City of Austin | FINANCIAL SERVICES DEPARTMENT

Community Technology & Telecommunications Commission Legislative, Policy & Funding Update, February 8, 2023

Khotan Harmon, Sr. Program Manager, Telecommunications & Regulatory Affairs (TARA)
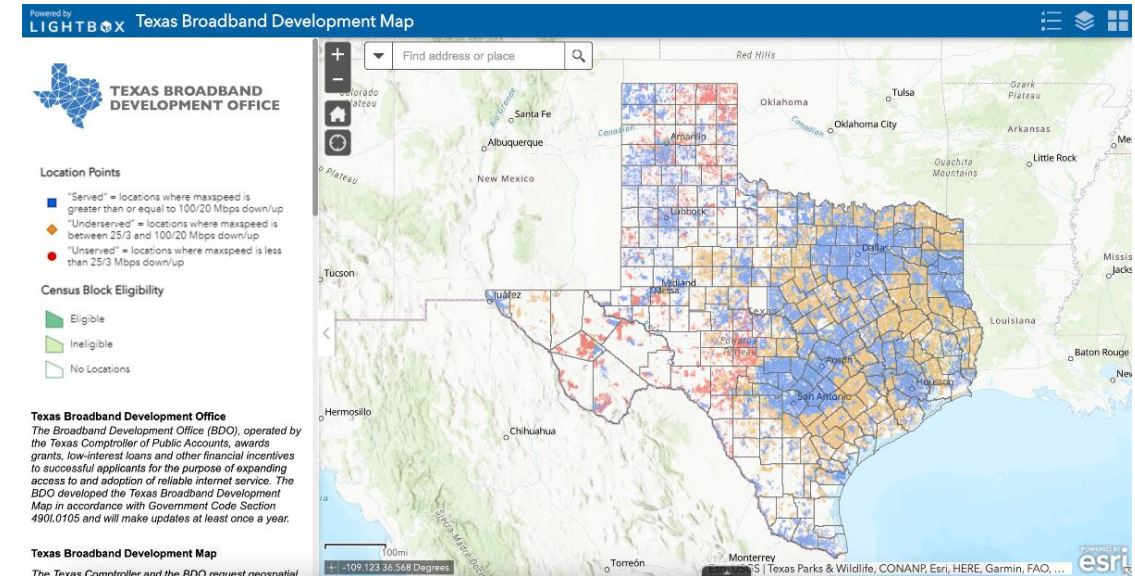
Agenda

- Broadband Mapping
  - Texas Broadband Development Map
  - FCC Fabric Map

- 88th Texas Legislature
  - Committee Assignments
  - HB5

- Funding Sources
  - Broadband Equity Access and Deployment (BEAD)
  - Digital Equity Plan

Broadband Mapping – Texas Broadband Development Map

- A comprehensive address-level map showing broadband availability data for Texas created by Lightbox for the Texas Broadband Development Office (BDO).

- The Map was published on 12/29/2022. It will be updated next March 2023.

- The information is provided by Internet Service Providers (ISPs). It shows the majority of the State of Texas as having broadband access.

- Purpose of the map: allocation of federal funding to "eligible areas".

- A separate "Applicant Map" will allow applicants to select their project area.

- Challenge of the map: 1) Only ISPs and/or political subdivisions (local government, counties, school districts, housing authorities, etc.) can challenge the map.

- Purpose of challenge: to reclassify a designated area on the map as eligible or ineligible.

- How to challenge: complete the form from the from the BDO Map Challenge website, attach evidence and email to BDO.Map@cpa.state.tx.gov by February 27.

