the entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- the job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce; and
- for each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - o safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title

and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and

o   information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

2.9 Minority Business Enterprises (MBEs)/ Women's Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13)

Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

Due to historic barriers, businesses owned and operated by traditionally marginalized groups face significant contracting disparities compared to other businesses. As the State Broadband Program Office prepares to implement the BEAD Program, there is a need to promote equity and diversity in contracting so that it is accessible to all. Implementing strategies that support participation and representation of Minority Business Enterprises (MBE), Women's Business Enterprises (WBE), and Labor Surplus Firms during the subgrantee selection process can help address this need. This section outlines how the State Broadband Program Office will promote recruitment, utilization, and retention of M/WBEs and labor surplus area firms, when possible, during the implementation of the BEAD Program. Making MBEs/WBEs a priority will help these businesses reach new customers, gain recognition, discover new opportunities, and grow.

Each year, the federal government awards about 10% of all federal contract dollars, or roughly $50 billion in contracts, to Small Disadvantaged Businesses and at least 5% of all federal contracting dollars to women-owned small businesses.[62, 63] For the purpose of the discussion included below, Minority Business Enterprises, Women's Business Enterprises, and Labor Surplus Areas are defined as follows:[64]

- **Minority Business Enterprise (MBE)**: Business enterprise that is not less than 51% owned by one or more socially or economically disadvantaged individuals; and the management and daily business operations of which are controlled by one or more socially or economically disadvantaged individuals.

- **Women's Business Enterprise (WBE)**: Business at least 51% owned and controlled by women who are U.S. citizens, and in which women manage day-to-day operations and make long-term decisions.

- **Labor Surplus Area (LSA)**: Town, county, or city in which the average unemployment rate is significantly higher than the average civilian unemployment rate nationwide. The Department of Labor maintains LSA designations and offers a list of these areas on their website to support programs and projects looking to increase employment in areas of need.

There are six affirmative steps that the State Broadband Program Office will take, per BEAD NOFO guidance, to ensure that M/WBEs and Labor Surplus Area Firms are recruited, used, and retained whenever possible. At a high-level, these strategies include increasing awareness of opportunities for M/WBEs and Labor Surplus Area Firms, setting up projects in an inclusive

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[62] U.S. Small Business Administration (Accessed on August 29, 2023), Small Disadvantaged Business. Accessed at: https://www.sba.gov/federal-contracting/contracting-assistance-programs/small-disadvantaged-business

[63] U.S. Small Business Administration (Accessed on August 29, 2023), Women-Owned Small Business Federal Contract Program. Accessed at: https://www.sba.gov/federal-contracting/contracting-assistance-programs/women-owned-small-business-federal-contract-program

[64] Guidance for BEAD Program Eligible Entities (Accessed on August 29, 2023), Workforce Planning Guide. Accessed at: https://broadbandusa.ntia.doc.gov/sites/default/files/2022-10/DOC_NTIA_Workforce%20Planning%20Guide_FINAL_100722.pdf

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manner, marketing existing resources available to these firms, and promoting transparency of BEAD-related processes. These six affirmative steps and their specific associated strategies are detailed below.

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists.

   - coordinate with proposed Digital Equity and Workforce Development Working Group members and Advisory Board to develop a list of applicable WBEs, MBEs, and LSAs that operate in North Dakota;

   - encourage eligible businesses to register as Small Disadvantaged Businesses (SDB), WBE, and MBE;

   - send automated notifications within contracting portal to potential M/WBEs for their official registration of an M/WBEs;

   - advertise registration at existing women's business groups and minority-owned business groups; and

   - develop and distribute informational materials that detail registration procedures and FAQs.

2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.

   - develop informational materials to distribute regarding opportunities;

   - make timely and frequent advertisements about opportunities online and in materials that market to M/WBEs and LSAs;

   - work with community organizations that provide support in recruitment to distribute information about available opportunities within business opportunity-related meetings, conferences, seminars, etc.;

   - send online notifications about available opportunities to M/WBEs and LSAs; and

   - develop a target for utilization of M/WBEs and LSAs.

3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.

   - breakdown projects into phases,

   - create individual workstreams, and

   - develop time schedules to promote M/WBE and LSA participation.

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.

   - collaborate with M/WBEs and LSAs to co-develop delivery schedules that adhere to the requirements of the BEAD Program and program goals while simultaneously encouraging participation; and

   - work with M/WBEs and LSAs to understand timeline constraints and provide the necessary support to encourage adherence to delivery schedules.

5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.

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- utilize SBA and MBDA's experts for more guidance on how to shape contracting requirements to attract and recruit a diverse workforce;

- develop a consolidated list of SBA and MBDA resources and contacts and share with M/WBEs and LSAs;[65] and

- take advantage of existing business guides from the SBA.

6. Requiring subgrantees to take the affirmative steps listed above (previous 5 bullets) as it relates to subcontractors.

- require subgrantees to include an M/WBE and LSA recruitment plan; and

- require subgrantees to submit a formal letter from leadership confirming their commitment to M/WBE and LSA utilization.

Data-tracking procedures will help the State Broadband Program Office evaluate its progress against the strategies detailed above. The following methods can help validate that the State is advancing these goals. The State Broadband Program Office will enforce semi-annual reporting related to M/WBE and LSA inclusion efforts. This semi-annual report may include reporting on advertising, outreach to identify M/WBEs and LSAs, timely written notification, contact follow-up, items of work identification, and assistance in financing, bonding, insurance, or mentoring. Documenting the effort undertaken by the State and the subgrantees will allow for transparency regarding prioritization of M/WBEs and LSAs. The State and subgrantees should track M/WBE and LSA contract awards, amounts, and payments made to M/WBE and LSA subgrantees to aid in assessing progress against established target utilization rates for M/WBEs and LSAs.

The State Broadband Program Office will require that subgrantees submit an M/WBE and LSA recruitment plan. This plan should include any efforts that the subgrantee will take to identify, and if present, remove barriers to minorities and women within its workforce. The plan will act as a safeguard to confirm that subgrantees are taking the adequate steps to promote inclusion and representation of M/WBEs and LSAs. Potential prompts may cover the following: plans to identify potential M/WBEs and LSAs, plans for advertisements in various publications, intent to contact M/WBEs and LSAs when identified, intent to consider M/WBEs and LSAs, and documentation of expected decision-making processes.

The six affirmative steps and their specific strategies provide a roadmap for the State to encourage the recruitment, use, and retention of M/WBEs and LSAs. These endeavors will foster support for enterprises owned and operated by traditionally marginalized groups in their business ventures and encourage their representation within the BEAD Program. Additionally, detailed data tracking efforts will help confirm that targets are met, effectively encouraging equity and inclusion in the BEAD subgrantee selection, recruitment, and retention process. M/WBEs and LSAs are critical contributors to North Dakota's economy and workforce and should thereby be appropriately supported and represented within the implementation of the BEAD Program.

2.9.1 Check Box: Certification of Affirmative Steps to Utilize MBE/WBE/LSA Firms

Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

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[65] Hiring MBEs, WBES and Surplus Area Firms (accessed 10/26/2023), National Telecommunications and Information Administration. Accessed at: https://broadbandusa.ntia.doc.gov/sites/default/files/2023-08/Hiring_MBEs_WBEs_and_Labor_Surplus_Area_Firms.pdf

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- *Placing qualified small and minority businesses and women's business enterprises on solicitation lists;*
- *Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;*
- *Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*
- *Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;*
- *Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and*
- *Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.*

The State Broadband Program Office certifies that it will take all necessary affirmative steps to encourage the use of minority businesses, women's business enterprises and labor surplus area firms when possible.

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Cost and Barrier Reduction

Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment.

The State Broadband Program Office identified six barriers that could potentially affect the expected timeline and costs for broadband deployment. This section details the proposed mitigation strategies to reduce barriers to broadband deployment.

Potential Barrier: Permitting & Easements

ISPs and other deployment stakeholders highlighted the potential for regulatory roadblocks that could result in project delays and increased costs. Various stakeholders noted that challenges receiving pole agreements, crucial to aerial fiber deployment, have impeded extending broadband service to unserved and underserved areas. Furthermore, pole agreements have become increasingly cost-prohibitive, and permitting timelines have increased. Additionally, when broadband projects must cross or enter private land, the cost of easements can cause additional barriers to deployment in North Dakota. Stakeholders have noted that landowners in the state have started to require more compensation to sign easement agreements, comparing broadband easements to other land use agreements that offer higher sums.

The State Broadband Program Office can prioritize solutions to issues imposed by permitting and easement challenges by engaging with the proposed Broadband Infrastructure Working Group. Through quarterly engagements, the Working Group can discuss and implement activities and initiatives related to:

- *Streamlining permitting processes*

  The Broadband Infrastructure Working Group can help identify opportunities to streamline state and local permitting processes to reduce project delays and costs. The recommendations outlined by the NTIA, including those pertaining to permitting best practices, will serve as a starting point for these discussions.[66] For example, the Working Group will explore opportunities for state and local agencies to consolidate the requisite permits for deployment projects into a single 'General permit.' This approach will help expedite the permit application and review processes. The Broadband Infrastructure Working Group will also work to identify steps to improve communication and coordination across state departments and local and Tribal governments to reduce duplicative permits and other costly inefficiencies. Additionally, activities may include encouraging enhanced e-permitting practices and the reduction of costly fees.

- *Streamlining cost-effective access to poles and easements*

  Given the FCC regulates pole attachments in North Dakota, the State Broadband Program Office will continue to encourage the FCC to uphold fair and streamlined policies to reduce the cost of new aerial deployment. This coordination will also embed greater transparency within the process and associated costs. To promote cost-effective access to conduits, the Working Group may consider requiring excess capacity within conduits, promoting scalability to keep up with technology advancements and evolving broadband needs.

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[66] National Telecommunications and Information Administration (accessed August 29, 2023), Permitting Best Practices: Case Studies. Accessed at: https://broadbandusa.ntia.doc.gov/sites/default/files/2023-03/Permitting_Best_Practices_Case_Studies.pdf.

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Additionally, the Broadband Infrastructure Working Group will continue to identify ways broadband deployment projects can cost-effectively secure easements. As noted above, during stakeholder engagement, the State Broadband Program Office documented feedback regarding the increased costs associated with obtaining easements, particularly in the Western regions. To address this, the Working Group will discuss opportunities to reduce these costs by encouraging subgrantees to begin the permitting process, especially for private assets, as early as possible to avoid delays.

- *Streamlining rights of way, including the imposition of reasonable access requirements*

  The North Dakota Department of Transportation (NDDOT) is responsible for supporting, facilitating, resource sharing, and permitting broadband installation in State right of way. Currently, NDDOT has multiple policies aimed at streamlining rights of way for broadband installation. NDDOT electronically notifies and registers Broadband Infrastructure Entities seeking to collaborate on broadband infrastructure projects within State Right-Of-Way. Additionally, NDDOT electronically notifies Broadband Infrastructure Entities of the NDDOT's Statewide Transportation Improvement Plan (STIP) and other local transportation and land use plans on an annual basis.[67] The Broadband Infrastructure Working Group will coordinate with the NDDOT to explore further actions to streamline rights of way including the imposition of reasonable access requirements.

- *Promoting and adopting dig-once policies*

  Currently, North Dakota does not have a dig-once policy; however, the State encourages coordinating broadband installations with highway construction to reduce impacts to the public.[68] The Broadband Infrastructure Working Group will continue to collaborate with the NDDOT to encourage coordination across highway construction projects with the installation of broadband facilities. This will help reduce the cost associated with buried broadband installation.

Potential Barrier: Materials Availability

North Dakota may face challenges procuring the materials required for broadband projects. Stakeholders have highlighted two factors that may cause shortages in required materials: 1) purchasing restrictions associated with federal funds and 2) supply constraints given the magnitude of funded projects planned for the same time. The State Broadband Program Office plans to address this barrier for broadband deployment by:

- *Supporting the use of Build America, Buy America Act (BABAA) waivers, only where appropriate*

  The Infrastructure Act dictates that the allocation of BEAD funds must comply with the BABAA. This requires all raw and construction materials used in the project or other eligible activities be produced in the United States unless a waiver is granted. Stakeholders are concerned that this requirement might hinder the State's ability to efficiently and expediently provide coverage to all unserved and underserved locations in North Dakota. The State Broadband Program Office will post link to information on the BABAA waiver on https://broadband.nd.gov for applicants to reference.

