

DOC-NTIA-OTIA (US)
Tribal Broadband Connectivity Program

Moderator: Margaret Gutierrez
June 16th, 2021

Margaret Gutierrez:

29:40

Hello and thank you for joining us today for Broadband USA's webinar. I am Margaret Gutierrez with NTIA's Broadband USA Program.

29:48

As a reminder this webinar is being recorded and will be posted to NTIA's Broadband USA Program website. Today's webinar focuses on NTIA's Tribal Broadband Connectivity program.

30:03

Before we begin, I would like to review the logistics for today's webinar. First, we will open up the webinar for questions after the completion of the presentations. As you hear from each presenter, please use the question box on the right-hand side of the screen to submit your questions or comments.

30:18

Second, the presentation, along with the transcript and audio recording of today's session, will be available on the Broadband USA website within seven days of this webinar, under the Events-Past Events tab.

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Third, please visit our Broadband USA website for information about our technical assistance program, including useful guides, products, publications, and other tools that can assist you with planning, funding, and implementing your broadband project. We provide updated information, including our monthly newsletter and other broadband news.

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Finally, I have the honor of introducing the United States Deputy Secretary of Commerce, Mr. Don Graves, who will kick off this first webinar, following the publication of the NOFO. During the presidency of Barack Obama, Mr. Graves served as the Executive Director of the President's Council on Jobs and Competitiveness. After the Obama Administration, Mr. Graves worked as the Head of Corporate Responsibility and Community Relations and Senior Director of Corporate Community Initiatives and Relations at Key Bank. Mr. Graves was recently sworn in as Deputy Secretary on May 14th, 2021. Mr. Graves?

31:28

Don Graves:

Thank you, Margaret, for that kind introduction and for your leadership.

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The COVID-19 pandemic has exposed just how wide the digital divide truly is for America's indigenous communities when it comes to broadband access. In the 21st century economy, broadband access and affordability isn't a luxury. It's essential to everyday life.

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I've seen firsthand that too often Tribal lands lack even basic cell service and only half of your residents have fixed home internet service. Clearly, the high-speed broadband that many of us take for granted, is still out of reach for many Americans, disproportionately those who are non-white and low-income. That's why President Biden proposed \$100 billion in the American Jobs Plan to close the digital divide across the nation. Vice President Harris and Secretary Raimondo recently announced that we're taking critical steps forward to achieve that goal by providing nearly one billion dollars in grants to expand broadband to unserved and underserved Tribal lands.

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These grants are part of our Tribal Broadband Connectivity Program and will help your communities participate more fully in today's modern economy. The grants are flexible and cover a range of issues from broadband deployment to digital inclusion, workforce development, telehealth and distance learning.

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Our team at the National Telecommunications and Information Administration, or NTIA, will ensure the funds are distributed equitably so that no Tribe is left out. I strongly encourage all 574 Tribes to apply for funding and tap into the funding we've set aside for your communities. The application is open and ready for you.

33:15

We're also working closely with our partner agencies across the federal government to roll out more funding opportunities for you in the weeks ahead. This is just the beginning. Federal resources are a critical part of closing the digital divide, but partnerships are critical too. In April, the Department of Commerce hosted a Tribal consultation with more than 100 participants to learn how we can further Tribal self-determination and sovereignty. And we're going to continue our engagement with all of you through more consultations, roundtables, phone calls, and webinars like this one. Because a healthy and successful Indian country economy is at the heart of a prosperous American economy. As Vice President Harris said, when people are cut off from high-speed internet, they're also cut off from opportunity. And at the Department of Commerce, our mission is to create the conditions for economic growth and opportunity for all Americans.

34:11

With that, I'll turn it over now to our Associate Administrator for the Office of Telecommunications and Information Applications at NTIA, Douglas Kinkoph.

Douglas Kinkoph:

34:24

Thank you, Deputy Secretary Graves. I would like to thank you all for joining us on today's webinar. I'm Doug Kinkoph, the Associate Administrator of NTIA's Office of Telecommunications and Information Applications.

34:35

My team has the responsibility for implementation of the Tribal Broadband Connectivity Program. On June third, the Tribal Broadband Connectivity Program Notice of Funding Opportunity, also known as the NOFO, was released in partnership with Vice President Harris, Secretary Raimondo, and Secretary Haaland.