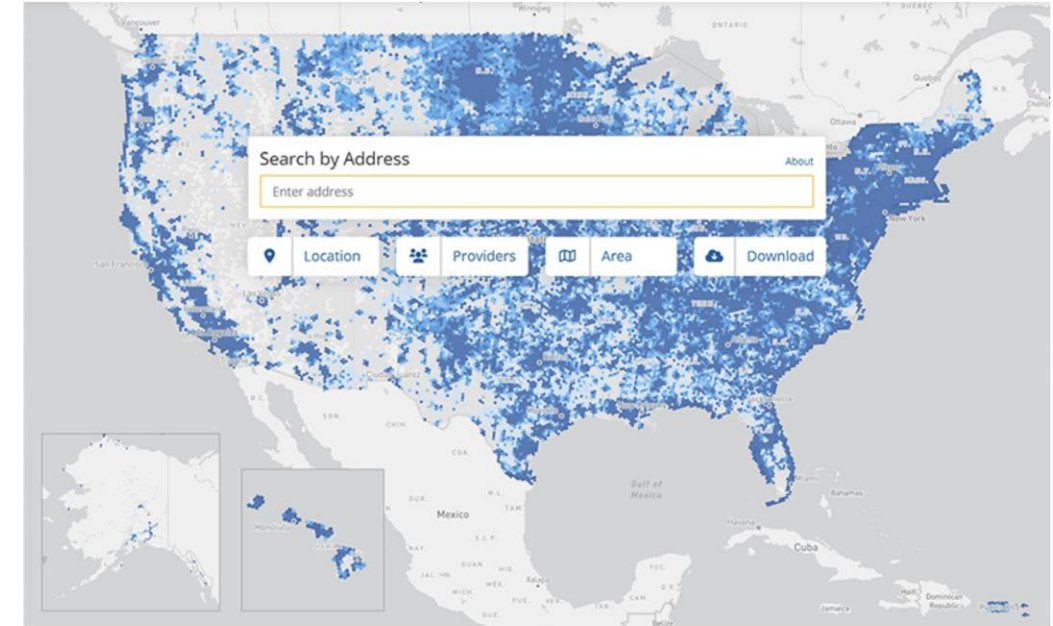https://comptroller.texas.gov/programs/broadband/outreach/maps/bdo/

Update from the BDO
Texas Broadband Development Map

- Published Dec. 29.
- Designated Areas = Census Blocks.
- Funding can only go to "eligible areas" of the map.
  - Census blocks with less than 80 percent of addresses that currently have access to broadband service, regardless of service technology.
- Applicants will select their project area on an "applicant map."
- Expected data refresh request in March.

Broadband Mapping – FCC National Broadband Map

- A National Broadband Map that provides information about the internet services available to individual locations across the country, along with new maps of mobile coverage. Vendor CostQuest.

- **Individual location points** – location search for internet service availability.

- **Fixed Broadband Map** – shows fiber, cable, DSL, satellite, or fixed wireless internet services available at each home or small business. Identify which providers report offering broadband service at the location along with the types of service, technologies and maximum advertised download/upload speeds they offer.

- **Mobile Broadband Map** – shows 3G, 4G and 5G coverage of each mobile provider for the area displayed, where mobile users can get connection when outdoors or in moving vehicle, NOT indoors.

- The information of where internet service is and is not available is provided by Internet Service Providers (ISPs).

- An iterative process of FCC's ongoing Broadband Data Collection. Will be updated every six months.

- The map will identify the "unserved" and "underserved" communities most in need of funding for high-speed internet infrastructure investments.