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[67] North Dakota Department of Transportation (accessed on August 29, 2023), Broadband Facilities on State Highway Right of Way. Access at: https://www.dot.nd.gov/broadband.htm#overview.
[68] North Dakota Department of Transportation (accessed on August 29, 2023), Dig Once. Accessed at: https://www.dot.nd.gov/broadband.htm#dig-once.

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- *Encouraging potential deployment subgrantees to strengthen relationships with BABAA compliant suppliers*

  Given broadband materials and equipment suppliers have already announced that they currently meet or plan to meet BABAA requirements, the State plans to encourage potential subgrantees to identify and begin outreach to BABAA compliant suppliers early in the process. The State Broadband Program Office intends to post links to any information about suppliers and other supply chain-related materials on https://broadband.nd.gov for applicants to reference.

Potential Barrier: Topography

Stakeholders have noted that the remaining unserved and underserved locations in the Western Badlands region may be difficult to serve given the terrain's hilly nature. The State Broadband Program Office plans to address this barrier for broadband deployment by:

- *Supporting aerial deployment, where appropriate, and continuing to streamline cost-effective access to poles*

  The State Broadband Program Office will support the use of aerial deployment where appropriate in the state, with consideration to the Western region where the hilly nature of the Badlands creates greater difficult to deploy buried fiber. The actions outlined above to streamline access to poles will also help reduce the cost of deploying aerial broadband infrastructure.

- *Supporting efficient buried fiber deployment through advocacy for dig-once policies*

  The State Broadband Program Office, as outlined above plans to collaborate with the Broadband Infrastructure Working Group and NDDOT to encourage coordination across highway construction projects with broadband installation facilities. This coordination will help maximize the benefits of digging efforts in North Dakota, especially in areas of the state where it is more costly to bury fiber.

Potential Barrier: Labor Shortages

BEAD demand will further strain North Dakota's existing cross-industry employment deficit, particularly in jobs that require more informal training (e.g., apprenticeship programs and on-the-job training). These apprenticeships and training requirements can often extend over multiple years, necessitating a proactive approach to prepare the workforce in advance of implementation.

To reduce the cost and barriers caused by labor shortages, the State Broadband Program Office, plans to establish the Workforce Development Working Group. This Working Group will be tasked with supporting a skilled and ready workforce that is prepared to deliver on broadband deployment projects. During quarterly meetings, the Working Group will discuss strategies to address labor shortages, including initiatives related to:

- *Supporting workforce attraction*

  The State Broadband Program Office will engage with the Workforce Development Working Group, ISPs, labor unions, and other State agencies, to support the attraction and retention of a workforce capable of meeting the labor demands of broadband projects. As outlined in **Section 2.8**, the State Broadband Program Office will work with these organizations to attract additional skilled laborers to reduce the number of construction delays and the total project costs.

- *Encouraging workforce up-skilling*

The State Broadband Program Office will help upskill and credential North Dakota's existing workforce through ongoing collaboration with institutions of higher education and technical schools. These partnerships with educational institutions will be critical to help the State develop the workforce to maintain the broadband network post-implementation.

Potential Barrier: Data Limitations

Currently, the State relies on the FCC National Broadband Maps to determine whether a location is served, underserved, or unserved. As the BEAD Program outlines, download and upload speeds are the primary measures of determining a location's classification. During conversations with community members and ISPs, stakeholders raised concerns that the Broadband Maps exclude serviceable locations and include extraneous locations and the potential for inconsistencies in reported speeds. This reliability concern remains particularly true for locations currently served with fixed wireless technologies. These data limitations will make it challenging for the State to identify and serve all unserved and underserved locations. The State Broadband Program Office plans to address this barrier for broadband deployment by:

- *Supplementing broadband maps with insights from ISPs*

  Through ongoing conversations with ISPs and other community members and the State's Challenge Process, the State Broadband Program Office plans to fill in potential data gaps and refine its understanding of which locations still lack reliable broadband service. The intention of this effort is to minimize the number of unknown unserved and underserved locations.

Potential Barrier: Letter of Credit and Match Requirement

The BEAD Program requires grant applicants to submit a letter of credit from a qualified bank to demonstrate the ability to meet program requirements throughout the construction period. Given the 25% match requirement, the program's guidance dictates that awardees must submit a letter of credit for 25% of the project's costs. To receive this letter of credit, prospective subgrantees must provide collateral to the issuing bank. Consequently, this can potentially limit the pool of providers that can participate in BEAD, particularly smaller ISPs. The 25% match requirement imposes a similar constraint for smaller providers and may disincentivize bids, particularly in locations that are more costly to serve. The State Broadband Program Office intends to address the barriers caused by the letter of credit and match requirement by:

- *Supporting ISPs' ability to understand and fulfill the Letter of Credit requirements of the BEAD Program*

  Per **Section 2.4.11**, the State Broadband Program Office will establish a model letter of credit that emulates the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund. The State will work with potential subgrantees to equip applicants with resources and information regarding the required financial qualifications for BEAD funds. The State Broadband Program Office will post information and links to the requirements on https://broadband.nd.gov for applicants to reference.

- *Exploring partnerships with banks and other financial institutions to assist ISPs in obtaining a letter of credit*

  The State Broadband Program Office and the Broadband Infrastructure Working Group will engage with banks and other financial institutions to determine whether ISPs can receive additional assistance obtaining the required letter of credit. In the event that these conversations lead to an alternative to the Letter of Credit, the State will submit a waiver request to the NTIA. The intention of this approach is to limit project delays due to the letter of credit requirement.

- *Exploring opportunities to seek waivers for the 25% match requirement*

   The State Broadband Program Office recognizes the constraints imposed by the minimum 25 percent match requirement. As such, the state will collaborate with the NTIA to discuss potential opportunities to reduce or issue waivers for this match. This will be particularly important for locations that exceed the Extremely High-Cost Threshold.

The State Broadband Program Office is committed to reducing the total costs and limiting the delays to broadband deployment projects in North Dakota. The ability to quickly execute deployment projects will help the State advance its goal of becoming the first to achieve 100% coverage. The State Broadband Program Office will provide an update on the implementation status of these activities in the BEAD Final Proposal.

2.11 Climate Assessment (Requirement 15)

2.11.1 Assessment of Climate Threats and Proposed Mitigation Methods

Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings.

Overview

The geographic scope of analysis for this climate assessment includes the entire state of North Dakota, grouped by the eight Economic Development Regions under the Regional Councils as shown in **Figure 8**.[69] Each region consists of 3-10 counties. Weather and climate related risks are generally assessed according to specific regions, and where appropriate, individual counties.
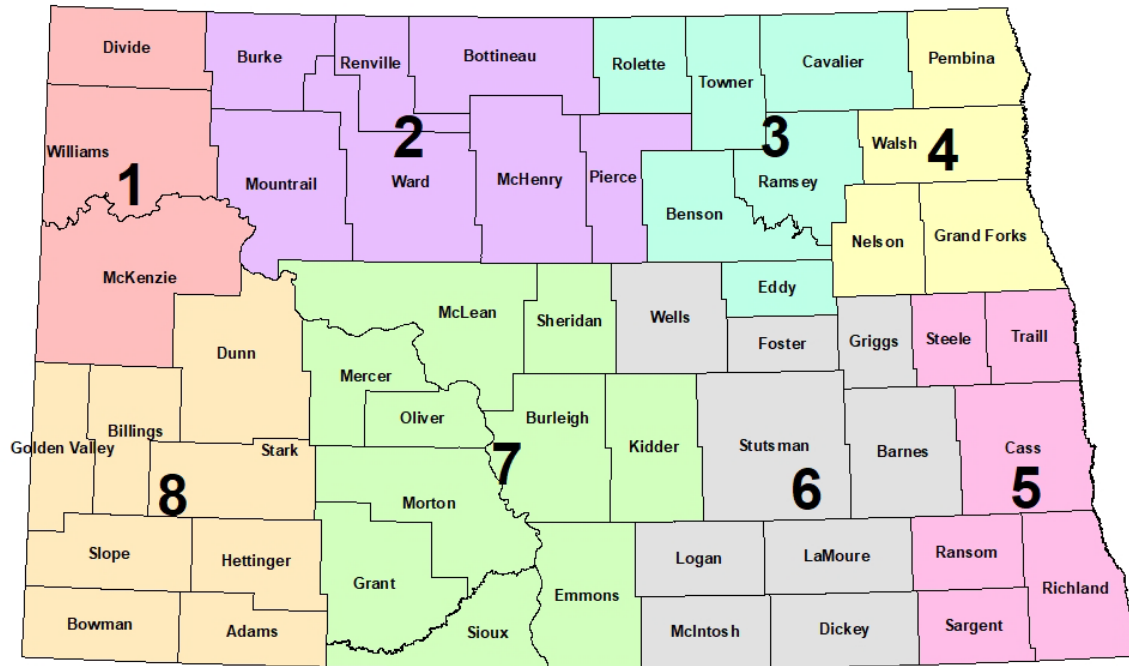
Situated in the northern Great Plains region, North Dakota's climate is characterized by large temperature extremes due to its location in the center of the North American continent. This assessment of relevant climate data for the state of North Dakota indicates that while all regions have some element of climate-related risk, there are specific regions of the state which incur a higher risk for certain factors than others. The southern half of the state (regions 5,6,7 and 8) has a higher risk of severe storms compared to the northern half of the state. Wildfires are anticipated in areas spread throughout the state, but historically have been concentrated in the western and southern portions (regions 1,7 and 8). Conversely, flooding is most prone in the eastern part of the state (regions 3,4 and 5). The most impactful climate-related risks that can have an adverse effect on telecommunications infrastructure are severe storms, wildfires and winter storms. In addition to the risk of severe weather events, North Dakota experiences long winters which shorten the state's construction season. This shortened season can cause construction delays for deployment projects.

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[69] North Dakota Department of Commerce (accessed on September 10, 2023), Regional Councils. Accessed at: https://www.commerce.nd.gov/community-services/community-development/community-development-block-grant-cdbg/regional-councils.

**Figure 8: Economic Development Regions in North Dakota**

Statewide Annual Temperature Ranges

The average temperatures for the state of North Dakota range from 4-18 degrees Fahrenheit (°F) in the winter and 65-72°F in the summer. Temperatures over 100°F as well as bitterly cold arctic air temperatures are both common within the state.[70] The official state average temperature in 2021 was 43.8°F.[71] Historically, the average temperature ranges between 35°F and 45°F, which is shown in **Figure 9** below.

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[70] North Dakota Annual Climate Summary (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: North Dakota - State Climate Summaries 2022 (ncics.org).
[71] North Dakota Annual Climate Summary (Accessed on September 11, 2023), North Dakota State Climate Office (NDSCO).