34:57

The Notice of Funding Opportunity is based on Tribal Government-to-Government consultations NTIA conducted over three days in total over 13 hours. These consultations were critical to inform the Department of Commerce about the true broadband needs facing indigenous communities. NTIA believes it has released the NOFO that will assist the Tribes in meeting their own unique infrastructure and digital inclusion needs. NTIA heard Tribes loud and clear about concerns regarding verifying coverage and

35:31

We have built into the NOFO a self-certification component to hear directly from Tribes regarding broadband access on Tribal lands. NTIA is not here to tell Tribes how to do things on their lands or for their communities but to support and empower Tribal governments on the path of bridging the digital divide.

35:54

NTIA is committed to working with eligible applicants during the application window to address questions and concerns, and we'll be releasing multiple iterations of FAQs, or Frequently Asked Questions, as inquiries come in on how best to solve the connectivity issues for Tribal communities.

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NTIA also encourages Tribes to look at other Federal partners and their resources, such as EDA or Treasury and to make a holistic approach to the economic development needs of your respective communities.

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The quote on your screen from Secretary Raimondo underscores this administration's goal of ensuring every Tribal member has access to

broadband and the associated benefits, such as remote learning, remote healthcare, home based businesses. As the Secretary stated, this initial funding is an important step forward in reaching that goal. Again, thank you for joining us today, and I'll now turn it back over to Margaret to introduce the rest of today's speakers. Thank you.

37:02

Margaret Gutierrez:

Thank you, Doug. Before we begin the presentations, I would like to introduce today's speakers. Vanesscia Cresci, a citizen of the Navajo Nation, was born and raised in Shiprock, New Mexico. She currently resides in Sacramento, California. Vanesscia serves as one of NTIA's broadband program specialists.

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Vanesscia has more than 20 years of public health management experience, a Master of Social Work degree from Washington University, in St. Louis, and a Master of Public Administration degree from the University of Southern California.

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Crystal Hottowe. Crystal comes to us from the Makah Tribe, located in Washington State. For 12 years, Ms. Hottowe served as the grant writer for her Tribe with a focus on state and federal grants. In addition to her grant writing duties, Ms. Hottowe was also detailed to the Makah Tribal Broadband Project, which entailed not only a wireless network deployment but negotiations with industry and was also active with national, regional, and statewide policy groups.

37:59

Gabe Montoya is an enrolled member of the Pueblo Pojoaque located in northern New Mexico. He has served on Tribal Council for 27 years and on the Board of Directors for the Tribes' Economic Development. He brings over 10 years of experience in Tribal broadband to NTIA, including his service as a board member and chairman for Ready Net, a regional, multi governmental J.P.A collaborations set on bridging the digital divide to bring broadband services at affordable prices to their constituents for the good of their communities.

38:29

Adam Geisler is the National Tribal Government Liaison with the First Responder Network Authority serving Western Tribes, and FEMA Regions 9 and 10. He is a member of the La Jolla band of Luiseño Indians near San Diego, California and has served in an elected leadership role with his Tribe running Tribal government and shaping national policy and public health, transportation, economic development, and housing for over a decade. He has led his Tribe through four federally declared disasters, has served as Vice Chairman and founding board member of the Inter-Tribal Long Term Recovery Foundation, a Disaster Response and

Recovery Organization, and is a recipient of the international Wireless Communications under 40 Leadership Award.

39:09

Now, we will turn it over to our first speaker, Vanessa Cresci.

Vanesscia Cresci:

39:15

Thank you, Margaret. And good morning, good afternoon or good evening. As mentioned, my name is Vanessa Cresci, and I will provide a brief overview of the program and define some key terms.

39:30

The Tribal Broadband Connectivity Program is available to Tribal governments, Tribal organizations, Tribal colleges and universities, the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community and Native Corporations to apply.

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This opportunity provides funding to expand access to and adoption of broadband service on Tribal land or for programs that promote the use of broadband to access remote learning, telework, or telehealth during the COVID-19 Pandemic. Applications are due September 1st of this year, and no extensions will be granted.

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For definitions of what the eligible entities are, we have provided a link to the Statute, and you can refer to Section 905(a)(8), which starts on page 955, for a list of all of the eligible entities.