National Broadband Map
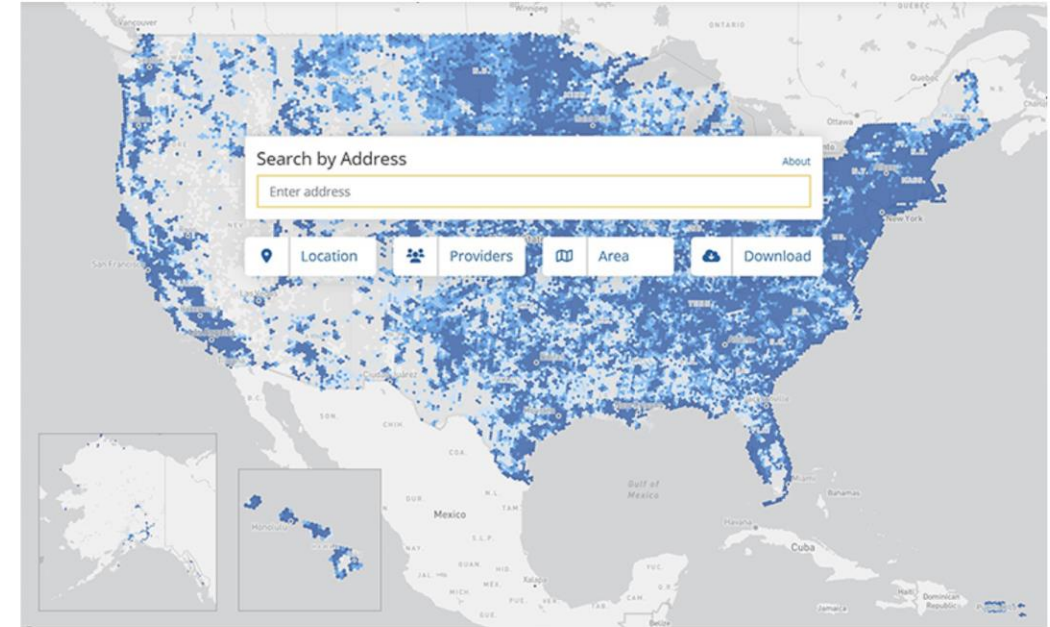

https://broadbandmap.fcc.gov/home

Broadband Mapping – FCC National Broadband Map

- **Challenge process – Community**:

- **Individuals:** home, small business and other location

- **Challenge reason:** provider denied a request for service, demanded excessive connection fees, or failed to schedule an installation within 10 business days of a request.

- **Service availability:** will review the challenge from FCC and either concede or dispute it. Will communicate directly with individuals to resolve any challenges. If ISP fails to rebut, the challenged services will no longer show as available for that location on the FCC's maps.

- **Location challenge**: add a missing location, correct the address of other details of location, correct geographic placement of the location.

- **Challenging Mobile Broadband coverage:** A challenge speed test can be performed to contribute to challenges of mobile provider's 3G, 4G or 5G coverage on the FCC map. NOT indoors.

- Location or service availability brought by organizations and/or political subdivisions must include a technical assessment study.

National Broadband Map

https://broadbandmap.fcc.gov/home

Broadband Mapping: Issues

- State Broadband maps were developed to provide a credible challenge to the Federal Communications Commission (FCC) Fabric map with local-level location and service availability data.

- About 30 states have or are developing their own maps. Some are working with LightBox (like Texas) others are collecting database availability data through speed tests and surveys to approximate service availability.

- ISPs do not always provide complete data of service areas. No enforcement at the state level (Texas: out of 211 ISPs, 141 submitted data).

- Duplications of efforts and methodologies in the State v. FCC broadband maps ISP data.

- Location determination does not match between FCC (USPS deliverable, household, small business) with Texas BDO map (Census block).

- Funding category mis-match: FCC/National Telecommunications and Information Administration (NTIA): unserved (100Mpbs/20 Mbps), underserved(25Mbps/3Mbps), served. Texas BDO map: eligible, ineligible (80% or higher with service in a Census block).

88th Texas Legislature

- Senate Business and Commerce Committee

    Charles Schwertner, Chair
    Phil King, Vice Chair
    Brian Birdwell
    Donna Campbell
    Brandon Creighton
    Nathan Johnson
    Lois Kolkhorst
    José Menéndez
    Mayes Middleton
    Robert Nichols (one of the co-sponsors of HB5 with Representative Trent Ashby)
    Judith Zaffirini

- HB5 – A bi-partisan bill that was passed unanimously by the Texas Legislature in 2021 and signed into law by Governor Greg Abbott. HB5 established the State of Texas Broadband Office, a State of Texas Broadband Plan, and required the development of an Infrastructure Funding Program.

- To learn more visit:
    - https://capitol.texas.gov/BillLookup/History.aspx?LegSess=87R&Bill=HB5
    - https://www.focusdailynews.com/governor-abbott-signs-broadband-related-bills-to-expand-access/

- HB5 – a 2.0 version is being developed and will be filed before the filing deadline of March 15, 2023.

- The BDO has reached out to cities, counties, organizations and providers for feedback for the HB5 2.0.

Capital Projects Fund Award

- US Treasury awarded BDO $363.8 million.
- One of five program plans, remaining are still TBD.
- The award will fund BDO's last mile grant program for projects in eligible areas.