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**Figure 9: Historical Annual Temperature for North Dakota**[72]
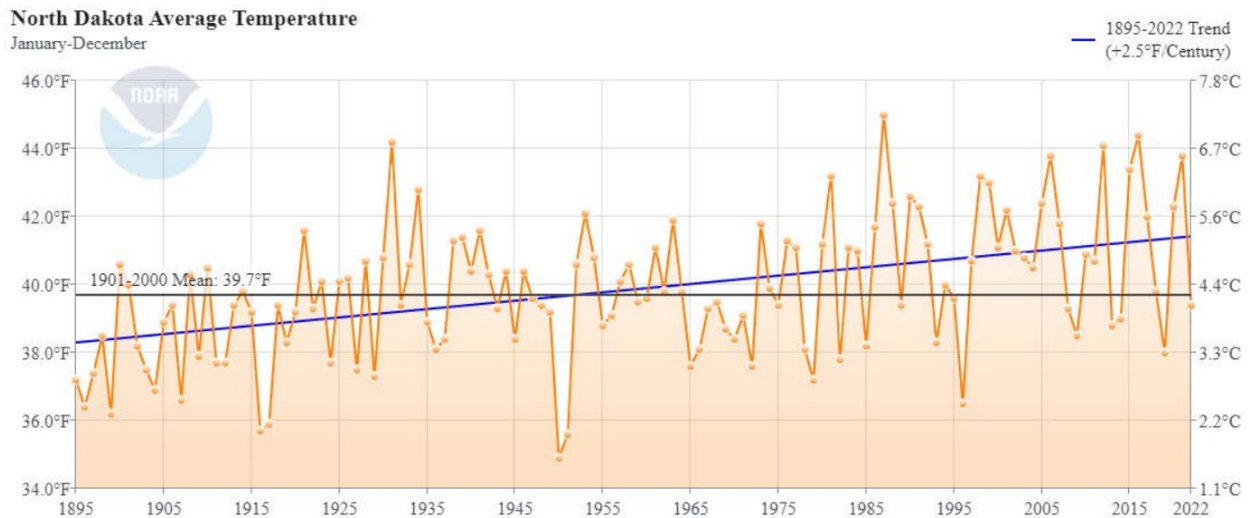
Statewide Annual Precipitation Ranges

The annual precipitation for the state of North Dakota ranges from less than 16 inches in the northwest to about 24 inches in the southeast. Total annual precipitation varies widely across the state, but has been near or above average since 1990. The wettest consecutive 5-year interval on record was 2007–2011, averaging 20.5 inches, while the driest was 1933–1937, averaging 13.5 inches.[73] Across the entire state, historical annual precipitation varies with an overall low of 8.8 inches in 1936 and the highest precipitation in a single year of 24.4 inches in 2019, which is shown in **Figure 10** below.

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[72] North Dakota Annual Climate Summary (Accessed on September 11, 2023), North Dakota State Climate Office (NDSCO).
[73] North Dakota Annual Climate Summary (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: North Dakota - State Climate Summaries 2022 (ncics.org).

Figure 10: Observed Total Annual Precipitation for North Dakota from 1895 to 2021[74]
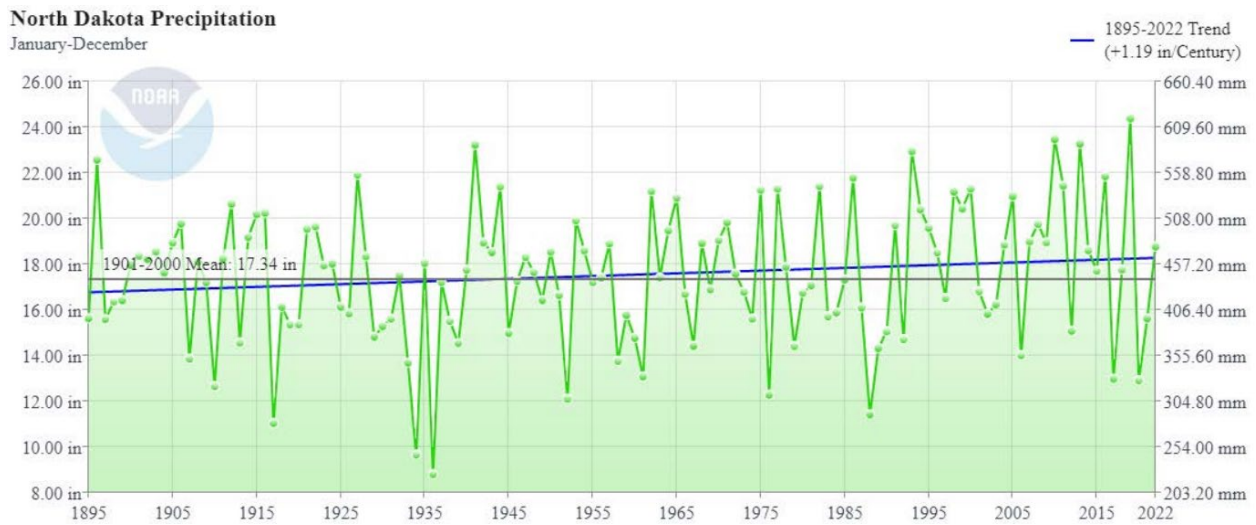
Decades with the most precipitation were the 1940s, 1990s, and early 2010s. The driest period occurred during the 1930s. Much of the precipitation for North Dakota falls during the late spring and early summer months due to the higher prevalence of thunderstorms during this season. Severe thunderstorms can produce hail, tornadoes and/or damaging winds exceeding 75 miles per hour (mph). Since 1990, the number of extreme precipitation events has increased (2-inches of precipitation or greater), with the greatest incidence of these events occurring during 2015-2020.[75]

Statewide Annual Snowfall Ranges

The state of North Dakota receives an average of 30-55 inches of snowfall annually. Comparatively, this is less than other northern states, however winter storms in North Dakota are commonly accompanied by exceptionally severe conditions such as heavy snow, high winds, and low wind chill temperatures. The probability of North Dakota experiencing a blizzard in any given year is greater than 50 percent, which is one of the highest in the United States.[76]

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[74] North Dakota Annual Climate Summary (Accessed on September 11, 2023), North Dakota State Climate Office (NDSCO).

[75] North Dakota Annual Climate Summary (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: North Dakota - State Climate Summaries 2022 (ncics.org).

[76] North Dakota Annual Climate Summary (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: North Dakota - State Climate Summaries 2022 (ncics.org).

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Risk and Vulnerability Assessment

The National Centers for Environmental Information (NCEI) analyzes weather and climate disasters which accrue over one billion dollars in damage. In 2021, NOAA released a study on the use of a one-billion-dollar threshold which outlines that billion-dollar events account for roughly 80% of the total US losses for all combined severe weather and climate events.[77] This data is updated continuously as disasters occur and data becomes available. The continuously updated hazard risk maps reflect analysis from the Federal Emergency Management Agency (FEMA) National Risk Index (NRI), the Social Vulnerability Index and spatial distributions of projected damages for select hazards and socioeconomic factors.[78] The hazard risk data uses different forms of county and census tract information, which is then compiled with socioeconomic risk (noting regions of higher vulnerability and lower resilience to disaster impacts). The risk index is calculated by taking the expected annual loss, multiplying it by the social vulnerability and then dividing by the community resilience.

According to the FEMA NRI, two counties in North Dakota (Grand Forks County in Region 4 and Cass County in Region 5) have a Relatively Moderate Risk Index designation. Both Grand Forks County and Cass County are considered to have elevated or high risks for cold waves, hailstorms, ice storms, riverine flooding, strong winds and winter weather. Cass County is also considered to be at an elevated risk for tornadoes.[79] All other counties in the state are considered to have a Relatively Low or Low Risk Index.

Table 8 below categorizes elevated climate risk for *drought, flooding, wildfires, severe storms, winter storms and freeze risk*.

Definitions:

- **Drought –** Drought occurs when low water supply becomes evident, especially in streams, reservoirs, and groundwater levels, usually after many months of dry weather patterns.
- **Flooding –** Flooding is an overflowing of water onto land that is normally dry. Floods can happen during heavy rains, when snow melts quickly, or when dams or levees break.
- **Wildfires –** Wildfires are uncontrolled fires in a forest, grassland, brushland, or land planted with crops.
- **Severe Storms –** NOAA classifies a storm as "severe" when it produces wind gusts of at least 58 mph and/or hail one inch in diameter (about the size of a quarter) or larger. Tornadoes would also fall under the category of severe storms.
- **Winter Storms –** A winter storm is a combination of heavy snow, blowing snow, ice and/or dangerous wind chills.
- **Freeze Risk –** A freeze is when the surface air temperature is expected to be 32°F or below over a widespread area for a climatologically significant period of time.

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[77] U.S. Billion-dollar Weather and Climate Disasters: Data Sources, Trends, Accuracy and Biases (accessed on October 25, 2023), NOAA National Centers for Environmental Information. Accessed at: https://www.ncei.noaa.gov/monitoring-content/billions/docs/smith-and-katz-2013.pdf
   Note: NOAA National Centers for Environmental Information acknowledges that the $1B threshold is somewhat arbitrary. The study above outlines that billion-dollar events account for roughly 80% of the total US losses for all combined severe weather and climate events.
[78] U.S. Billion-Dollar Weather and Climate Disasters (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: https://www.ncei.noaa.gov/access/billions/, DOI: 10.25921/stkw-7w73.
[79] National Risk Index Map | National Risk Index (accessed on September 11, 2023), Federal Emergency Management Agency (FEMA). Accessed at: fema.gov.

Note: It is important to understand that almost all counties in North Dakota exhibit some risk for all of the previously mentioned categories, however regions that documented an elevated risk are specifically identified below.

Risk and Vulnerability Assessment by Region

Table 8: Risk and Vulnerability by Region in North Dakota

Region	Drought	Flooding	Wildfires	Severe Storms	Winter Storms	Freeze Risk
1	x		x		x	x
2	x				x	x
3	x	x	x		x	x
4	x	x			x	x
5	x	x		x	x	x
6	x			x	x	x
7	x		x	x	x	x
8	x		x	x	x	x

While winter storms, drought, and freeze risk were prevalent across all regions, flooding, wildfires and severe storms had higher risks in certain regions. In some cases, with wildfires, this elevated risk was specific to one or two counties in the region and not the region as a whole. Those counties are identified under the wildfire section below.

According to the United States Geological Survey (USGS), there have been five earthquakes in the state of North Dakota since 1900. All but one of the earthquakes were located in the northwest portion of Region 1. The risk of seismic hazard in North Dakota is considered to be low.[80] The State has further identified mechanisms to frequently monitor and assess the climate risks described above.

Time Scales for Reassessment

The data sources referenced in this climate assessment are updated according to the frequency identified in **Table 9** below. It is important to check for updated climate risk and vulnerabilities regularly and at a minimum of every five years. Risk assessment screenings should be performed as early in the project planning process as practical so that appropriate design changes can be made to the plans according to the risks that are identified.

Table 9: Update Frequency for Data Source Reports

Data Source	Update Frequency
Federal Emergency Management Agency (FEMA) National Risk Index (NRI)	Continuous
National Oceanic and Atmospheric Administration (NOAA), North Dakota Climate Summary	Approximately 5 years
NOAA National Centers for Environmental Information (NCEI)	Continuous

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[80] Information by Region – North Dakota (Accessed on September 11, 2023), United States Geological Survey. Accessed at: https://www.usgs.gov.

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North Dakota State Climate Office, Annual Climate Summary	Annual
United States Geological Survey (USGS) Earthquake Viewer	Continuous

Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons.

Overview of Weather/Climate Disaster Events

According to NCEI, from 1980–2023 (as of August 8, 2023) in North Dakota, there have been 23 confirmed weather/climate disaster events with losses exceeding one billion dollars each (**Figure 11**). These events included 12 drought events, four flooding events, four severe storm events, one freeze event, one winter storm event, and one wildfire event. These events had significant economic impacts and resulted in the deaths of 2,517 people. The 1980–2022 annual average (adjusted for inflation) is 0.5 events; the annual average for the most recent five years (2018–2022) is 1.0 events. As climate risk is continually evolving and new data is available, screenings should be performed and revisited to include the most complete and accurate data set available.

Figure 11: North Dakota Billion-Dollar Disaster Type Events from 1980-2023[81]

Disaster Type	Events	Events/Year	Percent Frequency	Total Costs	Percent of Total Costs
Drought	12	0.3	52.2%	$20.0B-$50.0B	69.7%
Flooding	4	0.1	17.4%	$5.0B-$10.0B	28.9%
Freeze	1	0.0	4.3%	$5M-$100M	0.0%
Severe Storm	4	0.1	17.4%	$250M-$500M	1.2%
Tropical Cyclone	--	--	--	--	--
Wildfire	1	0.0	4.3%	$5M-$100M	0.0%
Winter Storm	1	0.0	4.3%	$5M-$100M	0.1%
All Disasters	**23**	**0.5**	**100.0%**	**$20.0B-$50.0B**	**100.0%**

Compared to comprehensive data for the entire United States (**Figure 12**), North Dakota has a higher percent frequency for drought, flooding, and freeze events than the country averages as a whole, but a lower percent frequency for severe storms, wildfires and winter storms (that cause over one billion dollars in damage). Comparisons of individual disaster types are discussed in the sections following **Figure 12**.