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In the NOFO, there are a couple of key terms that are important to share and review.

40:42

The first is broadband adoption, which means providing free or reduced cost broadband service and preventing disconnection of existing broadband service. A qualifying broadband service means having a download speed of 25/3, and a latency sufficient to support real-time, interactive applications.

41:08

We also want to share a couple of questions and answers that could be helpful as you determine your eligibility.

41:16

First question: Can a Tribe and a Tribal entity from the same Tribe both apply? Yes, they can with appropriate coordination. There are several instances where applicants will need to obtain a Tribal Government Resolution. In the NOFO, please reference and see Section C.3.c for more information about this requirement. Each eligible entity must coordinate internally, which includes all of the subsidiaries and departments within that entity to submit a single application.

41:48

In an instance where one eligible entity is a subsidiary of another, such as a Tribal Government and maybe a Tribal College or University, this shall not affect their Tribal College or University's eligibility to submit its own application as long as it includes a Tribal Government Resolution.

42:08

The second question- are consortiums is eligible to apply? Yes, and please see Section C.3.b in the NOFO for more details. I also just wanted to make sure I mentioned this, that there are no duplication of efforts or activities allowed.

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For infrastructure applications, the applicant will require Tribal government consent that is consistent with the language in the NOFO.

42:38

In addition, the applicant cannot duplicate another eligible entity's request, and no matter who you are, the deployment of infrastructure on Tribal lands requires consent that is consistent with the NOFO language. For non-infrastructure applications, the NOFO does not require submission of a Tribal government consent documentation. However, eligible entities are strongly encouraged to coordinate with one another to avoid competing applications.

43:08

Now, I would like to transition the presentation to my colleague, Gabe Montoya.

43:15

Gabe Montoya:

Thank you, Vanesscia. I appreciate it. Good afternoon. My name is Gabriel Montoya. I'm a Broadband Program Specialist, with the Office of Telecommunications and Information Applications, under NTIA.

43:32

Today we're going to talk about eligible Tribal lands that are covered under this grant under Section 905(a)(13), pulled directly from the Statute that says any land located within the boundaries of an Indian reservation, Pueblo, Rancheria or former reservation within Oklahoma.

43:51

It also says any land not located within the boundaries of an Indian reservation, Pueblo or Rancheria, the title of which is held in trust by the United States for the benefit of the Indian Tribe or the individual Indian, by an Indian Tribe or individual Indian, subject to restriction against alienation under the laws of the United States or by a dependent Indian community. It also says, any land located, in the region established pursuant to section 7(a) of the Alaska Native Claims Act Hawaiian Home Lands, as defined in Section 801 under the Native American Housing and Self Determination Act of 1996, also known as NAHASDA.

44:34

Those areas, or communities, designated by the Assistant Secretary of Indian Affairs for the Department of Interior that are near, adjacent, contiguous to reservations with where financial assistance and social service programs are provided to Indians, because of the status as Indians. That is a unique component of this and allows us to be able to get off reservation connectivity to those people who are not on the reservation.

45:03

So, the Tribe has an opportunity to self-certify whether they're receiving broadband speeds defined as 25/3. Currently, we have used the carrier data 477 FCC form to determine whether an entity was eligible. Under the NOFO you are eligible to self-certify as a Tribal government, if you're able to provide this in writing with the NOFO on a Tribal letterhead with the appropriate signature saying that you are underserved. Provide any additional supporting information that could help determine that you are in fact underserved.

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The Department of Hawaii Home Lands, they also certified whether Tribal lands as described in subsection D of the NOFO are unserved. A Tribal government may not certify Tribal lands, under the Enforceable Buildout Commitment, as defined in Section A.2.g of the NOFO, as unserved. The Tribal government must disclose whether it has terminated an existing agreement, qualifying as an Enforceable Buildout Commitment in anticipation of receiving funding under the Tribal Broadband Connectivity Program.

46:15

Qualifying broadband service standard speeds of at least 25 Megabits download and 3 Megabits upload with low latency is the definition we will be using. Anything less than that is considered unserved.

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So, everybody's asking where do I submit my grant? As you can see, we have our funding opportunity number here that clearly defines what is available.

