September 27, 2022

To: Washington State Broadband Office
From: Whatcom County Public Utility District
RE: Call for Comments Opportunity

Open Access
Question 1
In an evaluation process, should providing an open access network be a required threshold criteria (i.e. without provision of an open access network, the applicant is excluded from the process); or rather, a scoring criteria (i.e. the provision of an open access network results in specific points while the absence of an open network results in zero points for the specific consideration of open access; or finally, should the provision of open access be used as "tie breaker" such that it doesn't garner points but is used as a determining factor in the event that applicants have the same evaluation score? Please provide rationale for your answer.

Answer
WSBO should require applicants to build publicly owned non-discriminatory open access fiber optic networks. Without provision of an open access network, the applicant should be excluded from the process.

Question 2
Public Works Board RCW 43.155.160 (9) (b) (iii), the term "open access" means: "…that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection agreements published and publicly available." If "open access" is used in the selection process (i.e. as either a threshold requirement, a scoring requirement, or a balancing requirement) is this meaning generally acceptable or should it be augmented in any specific way? Should the meaning found above be specified to particular segments of a broadband network such as "middle mile" or "last mile"?

Answer
Open Access definition should include backbone dark fiber, colocation space and last mile connections
- Open access colocation space should be available to competitive ISPs licensed under the WUTC

Question 3
If open access is a threshold criteria, should it be provided from the service date on which the infrastructure is operational or should there be a period of time from the beginning of operational service to a future date when the operator of the network can have a "closed" system before it is "open"? How long should the "closed" period be before open access is required and how would it be determined?

Answer
There should not be a "closed" period for open access networks.

Matching Contributions

Question 1
Should a matching contribution for Acceleration Grant funding be a threshold requirement; a scoring criteria; of a tie-breaker? If it should be a threshold requirement, what should the minimum percentage be relative to the total grant request?

Answer
No. There should be no match requirement for public entities. The goal of this funding is to bring much needed critical fiber optic broadband infrastructure deep into our most underserved communities. These buildouts require high capital investment and are often located in low population density areas.

Question 2
If a matching contribution is a scoring element (as opposed to a threshold criteria), should the points available be tied to the size of the match relative to the dollars requested in the grant (i.e. if a match was 10% of the grant request, should the match component of the scoring criteria be given a "10", if the match was 25% should the match component be given a score of "25"); or should there be a fixed total number of points provided regardless of the size of the match; or some other scoring that increases with the size of the match but only up to a limit? How should applicants without the ability to provide a match be given consideration so that their inability to provide a match does not eliminate their proposal from consideration?
Answer
No. All applicants should have the ability to apply for 100% grant without a match requirement

Digital Equity considerations and Low Income support

Question 1
How will applicants consider digital equity in developing projects for possible funding or selecting between various potential projects as you formulate a grant application? What tools for measuring digital equity will applicants use to insure that populations that are in greatest need are being served by grants? How can WSBO best integrate these efforts with our own digital equity planning to assist in targeting funding in this NoFO as well as future funding?

Answer
Whatcom PUD uses the following methodology for measuring digital equity in our community:
https://storymaps.arcgis.com/stories/115fd245b2f8425ab25ee9ac636f8608
Applicants should receive additional points if they can show evidence of Digital Equity needs in their community.

Question 2
Should ISP participation in the FCC's Affordable Connectivity Program (ACP), or an equivalent low income subsidy offering be considered as a threshold requirement for receiving a grant from WSBO?

Answer
Yes

Question 3
Should the ability to offer digital navigation or digital literacy programs to broadband subscribers be required in a narrative, or considered as a scoring criteria or a balancing criteria?

Answer
Digital Navigator or literacy programs offered by the applicant, private committed partner or other entity in the community should be called out in the application and information /details about those programs should be made available to broadband subscribers contingent on successful funding award.

Question 4
As an alternative to a scoring criteria, should WSBO consider requiring applicants to provide a comprehensive narrative that would address how a funding application would advance digital equity concerns? Please comment on the use of a narrative and what data should applicants include in such a narrative.

Answer
Yes. Applicants using publicly available datasets (such as Microsoft Broadband Usage Data, Census 5 - Year Community Survey, State Broadband Data, etc..) in their narrative response should be sufficient to WSBO standards for what constitutes a "comprehensive narrative".

Challenge Process
Question 1
The following challenge process, slightly modified to reflect required speeds of 100/20, is a copy of that used by the Public Works Board. Should this be used by the WSBO? Should additional considerations not reflected below be incorporated into the challenge process?

Answer
There should be some form of upfront accountability. Our recommendation is that any entity challenging an application should be required to bond the project at the time of their challenge submission.

Last Mile Definition
Question 1
The Acceleration Grant is intended to build "last mile" connections. In this context, last mile connections are defined to be those facilities over which broadband is provided to the end user's building at which service is required. Is there any other definition that should be considered?

Answer
We encourage the WSBO to require applicants to provide the street name, full address and distance from road center line for every connection in the proposed project area.

Checklist Considerations

Question 1

WSBO is considering requesting that applicants fill out a checklist of additional items to consider to submit with their applications. While not a scoring consideration, the checklist would provide applicants the ability to inform WSBO that they have considered items such as possible tax liability, pole attachment costs, a survey of poles along the proposed project, make ready considerations, dig once opportunities and right of way and/or franchise fees in their projects. What other items should be included in a checklist?

Answer
Any entity applying for WSBO broadband dollars should have experience building, maintaining and operating publicly-owned open-access networks or partner with an entity who does.