[81] U.S. Billion-Dollar Weather and Climate Disasters (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: https://www.ncei.noaa.gov/access/billions/, DOI: 10.25921/stkw-7w73.

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Figure 12: United States Billion-Dollar Disaster Type Events from 1980-2023 [82]

Disaster Type	Events	Events/Year	Percent Frequency	Total Costs	Percent of Total Costs	Cost/Event	Cost/Year	Deaths	Deaths/Year
Drought	30	0.7	8.3%	$336.6B [CI]	13.0%	$11.2B	$7.7B	4,275[†]	97[†]
Flooding	41	0.9	11.3%	$191.2B [CI]	7.4%	$4.7B	$4.3B	723	16
Freeze	9	0.2	2.5%	$36.1B [CI]	1.4%	$4.0B	$0.8B	162	4
Severe Storm	180	4.1	49.6%	$431.8B [CI]	16.6%	$2.4B	$9.8B	2,084	47
Tropical Cyclone	60	1.4	16.5%	$1,365.0B [CI]	52.6%	$22.8B	$31.0B	6,890	157
Wildfire	21	0.5	5.8%	$135.9B [CI]	5.2%	$6.5B	$3.1B	435	10
Winter Storm	22	0.5	6.1%	$97.2B [CI]	3.7%	$4.4B	$2.2B	1,402	32
All Disasters	**363**	**8.3**	**100.0%**	**$2,593.8B** [CI]	**100.0%**	**$7.1B**	**$59.0B**	**15,971**	**363**

[†]*Deaths associated with drought are the result of heat waves. (Not all droughts are accompanied by extreme heat waves.)*

Flooding events (river basin or urban flooding from excessive rainfall) are separate from inland flood damage caused by tropical cyclone events.

The confidence interval (CI) probabilities (75%, 90% and 95%) represent the uncertainty associated with the disaster cost estimates. Monte Carlo simulations were used to produce upper and lower bounds at these confidence levels (Smith and Matthews, 2015).

Drought

As shown in **Figure 11**, North Dakota is highly prone to drought. Impacts due to drought conditions are a regular occurrence in the state. Forty percent of all billion-dollar droughts in the United States have included North Dakota. Notably, the 2017 Northern Plains drought, which primarily impacted North Dakota, South Dakota, and Montana, as well as parts of Canada led to crop failure, the culling of livestock herds, widespread wildfires, low water supplies, and losses exceeding $2.5 billion. According to the historical drought conditions for North Dakota from the National Integrated Drought Information System (NIDIS), from 2000 to 2023 North Dakota has been experiencing abnormally dry (D0) or drought level conditions (D1-D4) for at least part of almost every year (**Figure 13**).[83]

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[82] U.S. Billion-Dollar Weather and Climate Disasters (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: https://www.ncei.noaa.gov/access/billions/, DOI: 10.25921/stkw-7w73.
[83] Historical Drought Conditions for North Dakota. North Dakota (Accessed on September 11, 2023), National Integrated Drought Information System. Accessed at: https://www.Drought.gov.

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Figure 13: Historical Drought Conditions for North Dakota 2000-2023[84]
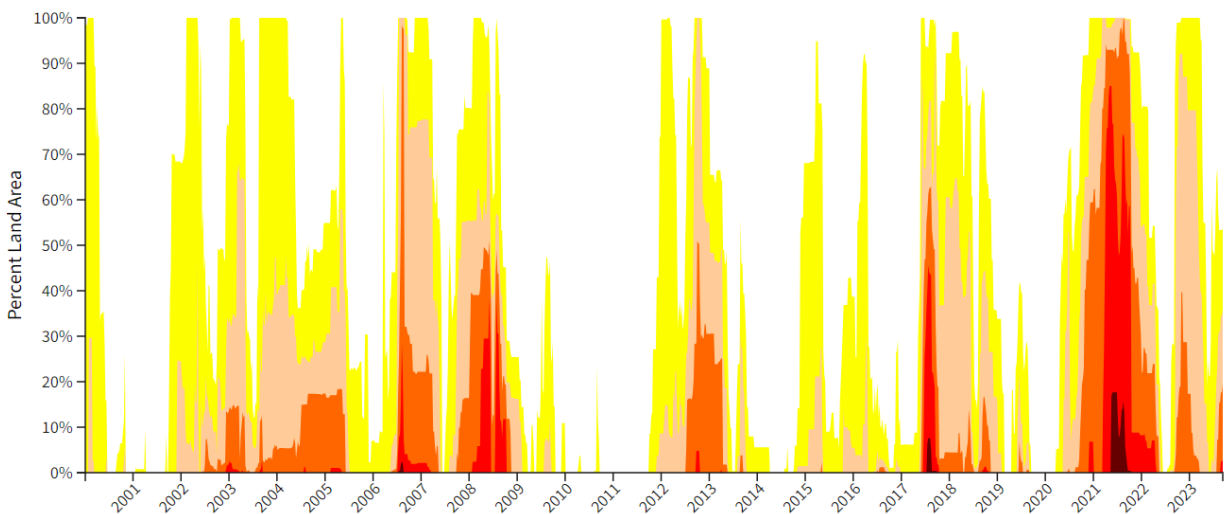
The Climate Mapping for Resilience and Adaption (CMRA) Portal predicts that by the year 2050, North Dakota counties should anticipate drought periods ranging from 18-22 consecutive days without precipitation.[85]

Flooding

Approximately 10% of billion-dollar floods in the United States have impacted North Dakota. The Red River Valley on the eastern edge of the state (Regions 4 and 5) is one of the most flood-susceptible areas in the United States due to the river's low gradient and northward flow. When the southern portion of the river begins to thaw in the spring, but the northern sections are still frozen, this creates natural ice jams, flooding of the upstream river, and backfill of runoff to the river's tributaries. According to more than 100 years of data, the Red River has exceeded major flood stages 18 times. Record breaking floods were recorded in 1997, 2009, and 2011 on the Red River and Souris River, respectively. Another flood-prone area is Devils Lake (Region 3), where floods have destroyed hundreds of homes and businesses and inundated thousands of acres of productive farmland. An uncontrolled natural spill from Devil's Lake could result in extensive downstream flood impacts to the Sheyenne River, a tributary to the Red River.

Freeze Event

North Dakota, located in the northernmost section of the continental United States, witnesses freeze events every winter. There have been nine freeze events which caused over one billion dollars in damages in the United States since 1980. North Dakota was impacted by only one of those billion-dollar events. This freeze event occurred in December 1983, destroying crops across parts of the southern United States. The associated cold wave caused over 100 deaths and additional damages in other states, including North Dakota.

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[84] Historical Drought Conditions for North Dakota. North Dakota (Accessed on September 11, 2023), National Integrated Drought Information System. Accessed at: https://www.drought.gov/.
[85] Future Drought Tendency (Accessed on September 11, 2023), Climate Mapping for Resilience and Adaptation (CMRA) Portal.

Typically, North Dakota can expect about 50 days per year with temperatures below zero degrees Fahrenheit. Average predicted high temperatures in December, January and February are all below 32 degrees Fahrenheit.

Severe Storm

Since 1980, North Dakota has been impacted by 2% of billion-dollar severe storms in the United States. There have been four severe storm events with damages totaling over one billion dollars that impacted North Dakota. The storms were recorded in May 2023, July 2022, July 2021 and July 1993. Severe storm impacts are from a combination of high winds, hail and isolated tornadoes with damage to homes, businesses, vehicles, farms and other infrastructure.

According to the NOAA Storm Events Database, there have been 359 instances of tornado events (F1/EF1 [minimum wind speed 86 miles per hour] or higher) in North Dakota since 1980. These events were recorded on 192 days. This indicates multiple events occurred on the same day and some tornadoes may have spanned multiple counties, which triggered additional events to be recorded. Tornadoes have been reported in 52 out of 53 counties in the state.[86] Hail events have been reported concurrently with many severe storms with hail size as large as five inches recorded.

Winter Storm Event

There have been 22-billion-dollar winter storm events in the United States since 1980. North Dakota has only been impacted by one such event, which occurred in January 1982 when a severe winter storm and cold wave totaled over 1 billion dollars in damages. Winter storms occur yearly in North Dakota, and are characterized by blowing snow, high amounts of snowfall, ice accumulation, and low wind chill factors.

Ice storm events have been recorded 120 times since 1996, occurring on 14 days. This indicates multiple records for the same storm, similar to the occurrence of tornado events.[87] North Dakota averages 16-24 inches of precipitation with a mean of 17 inches per year and average snowfall of 30-55 inches per year.[88] Comparatively this is less than other northern states.

Wildfire

A risk for wildfires is linked with drought conditions, where lack of precipitation causes dry conditions that set the stage for uncontrolled fires to spread easily and damage large areas. Lightning is a common ignitor for fires. There have been 21 billion-dollar wildfires in the United States since 1980. Only one wildfire event exceeding one billion dollars in damage has impacted North Dakota. Impacts and damages were dispersed across a range of states which burned over 10.1 million acres in the United States.

According to the United States Geological Survey, there were 267 individual wildfire events that burned 10 acres or more recorded in North Dakota between 1988 and 2020, which is shown on

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86 NOAA NCEI Storm Events Database (Accessed on September 11, 2023), National Centers for Environmental Information. Accessed at: https://www.noaa.gov.
87 NOAA NCEI Storm Events Database (Accessed on September 11, 2023), National Centers for Environmental Information. Accessed at: https://www.noaa.gov.
88 North Dakota Annual Climate Summary (accessed on September 11, 2023), NOAA National Centers for Environmental Information. Accessed at: North Dakota - State Climate Summaries 2022 (ncics.org).

Figure 14.[89] Wildfires smaller than 10 acres and prescribed burn fires have been excluded from this data.

Figure 14: Historical Wildfires larger than 10 acres in North Dakota 1988-2020[90]
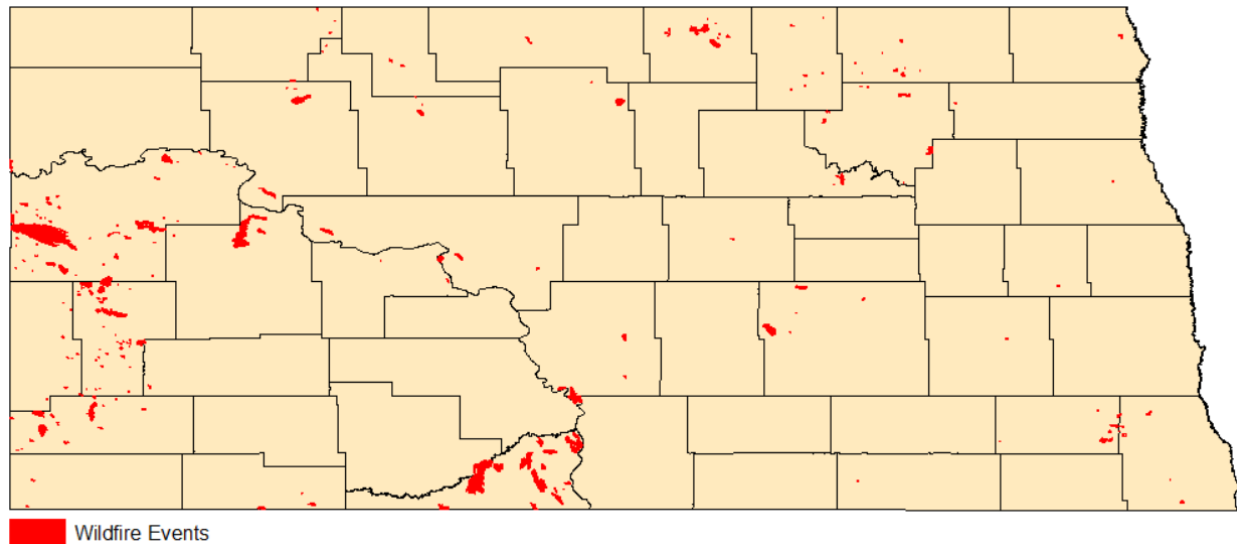
Wildfires ranged in size up to 59,608 acres. In general, wildfires have a higher occurrence in the following counties: McKenzie, Billings, Slope, Sioux, and Rolette.[91] These counties correspond to regional councils 1, 3, 7 and 8. The peak of the Western U.S. wildfire season occurs during the fall months of September, October and November.[92] Historic wildfires have been located in some of the counties with higher concentrations of unserved and/or underserved locations. Elevated risk of wildfire in those regions should be taken into consideration during project planning.

Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment.

Proposed Infrastructure/Service Types:

The following six climate/weather disaster events will be evaluated when comparing proposed infrastructure types; *drought, flooding, wildfires, severe storms, winter storms and freeze events.* The three proposed infrastructure/service types to be analyzed are: *aerial fiber, underground fiber, and wireless/satellite* services. **Table 10** below summarizes the relationship between infrastructure/service type and weather/climate risk.

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[89] Information by Region – North Dakota (Accessed on September 11, 2023), United States Geological Survey. Accessed at: https://www.usgs.gov.

[90] Combined wildland fire datasets for the United States and certain territories, 1800s-Present (Accessed on September 11, 2023), U.S. Geological Survey data release. Accessed at: https://doi.org/10.5066/P9ZXGFY3.

[91] Combined wildland fire datasets for the United States and certain territories, 1800s-Present (Accessed on September 11, 2023), U.S. Geological Survey data release. Accessed at: https://doi.org/10.5066/P9ZXGFY3.

[92] NOAA NCEI Storm Events Database (Accessed on September 11, 2023), National Centers for Environmental Information. Accessed at: https://www.noaa.gov.

Table 10: Weather and Climate Risks by Infrastructure Type

Infrastructure/ Service Type	Drought	Flooding	Wildfires	Severe Storms	Winter Storms	Freeze Events
Underground Fiber	Little to No Risk	Little to No Risk	Little to No Risk	Little to No Risk	Little to No Risk	Little to No Risk
Aerial Fiber	Little to No Risk	Little to No Risk	Moderate to High Risk	Moderate to High Risk	Moderate to High Risk	Little to No Risk
Fixed Wireless/ Satellite	Little to No Risk	Little to No Risk	Little to No Risk	Moderate to High Risk	Moderate to High Risk	Little to No Risk

Drought

Although soil tends to shrink or contract during drought events, it does not pose a significant risk to underground fiber or aerial fiber and is not applicable to wireless/satellite services. Since underground conduit is generally flexible, when the soil around it shrinks or expands the flexibility of the pipe allows it to shift as needed, thus protecting the fiber cable. For aerial routing, one potential concern may include the shifting of poles that the fiber lines are attached to due to the contraction of soil. If footings for poles are designed properly, they will account for the contraction of soil, mitigating this threat to aerial fiber routes.

Flooding

Although soil tends to expand during flooding events, it does not pose a significant risk to underground fiber or aerial fiber and is not applicable to wireless/satellite services. Underground fiber is housed in a conduit, and the fiber line itself is encased in plastic. These lines are designed to withstand both normal and extreme operating conditions. Thus, flooding should not represent a significant concern for disrupting internet service. For aerial routing, a potential concern may include the shifting of poles that the fiber lines are attached to due to the expansion of soil. If footings for poles are designed properly, they will account for the expansion of soil, mitigating this threat to aerial fiber routes.

Wildfires

Wildfires do not pose a significant risk to underground fiber since facilities are installed underground. This may, however, pose a risk to aerial fiber since the poles and fiber lines are exposed to the elements and could be in the potential path of fire. Wildfires generally don't pose a risk to wireless/satellite services unless distribution or access points are destroyed by the fires.

Severe Storms

Severe storms do not pose a significant risk to underground fiber since facilities are housed underground, away from the elements. They do, however, pose a risk to aerial fiber since the poles and fiber lines are exposed to the elements. Wind and hail have the potential to damage aerial fiber cables and the poles that they are attached to. Severe storms also pose a risk to wireless/satellite services since heavy rains and thunderstorms can completely block a satellite signal, causing service disruptions.

Winter Storms

Winter storms do not pose a significant risk to underground fiber since facilities are located underground. They do, however, pose a risk to aerial fiber since the poles and fiber lines are located above ground and are exposed. Heavy snow, blowing snow, and ice have the potential to damage aerial fiber cables and their pole attachments. These weather events can lead to

snow/ice loading on the cables and can cause, strain, sagging and even breaking of the lines, which would interrupt internet service. Winter storms also pose a risk to wireless/satellite services since heavy and blowing snow can completely block a satellite signal, causing service disruptions.

Freeze Events

Freeze events do not pose a significant risk to underground fiber since facilities are installed underground below the frost/thaw level. Aerial fiber is not at a significant risk due to freeze events since the aerial lines have insulation protecting the fiber line from the outside elements. Additionally, freeze events are not applicable to wireless/satellite services.

Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified.

Mitigation:

The following section explores mitigation strategies for the weather and climate risks that pose a moderate to high risk to broadband infrastructure or service.

Wildfires – In regions where wildfires are more common, the use of underground fiber should be considered in lieu of aerial fiber. Unlike underground fiber, aerial fiber lines are more susceptible to fire exposure, which would disturb internet service until the damaged infrastructure has been replaced. If aerial fiber is used in areas that are susceptible to wildfires, metal or steel poles could be used instead of traditional wood utility poles. Additionally, fire resistant fiber optic cables could be used. This represents a mitigation strategy, as cables are fire resistant for up to two to three hours at a temperature of almost 1400°F.

Severe Storms and Winter Storms – Regions that experience frequent severe storms and winter storms should consider the use of underground fiber lines instead of aerial fiber lines or wireless/satellite services. Aerial lines have the potential to be knocked out by these storms if they are extreme storm events, but should withstand normal storm events. This could lead to internet service outages until the damaged infrastructure has been fixed or replaced. Severe storms and winter storms also have the potential to block signal for wireless/satellite services, rendering it useless in or near a storm event. However, after the storm event has passed, wireless/satellite internet services should resume unless damage has occurred to the distribution or access points.

Summary – The use of underground fiber lines is the most reliable and trustworthy method of providing internet access to help mitigate potential climate risks. When planning for proposed internet service and expansion in North Dakota, consideration should be given to potential weather and climate risks based on the region that the proposed route(s) are located in. When exploring the use of aerial fiber, the financial benefit of aerial deployments should be weighed against the potential climate risks.

Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.

Climate risks and vulnerabilities are continuously evolving as time progresses, so it is important that the data used for assessment screenings be updated frequently to ensure that the most reliable and economic plans for internet access are provided. Risk assessment screenings should take place early in the project planning process so that appropriate design plan changes can be made according to the risks that are identified. Screenings for updated climate risks should be performed regularly or at minimum of every five years.

2.12 Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Low-Cost Broadband Service Option

Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- *All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);*
- *The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);*
- *Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate; and*
- *Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.*

Research shows that cost can be a significant barrier to broadband adoption, especially for low-income households. According to a study by the NTIA, since 2001 cost has been the second most cited reason for internet non-use by offline households, with lack of interest being the first.[93] All residents in North Dakota should have access to affordable and reliable broadband service options, regardless of income. Based on 2021 ACS data, 18% of North Dakota's population reports income levels that are 150% below the poverty level, which is three percentage points lower than the nation. These populations will require additional financial support to have access to and fully benefit from the internet. As access to internet becomes essential for participation in daily life, it becomes increasingly more important that any limitations due to socioeconomic status are mitigated.

To address this affordability need, the State Broadband Program Office will require that subgrantees receiving BEAD funds offer a low-cost broadband service option to eligible residents in the state. North Dakota will accept the suggested low-cost service option recommended in the BEAD NOFO, with a few modifications. These adjustments are detailed below in red:

- **Cost:** $30 per month or less, inclusive of all taxes, fees, and charges or $75 per month if the subscriber resides on Tribal Lands. This monthly cost may be subject to changes pending shifts in Affordably Connectivity Program (ACP) subsidy amounts. In addition, applicants may seek a waiver to increase the cost of the service plan with proof that the $30 service option is cost-prohibitive or not reasonably possible.

Note: The State Broadband Program Office welcomes comments or suggestions for alternative approaches to arrive at a price point for the Low Cost Service Option.

- **Basic Service Characteristics:**
  - **Speeds:** Provides ~~the greater of (a) typical~~ consistent and reliable download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps ~~or the fastest~~

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[93] National Telecommunications and Information Administration (accessed on May 8th 2023), Switched Off: Why Are One in Five U.S. Households Not Online? Accessed at: https://ntia.gov/blog/2022/switched-why-are-one-five-us-households-not-online.

~~speeds the infrastructure is capable or (b) the performance benchmark for fixed terrestrial broadband service~~
  - o **Latency:** Provides typical latency measurements of no more than 100 milliseconds; and
  - o **Data Caps:** Is not subject to data caps or usage-based throttling.
- **Affordable Connectivity Benefits Application:** Allows the end user to apply the Affordable Connectivity Benefit subsidy, pending program continuation to the service price and encourages ISPs to raise awareness of their participation in ACP. Subgrantees will be required to participate in any successor program to ACP if the program is not renewed.
- **Available Technical Upgrades:** Permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.

ACP is one of the largest programs in North Dakota aimed at lowering the cost barrier for internet adoption and is a crucial resource for residents. Based on data from the Education SuperHighway, a national nonprofit organization focused on closing the digital divide, North Dakota's ACP participation rate is 11% (compared to the national participation rate of 34%). Of the 114,650 ACP eligible households in North Dakota, 12,438 are enrolled in ACP as of May 2023. While ACP participation is an important effort for the state, many low-income households who are unwilling or unable to pay for internet coverage may need additional financial assistance. By requiring subgrantees to provide a low-cost service option, the State Broadband Program Office intends to mitigate this affordability barrier and promote widespread broadband adoption statewide. The State Broadband Program Office intends to utilize consumer pricing benchmarks and income-focused data analysis so that pricing for low-cost broadband service continues to be reasonable in subsequent years.

2.12.2 Check Box: Affordable Connectivity Program Participation Requirement

Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

The State Broadband Program Office certifies that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

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2.13 Middle-Class Affordability Plans

2.13.1 Middle-Class Affordability Plan

Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

The affordability of broadband services for middle-class households is a priority for North Dakota's State Broadband Program Office. PEW defines "middle-class" as those earning between two-thirds and twice the median household income.[94] Based on ACS data from 2021, this puts the range for North Dakota between $45,420 and $136,262.[95] Nearly half of the households in North Dakota fall within this range. Increasing middle-class affordability is therefore essential due to the high volume of residents that this would impact. The State Broadband Program Office intends to increase broadband affordability for residents by employing the following two tactics:

Affordability Scoring Criteria

In compliance with BEAD requirements, the State Broadband Program Office is including affordability within its scoring criteria. More specifically, the State Broadband Program Office will benchmark the costs committed by prospective subgrantees to the Low-Cost Service Option of $30, as outlined in **Section 2.12.** Applicants that commit to a service package cost at 1 Gbps/1 Gbps download and upload speeds, inclusive of taxes, fees, and additional charges, less than or equal to the Low-Cost Service Option will receive full credit. More expensive packages will receive a percentage of points available, reflective of their percent difference from the Low-Cost Service Option. The inclusion of this criteria will encourage increased affordability amongst proposed service offerings.

Collaboration with Service Providers through Broadband Infrastructure Working Group

As detailed in **Section 2.2,** the State Broadband Program Office intends to establish a Broadband Infrastructure Working Group, whose membership will include internet service providers. The State will leverage this working group to collectively identify opportunities to increase affordability for middle-class families. This group will primarily help identify and provide proposed solutions to broadband challenges, including issues of affordability. This group will also explore the feasibility of developing partnerships, especially public-private partnerships, to amplify the effects of state and federal grant funding for broadband.

In order to promote increased broadband affordability for middle-class households, the State Broadband Program Office will establish a regime of continued subgrantee monitoring and public reporting.