46:44

So, we've made it available to register on grants.gov. We ask that you have your SAM number, DUN number, everything you've authorized because you only have a 90-day window to get everything accomplished. And some of those processes take at least 30 days to get them approved. So, make sure that your organization name matches on all those applications. Grants.gov won't allow us to see it but will allow us to pull it.

47:13

We have alternative methods. So, if you cannot go to grants.gov, you can also post mail it in. Understand that all applications are due on September

1st regardless if they are e-mailed, they are done by postal or otherwise. We are using Pacific Daylight Time.

47:40

So, application timelines. So, you have 90 days as of June 3rd, which closes on September 1st. That's the only time you have to apply. It's a very short window. Applications submitted to grants.gov must be received no later than 11:59 Pacific Daylight Time on September first or before.

48:02

Applications submitted by postal mail or courier service must be postmarked for postal mail or show clear evidence of mailing for courier submissions no later than 11:59 Pacific Daylight Time on September first, 2021.

48:19

Application submitted by electronic must also be received no later than 11:59, Pacific time on September 1st, 2021.

48:30

Under the current funding amounts, \$980 million is available for federal assistance. In accordance with Section 905(c)(3)(A) of the Act, NTIA will allocate not less than 3% of the funds, or no less than \$30 million for the benefit of Native Hawaiians.

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NTIA will allocate up to \$500,000 to each federally recognized Tribe delineated by the Department of Interior's, Bureau of Indian Affairs in accordance to the Section B.3 of the NOFO.

49:06

NTIA expects to make awards under this program within the following funding ranges. These funding ranges are not required minimums and maximums but eligible entities requesting funding for projects outside of these ranges must provide a reasonable explanation for the variance of their project size.

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So, for broadband infrastructure deployment projects, as an example, can go anywhere from \$1 million to \$50 million. Broadband adoption and use projects will go from \$50,000 to \$2.5 million dollars.

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At this time, I would like to turn it over to Crystal Hottowe.

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Crystal Hottowe:

Thank you, Gabe. Hello, I'm Crystal Hottowe, I'm a Makah Tribal member located in Washington state. Today I'm going to talk with you about the evaluation and scoring criteria of the NOFO.

50:07

The evaluation and scoring for both the infrastructure and non-infrastructure are very similar. There's going to be 100 points total available, and then broken down as follows. Specifically for the broadband infrastructure deployment project, the project purpose and benefit will be worth up to 45 points. That's going to be looking at the level of need on Tribal land, which will be 35 points available for that, as well as the affordability of services offered, of which 10 points total will be available for that.

50:38

Next, we'll go into the project viability, of which a total of 30 points will be available. Technical approach and related network planning, capacity and performance, there will be up to 20 points available as well as the strength of the applicant's organizational capability of which 10 points will be available.

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Lastly, what will be scored as the project budget and sustainability, of which 25 points will be scored. The reasonableness of the budget will be worth up to 10 points, and sustainability of the project will be worth up to 15 points.

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The non-infrastructure program, again, there's going to be 100 points total available for that. This is going to be looking at the project purpose and benefit, looking at the level of impact on Tribal lands of which 45 points overall will be available. For project viability, there will be up to 30 points available and that's going to be looking at the operational approach of the proposed project plan, of which 15 points will be available, and then looking at the strength of the applicant's organizational capability, of which 15 points will be available.

51:52

Next, we'll be scoring the project budget and sustainability, of which up to 25 points will be available. That's going to be looking at the reasonableness of the budget of which 10 points will be available and then also looking at the sustainability of the project of which 15 points will be available.

52:12

So, there are some key requirements of the act that we want to highlight. To begin with, you're going to have 180 days to obligate your fund. That's what this Section 905(c)(4)(A)(i) of the Act is talking about. You're going to need to go ahead and obligate those funds within 180 days. Next, what we want to highlight is that there's going to be a 2% limit of your administrative cut that is built within the Statute. That is not an NTIA decision.

52:48

Next, what I want to talk with you about is the year completion deadline. There's going to be a one-year completion deadline for the broadband use and adoption projects, as well as the one-year completion deadline for broadband infrastructure projects, with extensions that can be requested under certain circumstances. So, eligible entities receiving awards for new construction of broadband infrastructure must prioritize projects deploying to unserved households.