Program Component	Description	Allocation Request		
		Project Costs	Admin. Costs	Total Costs
1a: Broadband Infrastructure Projects	BDO – Texas Last Mile Connectivity Program	$363,807,243	$22,412,581	$386,219,824
1a: Broadband Infrastructure Projects	BDO – Texas Broadband Pole Replacement Program	$75,000,000	$0	$75,000,000
1c: Multi-Purpose Community Facility Project	Texas State Library and Archives Commission (TSLAC) – Infrastructure and Facility Access Improvement Grant Program (IFAIG)	$7,799,162	$1,611,177	$9,410,339
1a: Broadband Infrastructure Projects	Texas Department of Agriculture (TDA) – Texas Rural Hospital Broadband Program (TRBP)	$22,845,000	$1,000,000	$23,845,000
1c: Multi-Purpose Community Facility Project	Texas Department of Transportation (TxDOT) – El Paso District Safety Rest Area (ELP SRA) Broadband Infrastructure Project	$6,000,000	$0	$6,000,000
	TOTAL:	$475,451,405	$25,023,758	$500,475,163

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9

TEXAS BROADBAND DEVELOPMENT OFFICE

Bringing Online Opportunities to Texas (BOOT) Program

- Texas' first last-mile competitive broadband grant program.
- Program will follow state and federal (US Treasury) guidelines.
- Expected March/April launch.
- Applicants will be expected to demonstrate:
  - Expansion of broadband service
  - Project plan feasibility
  - Applicant qualifications
  - Community support & involvement
  - Community need & social impact

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TEXAS BROADBAND DEVELOPMENT OFFICE

Rules for Adoption

- Adoption rules and preamble were sent to Secretary of State's Office on Jan 30th
- Over 200 comments from 30-day comment period and open hearing on the proposed rules.
- Publication date is February 10, 2023.
- Effective date is February 19, 2023.

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Update from the BDO
IIJA: BEAD and DEA

- Broadband Equity, Access and Deployment Act (BEAD)
  - Application for BEAD initial planning funds was sent to NTIA on Aug. 15, 2022.
  - Texas received an initial allocation of **$5 million** in initial planning funds on Nov. 30, 2022.
  - A Five-Year Action Plan is due to the NTIA within 270 days after receiving planning funds.

- Digital Equity Act (DEA)
  - Purpose: Support overlooked and underserved areas.
  - The BDO received **$3.1 million** in initial planning funds.
  - One year to submit a state Digital Equity Plan.

Update from the BDO
IIJA: BEAD & DEA

- Texas received $8.1 million for initial planning activities.

- BDO will have a third-party vendor assisting with creating the initial deliverables.

- Key dates:
  - June 30: BEAD allocation is expected
  - August 28: BEAD Five-Year Action Plan is due
  - December 1: State Digital Equity Plan is due

- Implementation of program funds is not expected to occur until 2024 at the earliest.

Update from the BDO
Program Development Under HB 5

- Significant accomplishments to date
  - December 2022: NTIA awarded the BDO initial planning funds for digital equity and BEAD planning activities.
  - January 2023: Published the Broadband Development Map on Comptroller's website.
  - January 2023: Rules adoption filed with the Secretary of State.
  - January 2023: U.S. Treasury awarded BDO $368 million in CPF funding for the state's last-mile connectivity program.
- Future milestones
  - Feb. 10, 2023: Rules published in the *Texas Register*.
  - Feb. 19, 2023: Rules effective.
  - *March 2023: Release NOFA, guidance documentation and webinars.
  - *March 2023: Begin accepting applications in BDO Grants Portal.
  - *March 2023: Broadband Development Map data refresh.

Areas of Community Engagement

- **FCC National Broadband Map – Community Challenge**. Ongoing, the Map is updated every six months. Households and small businesses. Service Availability, location challenge and challenge to mobile broadband coverage (speed tests).   https://www.fcc.gov/BroadbandData/consumers

- **Feedback and Input for HB5** - Deadline: March 14, 2023. All comments to be sent to Greg Conte, Director of the Texas Broadband Development Office at gregory.conte@cpa.texas.gov. And communicate with State Reps and State Senators.

- **Digital Equity State Plan Input** – Report deadline to NTIA December 2023. Identify and communicate the digital equity resources in various Council Member districts and Austin to the TARA Office to work with Connected Nation on the Texas Digital equity Plan. Email: khotan.harmon@austintexas.gov

- **Infrastructure Investment and Jobs Act (IIJA) Funding** – Dates to be determined. Be ready to particpate in the BDO/Connected Nation communiation pipelines on how IIJA should be used in Austin/Council districts to close the digital divide.

- **Support Affordable Connectivity Program (ACP) Outreach** – Ongoing. Community outreach and support to identify qualified Austinites and connect them with the resources to sign-up for ACP. For more information contacnt: Briana.gowing@ausintexas.org.

For more information: khotan.harmon@austintexas.gov

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