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[94] PEW Charitable Trusts (published August 30, 2023). Is Broadband Affordable for Middle-Class Families? Accessed on September 12, 2023. Accessed at: https://www.pewtrusts.org/en/research-and-analysis/articles/2023/08/30/is-broadband-affordable-for-middle-class-families.

[95] United States Census American Community Survey (published in 2021), Income in the Past 12 Months (In 2021 Inflation-Adjusted Dollars). Accessed at: https://data.census.gov/table?g=040XX00US38&d=ACS+5-Year+Estimates+Subject+Tables&tid=ACSST5Y2021.S1901.

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2.14 Use of 20 Percent of Funding (Requirement 17)

2.14.1 Planned use of Funds

If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

The State Broadband Program Office is requesting 100% of the State of North Dakota's $130.2M BEAD allocation. Specific uses of the State's BEAD allocation are currently in development by the State Broadband Program Office in the Initial Proposal Request for Funding. This document will be submitted to the NTIA along with the Initial Proposal. A high-level overview of the intended uses is detailed below.

To support the State's goal of becoming the first to achieve 100% coverage, the State Broadband Program Office intends to fully fund the maximum number of deployment projects after completion of the subgrantee selection process to expedite the timeline of deployment. The State Broadband Program Office only intends to begin funding non-deployment activities after ensuring that all unserved and underserved locations will be funded. Full funding will allow the state to administer the planned initiatives as expeditiously as possible.

The State Broadband Program Office intends to comply with the parameters for deployment projects outlined in the BEAD NOFO, which states that all deployment projects fully funded before approval of the Final Proposal must 1) consist of at least 80% unserved locations, and 2) be in locations in which the percentage of individuals with a household income at or below 150% of the poverty line is higher than the national percentage of such individuals.

2.14.2 Financial Data Entry: Initial Proposal Funding Request

Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter '$0.00.'

The State Broadband Program Office requests $130,162,815.12.

2.14.3 Check Box: Adherence to BEAD Program Requirements

Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable."

The State Broadband Program Office certifies that it will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 Regulatory Approach

- *Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.*

- *If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.*

The State Broadband Program Office will waive all laws concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

2.15.2 Optional Attachment: List of Laws Not Waived for BEAD Program

As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Not Applicable

2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Certification of Compliance

Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

The North Dakota State Broadband Program Office certifies that it intends to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 Description of Subgrantee Accountability Procedures

Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

- *Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);*
- *The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*
- *Timely subgrantee reporting mandates; and*
- *Robust subgrantee monitoring practices.*

The State Broadband Program Office has developed various subgrantee accountability procedures to maintain the integrity of its BEAD projects. This will be done through the following measures.

Distribution of Funding

Funding will be distributed to subgrantees on a reimbursement basis as project milestones and timelines have been met. The BEAD Program stipulates that subgrantees must deploy the planned broadband network and begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant. The State Broadband Program Office will only disburse funds for completed deployments that comply with the terms included in the successful application and will withhold funds for failure to do so.

Additionally, the State will retain the last 10% of every subgrant award until all contractual obligations have been met.

Clawback Provisions

The State Broadband Program Office will instate penalties for subgrantees who have not met the outlined expectations. These penalties include clawback provisions, which will work to recover disbursed funds. Subgrantees will be required to meet all commitments outlined in their applications and subsequent contracts. In the case of non-performance, the State will require reimbursement for the amount distributed plus interest. The State and its subgrantees will enter into a contractually binding agreement to ensure compliance with such provisions.

Timely Subgrantee Reporting Mandates

Reporting from subgrantees will be strictly enforced by the State Broadband Program Office. Subrecipients will be required to submit semi-annual reports. Subgrantees will be required to adhere to reporting requirements outlined beginning on page 90 of the BEAD NOFO. These

requirements include descriptions of projects/activities carried out with the subgrant and demonstrations of compliance with set standards. More detail on the specifics of the requirements is included below:

1. Include a list of addresses or location identifications (including the Broadband Serviceable Location Fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project;

2. Identify new locations served within each project area at the relevant reporting intervals, and service taken (if applicable);

3. Identify whether each address or location is residential, commercial, or a community anchor institution;

4. Describe the types of facilities that have been constructed and installed;

5. Describe the peak and off-peak actual speeds of the broadband service being offered;

6. Describe the maximum advertised speed of the broadband service being offered;

7. Describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;

8. List all interconnection agreements that were requested, and their current status;

9. Report the number and amount of contracts and subcontracts awarded by the subgrantee disaggregated by recipients of each such contract or subcontracts that are MBEs or WBEs;

10. Include any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects;

11. Include an SF-425, Federal Financial Report and meet the requirements described in the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020), Section A.01 for Financial Reports;

12. For projects over $5,000,000 (based on expected total cost):

    a. A subgrantee may provide a certification that, for the relevant Project, all laborers and mechanics employed by contractors and subcontractors in the performance of such Project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a Recipient must provide a project employment and local impact report detailing:

        i.   The number of contractors and subcontractors working on the Project;

        ii. The number of workers on the Project hired directly and hired through a third party;

        iii. The wages and benefits of workers on the Project by classification; and

        iv. Whether those wages are at rates less than those prevailing.

    b. If a subgrantee has not provided a certification that a Project either will use a unionized project workforce or includes a project labor agreement, meaning a pre-

hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)), then the subgrantee must provide a project workforce continuity plan, detailing:

    i.   Steps taken and to be taken to ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed in a competent manner throughout the life of the project (as required in Section IV.C.1.e), including a description of any required professional certifications and/or in-house training, Registered Apprenticeships or labor-management partnership training programs, and partnerships with entities like unions, community colleges, or community based groups;

    ii.   ii. Steps taken and to be taken to minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;

    iii.   Steps taken and to be taken to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors), including issues raised by workplace safety committees and their resolution;

    iv.   The name of any subcontracted entity performing work on the project, and the total number of workers employed by each such entity, disaggregated by job title; and

    v.   Steps taken and to be taken to ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.

13. Comply with any other reasonable reporting requirements determined by the Eligible Entity to meet the reporting requirements established by the Assistant Secretary; and certify that the information in the report is accurate.

Subgrantees must maintain sufficient records to substantiate all information above upon request.

Robust Subgrantee Monitoring Practices

The State Broadband Program Office will develop monitoring plans, subject to the approval of the Assistant Secretary, which may include site visits, desk reviews, technical assistance, random sampling, internal compliance reviews, and initial and continuous risk assessments. Each of these seven tactics are explained in greater detail below:

- **Site Visits:** The State Broadband Program Office will conduct site visits. The purpose of such visits is to verify that project construction is underway and on track. Observations and progress will be documented upon completion of each visit.

- **Desk Reviews:** The State Broadband Program Office will conduct routine desk reviews to evaluate the subgrantee's management of their subgrant. The purpose of these reviews is to confirm that funds are being used for authorized purposes and that the subgrantee is compliant with the appropriate guidelines and agreements.

- **Technical Assistance:** Within the capacity of the State, technical assistance will be provided by the State Broadband Program Office to subgrantees upon request.

- **Random Validations:** The State Broadband Program Office will conduct random evaluations of subgrantees to confirm that subgrant funding is being efficiently and adequately used. Occasional check-ins will offer the State visibility into the day-to-day management of funds and will encourage consistent subgrantee compliance.
- **Internal Compliance Reviews:** The State Broadband Program Office will conduct internal compliance reviews which will confirm alignment with set regulations. The purpose of these internal reviews is to check that important standards are being met with regards to organization, finances, and project management plans.
- **Initial and Continuous Risk Assessment:** Risk assessments will be required for all subgrantees and will include risk identification, qualitative assessment, risk response planning, risk monitoring and control, risk reporting, and change requests and lessons learned. Through these steps, subgrantees can plan and prepare for all possibilities and identify new potential risks throughout the duration of the project.
- **Closeout Process:** The State Broadband Program Office will require a closeout report to be created and submitted. This closeout report will include confirmation that all contractual obligations have been met.

These monitoring requirements will be adequately communicated beforehand to subgrantees. The State Broadband Program Office will publicize these requirements throughout the subgrantee selection process through a variety of mechanisms. Information and links to these requirements will also be shared at https://broadband.nd.gov.

2.16.3 Civil Rights and Nondiscrimination

Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

The State Broadband Program Office will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Subgrantee Compliance with Cybersecurity and Supply Chain Risk Management Requirements

Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO.

The State Broadband Program Office certifies that it will take the necessary affirmative steps to ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;

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- The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.

Supply Chain Risk Management (SCRM)

- The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.

2.17 Volume II Public Comment

2.17.1 Description and Summary of Public Comments

Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- *The public comment period was no less than 30 days; and*
- *Outreach and engagement activities were conducted to encourage feedback during the public comment period.*

2.17.2 Optional Attachment: Supplemental Materials

As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

2.18 Appendix

2.18.1 Tribal Consultation Notes and Agenda

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State of North Dakota
Tribal Consultation Agenda: Mandan, Hidatsa and Arikara Nation

</div>

Purpose

The State of North Dakota is developing two plans to secure federal broadband funding: (1) the Five-Year Action Plan for the Broadband Equity, Access, and Deployment (BEAD) Program and (2) the Digital Equity Plan for the State Digital Equity Planning Grant Program. Together, these programs aim to increase broadband access and promote digital opportunity throughout North Dakota.

In accordance with this effort, the state has launched a stakeholder engagement process, including consultations with state agencies, external organizations, and Tribal leaders, to gain a thorough understanding of current initiatives and goals related to broadband and digital equity. These meetings are designed to gather information on resident and industry perspectives and current resources, guide investment of funds, and inform effective policy recommendations.

Meeting Information	
Meeting Title	MHA Nation Broadband Consultation
Date, Time	Tuesday, August 15, 2023, 3:00 pm CT
Location	MHA Nation Satellite Office

Invocation and Opening Remarks (10 minutes)
- Tribal leader or elder begins with an opening invocation
- NDIT reviews role and meeting purpose and facilitates introductions

Broadband Programs Overview (10 minutes)
- NDIT provides overview of the Broadband, Equity, and Deployment (BEAD), Digital Equity (DE), and Tribal Broadband Connectivity Program (TBCP), including program timelines

Discussion: MHA Nation's Perspectives (90 minutes)

Current State of Broadband
1) What is the MHA Nation's perspective on the current broadband environment in North Dakota? (What is working well? Are there any major gaps?)

• It is very limited other than what is in notices or emails and what is discussed at Tribal conferences
   • The MHA Nation realizes that broadband is important but is in the "infancy" stages of planning
   • Broadband may be a barrier for moving forward on investment programs (such as energy)

2) What concerns are being raised within MHA Nation related to broadband access and/or current programs?
• See Question 5 below
3) What impacts is MHA Nation anticipating from BEAD/Digital Equity/TBCP activities across the community? What does success across these programs look like?
• They may have received a small TBCP grant – they are looking for a larger grant to help reimburse them for setting up towers
4) Does current infrastructure across MHA Nation support broadband connectivity expansion?
• *Did not discuss*
Broadband Infrastructure Needs

5) What is considered the primary barrier to internet access within MHA Nation—physical connectivity access (including equipment) and availability, cost and affordability, or digital literacy and skills?	
• Not all households have the same access to connectivity • A lot of membership are accustomed to the way things are – a significant number say they do not have email • They learned about connectivity during the pandemic – for example, most people did not have a connection for online learning • General hesitancy and distrust represents an obstacle – there is a reluctance to use technology amongst most of the population other than younger individuals • Science is advancing for both bad and good – it is important for the Tribe to be prepared for these advancements • Some members do not have access to cable TV • Individuals in socioeconomic poverty face additional barriers navigating, using, and adopting the internet. • Due to cybersecurity concerns, many Tribal members prefer to pay bills with cash than online – part of the concern is that developing broadband will also increase cybersecurity risks • Benefits (such as internet medicine/telehealth) need to be listed out in order to encourage buy-in	

6) Does MHA Nation anticipate any challenges related to infrastructure expansion (e.g., climate impacts)?	
• *Did not discuss*	

Digital Opportunity

7) Is MHA Nation participating in the Digital Equity Program or in TBCP to further digital inclusion initiatives?	
• See notes above about TBCP	
8) Does MHA Nation have any other initiatives related to broadband internet access and adoption? If not, what role do you think the tribe can take in helping to improve digital inclusion?	
• During the pandemic, the Tribe bought its members laptops/mini iPads. This was helpful, as the schools stayed shut down longer than schools in the rest of the state • There were efforts to connect students who did not have internet at home (e.g. free internet connections)	
9) How can MHA Nation engage the community about broadband access and adoption initiatives? Would outreach take multiple languages/formats?	
• It will be important to demonstrate to tribal members the opportunities that broadband access and use can facilitate	

Collaboration with Internet Service Providers (ISPs)

10) Does MHA Nation operate its own ISP or have any established relationships with ISPs? If so, which ISPs are collaborating or have a presence within MHA Nation?	
• Collaboration is minimal at this point	
11) Is there interest or outreach underway to establish relationships with other ISPs?	
• *Did not discuss*	
12) Are there any known regulations complicating an ISP's broadband implementation efforts within MHA Nation?	
• *Did not discuss*	

Workforce Development

13) What are some of the key workforce concerns within MHA Nation?	
• The Tribe would be very supportive of broadband deployment • Past workforce development efforts have surrounded energy • The Tribe has encountered challenges getting basic workforce. This results in issues with keeping restaurants open, etc.	
14) What workforce planning initiatives are currently taking place?	

a.   Do any of these initiatives support digital skills training or technology education?   b.   How are these initiatives funded?
•   *Did not discuss*
15) What opportunities does MHA Nation see for the State, BEAD, and Digital Equity programs to help advance workforce initiatives?
•   *Did not discuss*

Wrap Up and Next Steps (10 minutes)

- What resources or guidance related to broadband access and adoption would MHA Nation find helpful for the future?
- What topics should be further discussed with NDIT in future meetings?