53:17

We also want to clarify a little bit more. The timeline in particular is what we want to clarify. So, the Act requires the eligible entity to complete their projects within a year of getting the funds. There are extensions that can be approved by the Assistant Secretary so long as the eligible entity certifies that it has the plan for the use of the grant fund, the construction project is underway, or there are extenuating circumstances that require an extension of time to allow a project to be completed. We understand at NTIA that one-year completion project timelines for construction may be a bit unreasonable or hard to accomplish.

54:02

So, what we want to make sure is that, that the applicants know that for the construction projects, there will be extensions or a way that you can request those. They are not going to be allowable for the broadband use and adoption projects, though.

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This is some good news, right? This is a big step, no match or cost sharing required. During the Tribal consultation that happened back in February, this was one of the biggest things that came out of those 13 hours of consultation. So, on that note, there is going to be no match or cost sharing required for this grant.

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With that, I will hand it on over to Adam Geisler.

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Adam Geisler:

Thank you, Crystal. Really appreciate that. And nice job.

54:56

Hi everybody. Again, my name is Adam Geisler, a citizen of the La Jolla band of Luiseño Indians, here assisting NTIA with the Tribal Broadband Connectivity Program and I'm going to walk you through the next section.

55:09

All right, so let's talk about impacts on other federal broadband programs. So how does the funding impact other opportunities that you may be looking at?

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So, let's talk about that for a moment. So, the grant use of the funds received under the program, the Tribal Broadband Connectivity Program,

run by NTIA, by an eligible entity or sub grantee, shall not impact the eligibility of or otherwise disadvantage the eligible entity or sub-grantee with respect to participation in any other federal broadband program.

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Additionally, I want to point out the NTIA encourages applicants to leverage federal, state, and other funding for holistic broadband solutions and to track these separate use and expenditures of such funds that may complement network deployment.

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A lot of words there in those bullets, guys. At the end of the day, this program is not going to impede or should not impede your ability to apply for other federal funding.

56:05

We want to make clear that in addition to, should it not impede, we want you to really look at everything holistically. There's a lot of funding out there between USDA EDA, FCC, obviously here at NTIA, and what we want to encourage you to do is leverage all of those to look at a holistic approach. Let's also not forget there's funds at the state and local levels that we know you're looking at as well.

56:27

So, at the end of the day, guys, to summarize this particular slide, leverage the opportunities are out there, make sure they don't duplicate, but complement.

56:38

So, let's talk a little bit about eligible and ineligible costs. So, when we talk about broadband infrastructure deployment activities, really deploying new or upgrading broadband infrastructure on Tribal lands is 100% eligible. We know some of you out there may have networks that you're looking to upgrade, and we want to be really clear here. As long as your network isn't today providing services at 25/3, then you're welcome to upgrade that infrastructure.

57:05

For those of you that are looking at deploying brand new pieces of infrastructure to provide access to anchor institutions within your communities or for your households on Tribal lands, we also want to make it very clear that this program is absolutely something you can look at to deploy new infrastructure on Tribal lands.

57:23

In addition, broadband adoption and use activities. So, the other component of the non-infrastructure elements of this program is kind of captured in this broadband adoption and use activity section. Adoption of broadband services on Tribal lands is one element. Enable Tribal anchor institutions to provide affordable broadband services and programs, workforce development, rural remote learning, telework, as well as

telehealth services. So again, guys, take a hard look at what the eligible opportunities are here.

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We want to try to meet you where you're at in your broadband needs. Some of you are going to need infrastructure. Some of you are looking at broadband use and adoption activities. And some of you are looking at both.

58:05

We welcome all of those applications as long as you're an eligible entity and looking at these eligible expenses.

58:11

So, let's talk a little bit about the things that you should not be doing that are ineligible activities as it relates to the program.

58:18

No supplanting. So, any activity previously budgeted in another federal program that you already have received funding for, or that you're already in an agreement with, you're not allowed to then move those funds out, and then utilize these funds. We don't want you supplanting is essentially what we're saying. That's what we're saying when we say that.

58:36

In addition, any pre-development costs incurred prior to the NOFO release: engineering completed prior to the no phone release, feasibility studies that you may have conducted prior to the release. All of those are ineligible expenses. Again, guys, the start date of the NOFO drop was June 3rd and it concludes September 1st. So, if you're looking at expenditures or trying to be reimbursed for things that you did prior to June 3rd, unfortunately, that's an ineligible expense.

59:05

Additionally, duplicative activities. For example, last mile deployment to the same building or redundant networks. We realized that a lot of you are focusing on redundancy as part of the way that you're doing your overall planning for your networks. And while we don't fault you would actually support the concept, for the requirements of this program, and as it relates to statute, you are not allowed to build out redundant components of those networks.

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In addition, last mile deployment to the same building, if you already have fiber or connection that is at 25/3 or higher, unfortunately, you can't add another pipe coming into that facility, just as examples.

59:44

So, again, duplicative activities, expenses occurred prior to the open of the NOFO, as well as supplanting: all of those are ineligible as it relates to this

program, So, sorry, but that's just the way the program has been constructed, and as it relates to Statute.

1:00:02

All right. So, let's talk a little bit about technical assistance. So, NTIA, we are going to do our best to offer technical assistance for this program, but let's also be real with one another.

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There's a 90-day application window. There are over 574 federally recognized Tribes, plus all the other eligible entities that exist across this great country. And the reality is that the team, in the timeline, we are going to do our best to try to work with you within the timeline. But, really, at the end of the day, if we can work with you regionally, which we're going to try to do, that's really the form that we're going to try to address a lot of the technical assistance requests.

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That doesn't mean that if you have a burning question or there's something that's super important that you want to find answers out to that you also can't reach out over to NTIA.

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If you look through the NOFO, myself as one of the individuals that's listed in there, feel free to shoot me an e-mail, Adam.Geisler@FirstNet.gov and we are going to do our best to work out and work through the programmatic elements or questions that you may have as it relates to your application.

1:01:02

Monthly webinars are the other thing that I really want to highlight in terms of technical assistance. We are taking all these questions that you're firing at us during this application period and we're going to be rolling those out through an FAQ process. So, we're not exactly sure how many versions of the FAQ we're going to need to roll out. Just know that the first FAQ that's currently on the website today is not the last. We're going to take all this information. We're going to compile it, and then we're going to do our best to respond to those questions through the FAQs. In addition, we're going to leverage our monthly webinar series to try to address those, as well. The hot topics that are out there, the burning questions that we're receiving. So, make sure that you guys are dialed into our upcoming webinar opportunities. You can see the link below. You can go to <https://broadbandusa.ntia.doc.gov>, and you'll be able to come across how you can register for our webinar series. So please don't miss out on the opportunity to engage and receive some technical assistance at the webinar series level as well.

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So, next steps. All right. So, we're going to go through this 90-day, fun and exciting time to get those applications and technical assistance done. Then we're going to receive those applications.

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When we receive those applications, those applications are then going to go through, over the course of the proceeding 90 days, a merit review and programmatic review process.

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So, we're going to take those. We're going to triage those. We're going to run them through a review process. And then after we figure out where everybody's at, do our best to cure those applications. Because, again, we want to try to get to, yes, with everybody. The goal here is to bring forward successful applications and work with you. Then we're going to take it to a notice of acceptance and project funding.

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So, after we complete our reviews, we're going to go ahead, and we're going to start to make awards, and we're going to send out those notifications to you through our grant program partner over at NOAA.

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Additionally, to that, we're going to continue ongoing webinars, because we do believe there are going to be questions about the award process itself. We also realize it, as you're going through, whether it's infrastructure or non-infrastructure related elements of this program, you're still probably going to have questions. And we want to make sure that we're addressing those.

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So, those are, kind of, in a nutshell, the three next steps. We're going to review. We're going to provide notice of award, or acceptance and award of project funding, and then we're going to continue to engage in those webinar series.

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All right, so let's talk a little bit about the merit review component of this.

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NTIA today is seeking qualified volunteers with experience and expertise, in at least one of the following areas: Broadband use and adoption, which we kind of talked about earlier, and broadband infrastructure deployment, which was also covered by my colleagues.

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At the end of the day, guys, I just want to make something really simple and clear to everybody. We can only get all these applications out the door and awarded if we have enough reviewers to help us go through the applications in order to get to that point.