State of North Dakota
Tribal Consultation Notes: Turtle Mountain Tribe

Purpose
The State of North Dakota is developing two plans to secure federal broadband funding: (1) the Five-Year Action Plan for the Broadband Equity, Access, and Deployment (BEAD) Program and (2) the Digital Equity Plan for the State Digital Equity Planning Grant Program. Together, these programs aim to increase broadband access and promote digital opportunity throughout North Dakota.

In accordance with this effort, the state has launched a stakeholder engagement process, including consultations with state agencies, external organizations, and Tribal leaders, to gain a thorough understanding of current initiatives and goals related to broadband and digital equity. These meetings are designed to gather information on resident and industry perspectives and current resources, guide investment of funds, and inform effective policy recommendations.

Meeting Information	
Meeting Title	North Dakota Broadband Development Plan
Date, Time	Thursday, June 15, 1:30 pm CT
Location	Turtle Mountain Reservation

Opening Remarks and Introductions (10 minutes)
- Tribal leader facilitates introductions
- NDIT reviews role and meeting purpose

Broadband Programs Overview (10 minutes)
- NDIT provides overview of the Broadband, Equity, and Deployment (BEAD), Digital Equity (DE), and Tribal Broadband Connectivity Program (TBCP), including program timelines

Discussion: Turtle Mountain Tribe's Perspectives (90 minutes)

Current State of Broadband
16) What is Turtle Mountain's perspective on the current broadband environment in North Dakota? (What is working well? Are there any major gaps?)
- Major areas are fine, but rural areas vary; broadband is a necessity for quality of life   - Installed fiber a few years ago   - Reiterated uniqueness of tribal colleges/nimbleness—they can modify course offerings to address specific workforce issues (e.g., CNA programs)   - Cybersecurity—how do they protect their records as a sovereign nation   - They would like to move more services online, but there is pushback, because individuals have done things offline/in person for so long   - Social media use by the tribe has grown significantly   - ARPA economic impact payments were done online, but other services are not all online   - Trying to digitize records currently
17) What concerns are being raised within Turtle Mountain related to broadband access and/or current programs?
- Tribal trust lands are leased out   - They have taxable land within their exterior boundaries—checkerboard tribe
18) What impacts is Turtle Mountain anticipating from BEAD/Digital Equity/TBCP activities across the community? What does success across these programs look like?

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• *Did not discuss*
19) Does current infrastructure across Turtle Mountain support broadband connectivity expansion?
• *Did not discuss*
Broadband Infrastructure Needs
20) What is considered the primary barrier to internet access within Turtle Mountain Tribe—physical connectivity access (including equipment) and availability, cost and affordability, or digital literacy and skills?
• All of these items are important barriers—details may vary by location
21) Does Turtle Mountain anticipate any challenges related to infrastructure expansion (e.g., climate impacts)?
• *Did not discuss*
Digital Opportunity
22) Is Turtle Mountain participating in the Digital Equity Program or in TBCP to further digital inclusion initiatives?
• They will pull their TCBP plan to understand key uses for funds
23) Does Turtle Mountain have any other initiatives related to broadband internet access and adoption? If not, what role do you think the tribe can take in helping to improve digital inclusion?
• College has a program with cybersecurity and network admin students; students are paired with tribal elders to offer assistance • They need work with the social aspect of technology • Turtle Mountain paid for computers and internet service for students and staff
24) How can Turtle Mountain engage the community about broadband access and adoption initiatives? Would outreach take multiple languages/formats?
• *Did not discuss*
Collaboration with Internet Service Providers (ISPs)
25) Does Turtle Mountain operate its own ISP or have any established relationships with ISPs? If so, which ISPs are collaborating or have a presence within Turtle Mountain Tribe?
• Fiber doesn't reach residents far west, so they rely on satellite communication • Service is fairly reliable; speeds are likely not as fast as larger cities, but cost is the primary issue
26) Is there interest or outreach underway to establish relationships with other ISPs?
• *Did not discuss*
27) Are there any known regulations complicating an ISP's broadband implementation efforts within Turtle Mountain Tribe?
• *Did not discuss*
Workforce Development
28) What are some of the key workforce concerns within Turtle Mountain?
• There is a cybersecurity program at the college, but there is a lack of jobs • Technology business hub would be helpful here—help small businesses to reach investment outside the reservation

29) What workforce planning initiatives are currently taking place?
    a. Do any of these initiatives support digital skills training or technology education?
    b. How are these initiatives funded?

• Summer programs for students • Tribal entity is an online lender; all services are done through MN office due to difficulties with where they're located
30) What opportunities does Turtle Mountain see for the State, BEAD, and Digital Equity programs to help advance workforce initiatives?
• Create jobs—there are just no jobs; partnerships with large organizations would be useful

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• Tech desert on the reservation; Large grocery store is 30 minutes away

Next Steps
31) What resources or guidance related to broadband access and adoption would Turtle Mountain find helpful for the future?
• *Did not discuss*
32) What topics should be further discussed with NDIT in future meetings?
• *Did not discuss*

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State of North Dakota
Tribal Consultation Notes: Spirit Lake Tribe

Purpose

The State of North Dakota is developing two plans to secure federal broadband funding: (1) the Five-Year Action Plan for the Broadband Equity, Access, and Deployment (BEAD) Program and (2) the Digital Equity Plan for the State Digital Equity Planning Grant Program. Together, these programs aim to increase broadband access and promote digital opportunity throughout North Dakota.

In accordance with this effort, the state has launched a stakeholder engagement process, including consultations with state agencies, external organizations, and Tribal leaders, to gain a thorough understanding of current initiatives and goals related to broadband and digital equity. These meetings are designed to gather information on resident and industry perspectives and current resources, guide investment of funds, and inform effective policy recommendations.

Meeting Information	
Meeting Title	North Dakota Broadband Development Plan
Date, Time	Thursday, June 15, 9:00 am CT
Location	Spirit Lake Casino Executive Room

Invocation and Opening Remarks (10 minutes)

- Tribal leader or elder begins with an opening invocation
- NDIT reviews role and meeting purpose and facilitates introductions

Broadband Programs Overview (10 minutes)

- NDIT provides overview of the Broadband, Equity, and Deployment (BEAD), Digital Equity (DE), and Tribal Broadband Connectivity Program (TBCP), including program timelines

Discussion: Spirit Lake Tribe's Perspectives (90 minutes)

- Current State of Broadband
- Broadband Infrastructure Needs
- Digital Opportunity
- Collaboration with Internet Service Providers (ISPs)
- Workforce Development
- Next Steps

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2.18.2 Stakeholder Activities

Activity / Meeting Title	Activity / Meeting Purpose	Engagement Mechanism	Date	Total # Engag-ed	Organization(s)	Covered Populations Reached
Midco ND Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/8/2023	1	Midco	-
ND Highway Patrol Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/9/2023	1	North Dakota Highway Patrol	-
BAND Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	5/9/2023	1	Broadband Association of North Dakota (BAND)	-
UND Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/11/2023	2	University of North Dakota	-
NDLC Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/11/2023	1	North Dakota League of Cities	-
ND State Library Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/11/2023	2	North Dakota State Library	Low-Income Populations, Aging Populations, Rural Populations
ND Dept. of Emergency Services Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/12/2023	1	North Dakota Department of Emergency Services	-
NTCA North Dakota Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/12/2023	2	NTCA - The Rural Broadband Association	-
NDDOCR Broadband Discussion with NDIT	Stakeholder Interview	In-person Meeting	5/15/2023	1	North Dakota Department of Corrections and Rehabilitation	Incarcerated Individuals
Dept. of Labor and Human Rights Broadband Discussion	Stakeholder Interview	In-person Meeting	5/15/2023	1	North Dakota Department of Labor and Human Rights	-
ND Dept of Commerce Broadband Discussion	Stakeholder Interview	In-person Meeting	5/16/2023	1	North Dakota Department of Commerce, Community Services Division	Low-Income Populations, Rural Populations
Public Service Commission	Stakeholder Interview	In-person Meeting	5/16/2023	2	North Dakota Public Service Commission	-

Broadband Discussion						
Rep. Corey Mock Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/16/2023	1	North Dakota Legislative Branch	-
ND 911/State Radio Broadband Discussion	Stakeholder Interview	In-person Meeting	5/17/2023	3	North Dakota Department of Emergency Services, State Radio Division	-
Dept. of Commerce Workforce Development Broadband Discussion	Stakeholder Interview	In-person Meeting	5/17/2023	1	North Dakota Department of Commerce, Workforce Division	-
Lt. Governor Miller Broadband Discussion	Stakeholder Interview	In-person Meeting	5/17/2023	2	North Dakota Office of the Governor, Office of the Lt. Governor	-
ND HHS Broadband Discussion	Stakeholder Interview	In-person Meeting	5/17/2023	1	North Dakota Department of Health and Human Services	Low-Income Populations, Aging Populations, Disabled Populations
NDDVA Broadband Discussion	Stakeholder Interview	In-person Meeting	5/18/2023	1	North Dakota Department of Veterans Affairs	Veterans
Dept. of Water Resources Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/19/2023	4	North Dakota Department of Water Resources	-
AARP Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	5/19/2023	2	AARP of North Dakota	Aging Populations
ND Insurance Department Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/22/2023	1	North Dakota Insurance Department	-
UND Center for Rural Health Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/22/2023	1	University of North Dakota Center for Rural Health	Rural Populations, Aging Populations, Racial/Ethnic Minority Groups
ND Dept. of Transportati on Broadband Discussion	Stakeholder Interview	Virtual Meeting	5/22/2023	6	North Dakota Department of Transportation	-

ND Assistive Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	5/23/2023	1	North Dakota Assistive	Disabled Populations, Aging Populations
ND Farm Bureau Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	5/24/2023	1	North Dakota Farm Bureau	Rural Populations
ND Vocational Rehab Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	5/24/2023	1	North Dakota Vocational Rehabilitation	Disabled Populations, Aging Populations
Broadband Association of North Dakota (BAND) Member Survey	Stakeholder Survey	Online Survey	5/30/2023	-	Broadband Association of North Dakota (BAND)	-
ND League of Cities Broadband Member Survey	Stakeholder Survey	Online Survey	6/1/2023	-	League of Cities	-
Job Service Meeting with NDIT	Stakeholder Interview	In-person Meeting	6/2/2023	2	Job Service North Dakota	Veterans
NDDPI Broadband Discussion	Stakeholder Interview	In-person Meeting	6/2/2023	2	North Dakota Department of Public Instruction	-
NDPRD Broadband Discussion with NDIT	Stakeholder Interview	In-person Meeting	6/2/2023	1	North Dakota Parks and Recreation Department	-
Rep. Glenn Bosch Broadband Discussion	Stakeholder Interview	In-person Meeting	6/2/2023	1	North Dakota Legislative Branch	-
NDIT Broadband Focus Group: Senior Services	Focus Group	Virtual Meeting	6/5/2023	4	Minot Commission on Aging, Valley Senior Services, North Dakota Assistive, Greater Grand Forks Senior Center	Aging Populations, Disabled Populations
NDIT Broadband Focus Group: Veterans	Focus Group	Virtual Meeting	6/5/2023	4	Job Service North Dakota, Volunteers of America – Dakotas Homeless Veterans Program, Rebuilding	Veterans, Low-Income

					Together, North Dakota Cares	
CWA Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	6/5/2023	1	Communication Workers of America	-
NDIT Broadband Focus Group: Tribal Colleges	Focus Group	Virtual Meeting	6/6/2023	3	Cankdeska Cikana Community College, Nueta Hidatsa Sahnish College, Turtle Mountain Community College	Racial/Ethnic Minority Groups, Rural Populations
Dept. of Agriculture Broadband Discussion	Stakeholder Interview	Virtual Meeting	6/6/2023	3	North Dakota Department of Agriculture	Rural Populations
NDIT Broadband Focus Group: Low-Income Populations	Focus Group	Virtual Meeting	6/6/2023	4	Center for Social Research at North Dakota State University, US Dept of Housing and Urban Development North Dakota Office, Roosevelt Custer Regional Council, West Fargo Public Library	Low-Income Populations, Aging Populations, Rural Populations
ND Secretary of State Broadband Discussion	Stakeholder Interview	Virtual Meeting	6/6/2023	2	North Dakota Office of the Secretary of State	-
Watford City Food Truck Rodeo	Public Outreach Event	In-person Event	6/9/2023	-	-	-
Lake Region Arts Festival	Public Outreach Event	In-person Event	6/10/2023	-	-	-
NDIT Broadband Focus Group: Rural Economic Development	Focus Group	Virtual Meeting	6/12/2023	6	Community Action Partnership of North Dakota, Microsoft TechSpark – North Dakota, US Small Business Administration – North Dakota District, North Dakota Association of	Rural Populations, Low-Income Populations, Aging Populations, Veterans

					Rural Electric Cooperatives (NDAREC)	
NDIT Broadband Focus Group: Workforce Development	Focus Group	Virtual Meeting	6/12/2023	7	Emerging Digital Academy, North Dakota Association for Lifelong Learning, North Dakota Vocational Rehabilitation, TrainND Southeast, Community Action Partnership of North Dakota, TrainND Southwest	Low Literacy/Language Barrier Populations, Rural Populations, Low-Income Populations, Disabled Populations, Veterans
NDSU Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	6/12/2023	3	North Dakota State University Information Technology	-
NDIT Broadband Focus Group: Disability Services	Focus Group	Virtual Meeting	6/13/2023	4	The Arc of North Dakota, Family Voices of North Dakota, Communication Service for the Deaf Inc, North Dakota Association for the Disabled	Disabled Populations
NDACO Broadband Discussion with NDIT	Stakeholder Interview	Virtual Meeting	6/13/2023	3	North Dakota Association of Counties	Rural Populations
North Dakota Broadband Development Plan: Spirit Lake Nation	Tribal Consultation	In-person Meeting	6/15/2023	10	Spirit Lake Nation	Rural Populations, Racial/Ethnic Minorities
North Dakota Broadband Development Plan: Turtle Mountain Consultation	Tribal Consultation	In-person Meeting	6/15/2023	10	Turtle Mountain Band of Chippewa	Rural Populations, Racial/Ethnic Minorities
NDSU Broadband Discussion: Extension and Agriculture	Stakeholder Interview	Virtual Meeting	6/21/2023	4	North Dakota State University Agriculture Extension & Research/Agricu	Rural Populations

					Itural Experiment Station	
North Dakota Government to Government Conference	Conference	In-person Event	6/22/2023	-	-	-
BEAD/DE Follow Up Discussion: Turtle Mountain	Stakeholder Interview	Virtual Meeting	7/7/2023	4	Turtle Mountain Band of Chippewa	-
Game and Fish Dept Broadband Discussion	Stakeholder Interview	Virtual Meeting	7/11/2023	1	North Dakota Game and Fish Department	-
BAND Summer Conference	Conference	In-person Event	7/11/2023		Broadband Association of North Dakota (BAND)	-
Industrial Commission Discussion with NDIT	Stakeholder Interview	Virtual Meeting	7/12/2023	1	North Dakota Industrial Commission	-
West River Community Center Pool Party	Public Outreach Event	In-person Event	7/13/2023	-	-	-
Jamestown Arts Market	Public Outreach Event	In-person Event	7/13/2023	-	-	-
Mandan, Hidatsa, and Arikara Nation (MHA Nation)	Tribal Consultation	In-person Event	8/15/2023	-	MHA Nation Tribe	Rural Populations, Racial/Ethnic Minorities

2.18.3 Stakeholder List

Stakeholder Name	Locality / Region / City	Stakeholder Type	Individuals who live in covered (low income) households	Aging individuals (60+)	Incarcerated Individuals (non-federally)	Veterans	Individuals with disabilities	Individuals with a language barrier/low literacy	Individuals who are members of a racial or ethnic minority group	Individuals who primarily reside in a rural area
AARP North Dakota	Statewide	Nonprofit organization		X						
BEK Communications Cooperative (BAND member)	South-Central North Dakota	Internet service provider								
Broadband Association of North Dakota (BAND)	Statewide	Internet service provider								
Cankdeska Cikana Community College	Spirit Lake Reservation	Higher education institution							X	
Communication Service for the Deaf, Inc	Statewide	Organization representing individuals with disabilities					X			
Communication Workers of America	Statewide	Labor organization or union								x
Consolidated Telcom (BAND member)	Southwest North Dakota	Internet service provider								
Dakota Central (BAND member)	Jamestown, Carrington	Internet service provider								
Dickey Rural Networks (BAND member)	Southeast ND (rural focus)	Internet service provider								
Emerging Digital Academy	Fargo	Workforce Development Organization								
Family Voices of North Dakota	Statewide	Nonprofit organization					X			
Greater Grand Forks Senior Citizens Association, Inc	Grand Forks	Nonprofit organization		X						
Job Service North Dakota	Statewide	State agency	X			X				

Organization	Location	Type						
Microsoft TechSpark - North Dakota	Statewide	Economic development organization						
Midco	Fargo, Jamestown, Grand Forks	Internet service provider						
Minot Comission on Aging	Region 2	Organization representing aging individuals (60+)	X					
MLGC (BAND member)	Bimarck	Internet service provider						
ND Cares	Statewide	Nonprofit organization			X			
NDSU Center for Social Research, North Dakota Compass/Kids Count	Statewide	Higher education institution						X
Nemont (BAND member)	Northwest corner ND	Internet service provider						
North Dakota Assistive	Statewide	Nonprofit organization	X			X		
North Dakota Association for Lifelong Learning	Statewide	Adult education agency					X	
North Dakota Association for the Disabled (NDAD)	Statewide	Organization representing individuals with disabilities				X		
North Dakota Association of Counties	Statewide	County or municipal government						
North Dakota Association of Rural Electric Cooperatives (NDAREC)	Statewide	Economic development organization						
North Dakota Department of Agriculture/Agriculture Commissioner	Statewide	State agency						X
North Dakota Department of Commerce	Statewide	State agency	X					
North Dakota Department of Corrections and Rehabilitation	Statewide	State agency		X				
North Dakota Department of Emergency Services	Statewide	State agency						

Organization	Coverage	Type	1	2	3	4	5	6	7	8
North Dakota Department of Health & Human Services	Statewide	State agency	X	X			X			
North Dakota Department of Information Technology	Statewide	State agency								
North Dakota Department of Labor and Human Rights	Statewide	State agency		X			X		X	
North Dakota Department of Parks and Recreation	Statewide	State agency								
North Dakota Department of Public Instruction	Statewide	State agency	X				X	X	X	
North Dakota Department of Transportation	Statewide	State agency								
North Dakota Department of Veterans Affairs	Statewide	State agency				X				
North Dakota Department of Water Resources	Statewide	State agency								
North Dakota Farm Bureau	Statewide	Nonprofit organization								X
North Dakota Game and Fish Department	Statewide	State agency								X
North Dakota Governor's Office	Statewide	State agency								
North Dakota Highway Patrol	Statewide	State agency								
North Dakota Indian Affairs Commission	Statewide	State agency							X	
North Dakota Insurance Department	Statewide	State agency								
North Dakota League of Cities	Statewide	County or municipal government								
North Dakota Legislative Branch	Statewide	State agency								
North Dakota Lt. Governor	Statewide	State agency								
North Dakota Public Service Commission	Statewide	State agency								
North Dakota Secretary of State	Statewide	State agency								
North Dakota State Library	Statewide	Community anchor institution								
North Dakota State Radio (911)	Statewide	State agency								

North Dakota State University	Statewide	Higher education institution								
North Dakota State University Extension	Statewide	Higher education institution								*X*
North Dakota Telephone Company (BAND member)	Northeast ND around Devils Lake	Internet service provider								
North Dakota Township Officers Association	Statewide	County or municipal government								
North Dakota Vocational Rehabilitation	Statewide	State agency					*X*			
Northwest Communications Cooperative (BAND member)	Northwest ND	Internet service provider								
NTCA - The Rural Broadband Association	Nationwide	Internet service provider								*X*
Nueta Hidatsa Sahnish (NHS) College	Fort Berthold Reservation	Higher education institution							*X*	
Polar Communications (BAND member)	Northeast ND, surrounding Grand Forks	Internet service provider								
Rebuilding Together	Bismarck and Mandan	State agency				*X*				
Red River Communications (BAND member)	SE ND between Fargo and Wahpeton	Internet service provider								
Roosevelt Custer Regional Council	Region 8	Nonprofit organization	X							
RTC Networks (BAND member)	West-central ND between Minot and Williston	Internet service provider								
Sisseton Wahpeton Oyate Nation	Sisseton-Wahpeton/Lake Traverse Reservation	Tribal government or organization							*X*	
Spirit Lake Nation	Spirit Lake Reservation	Tribal government or organization							*X*	
SRT Communications, Inc. (BAND member)	Minot, North Central ND	Internet service provider								

Organization	Area Served	Type						
Standing Rock Sioux Tribe	Standing Rock Reservation	Tribal government or organization					X	
The Arc of North Dakota	Statewide	Organization representing individuals with disabilities				X		
Three Affiliated Tribes - Mandan, Hidatsa, & Arikara (MHA) Nation	Fort Berthold Reservation	Tribal government or organization					X	
Train ND Southeast - Fargo	Fargo	Workforce Development Organization						
Train ND Southwest - Bismarck	Bismarck	Workforce Development Organization						
Turtle Mountain Band of Chippewa	Turtle Mountain Reservation	Tribal government or organization					X	
Turtle Mountain Community College	Turtle Mountain Reservation	Higher education institution					X	
U.S. Small Business Administration - North Dakota District	Statewide	Economic development organization			X			
UND Center for Rural Health	Statewide	Community anchor institution		X			X	X
United & Turtle Mountain Communications (BAND member)	North/NE ND	Internet service provider						
United Tribes Technical College	Statewide	Higher education institution					X	
United Way of Dickinson	Greater Dickinson	Nonprofit organization	X					
University of North Dakota	Statewide	Higher education institution						
US Dept of Housing and Urban Development (HUD) - ND - Fargo Field office	Statewide	Federal government	X					
USDA Rural Development	Statewide	Economic development organization						X

Valley Senior Services	Region 5	Organization representing aging individuals (60+)		*X*							
Volunteers of America - Homeless Veterans	Dakotas	Nonprofit organization				*X*					
West Fargo Public Library	West Fargo	Nonprofit organization	X								
West River Telecom (BAND member)	Statewide	Internet service provider									