1:04:00

So, the success of this program, and the ability to get the dollars out to you is really going to be driven by our collective ability to get merit reviewers and volunteers to help review the applications as they come in.

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I know some of you are wondering, or have concerns about conflicts of interest, and that's a fair question to consider or ask. So, one thing that I do want to highlight when you're thinking about if your Tribe or your Tribal entity or eligible organization or entity, is going to apply for this program, think about whether or not maybe the application team themselves, or the person submitting the application may not be the right fit. However, if you're a large Tribe or a large Tribal organization, and you have other departments that maybe have some experience in any of those areas in broadband use and adoption or broadband infrastructure, we'd love to have them come and participate with us in the merit review process.

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Again, we can only get these awards out to you, as quick as we can review the applications. And, at the end of the day, guys, we expect a lot of applications, because we heard you loud and clear during the consultation.

1:05:04

The need is there, so help us help you in helping review the merit review process and the applications as they come in. So, if you have an interest in volunteering, you have an interest in being a reviewer, go ahead and send in your resume to grantreviewer@NTIA.gov. Super simple; name, residence, e-mail, phone number, your employer. We definitely would like to know your position and title. And then, of course, the years and types of experience that you have and the positions that you have related to the fields with the broadband activities. Again, broadband use and adoption and broadband infrastructure.

1:05:41

So, it seems like I'm being a little heavy on this. I am. Again, we can only be successful in the review process if we have your help in getting these applications reviewed and out the door.

1:05:54

In the spirit of partnership, we didn't want to not address the fact that there are other funding mechanisms that are out there today. And in particular, you will see some language in the NOFO related to Treasury. I'm sure many of you are paying attention to the funds that are happening over at Treasury. For those of you that maybe haven't heard or didn't know, we did just want to kind of share a little bit, a little bit about the program. Again, not here to speak for Treasury, but purely to put out some information regarding the other opportunities that are out there and highlighting one as an example.

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So, again, the Treasury Department has about \$20 billion in Tribal funding available under the American Rescue Plan Act.

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Below are the express statutory uses. So, if you're wondering, this is the first time you heard it and you're wondering what you could spend the money on, this is what was provided to us from Treasury. You can support public health expenditures. You can address negative economic impacts caused by the public health emergency. You can replace lost public sector revenue. You can provide premium pay for essential workers and yes, everyone, you can invest in water, sewer, and broadband infrastructure.

1:07:02

Please contact tribal.consult@treasury.gov for further information if you want to get more details. And again, I want to thank our partners over at Treasury for sharing some of this information and allowing us to kind of help share about that program.

1:07:16

I also want to highlight that there's money over at EDA, USDA, and a number of our other federal partners. So please, again, look at this application process holistically.

1:07:29

All right. So, we're getting to the really fun and exciting part of the program, question and answer. So, at this time, I'm going to go ahead and turn it back over to my colleague, Margaret Gutierrez, and we will go ahead and then start fielding those questions on the Q and A.

1:08:44

Margaret Gutierrez:

Good afternoon. Can everyone hear me ok? Sorry for that delay. Thank you all for joining us and we will jump right into the questions.

1:08:55

The first question I have is for Gabe. Whether a wholly owned subsidiary of a Tribe is eligible to apply for funding.

1:09:03

Gabe Montoya:

I would like to point you back to, thank you, Margaret, to Section 905(a)(8), that describes the eligibility. I think this would cover that question with, it'll either be a Tribal Government, Tribal College or University, the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, Alaska Native Corporation and an eligible entity that is not Tribal government, Alaska Native Company, Native Corporation, that directly submit an application for grant funding to this program if they provide the Tribal Resolution.

1:10:42

Margaret Gutierrez:

My next question is for Crystal. Is that better?

1:10:44

Yes. Yes. All right. Let's move off the phone audio here.

1:10:49

Crystal, before reading the grant, we believed the grant would subsidize broadband service for Tribal residents. We don't see this in the grant. Is this covered somewhere that we haven't seen?

Adam Geisler:

1:11:51

So, I'm going to encourage everybody to take a strong look at the eligible uses for adoption and use.

1:11:59

In particular, if you see here, apologize everybody, I'm going to just pull the page really quick. I believe it is on page four. Go ahead and take a look at page four of the NOFO under Program Description A(1)(B)(i) affordable broadband programs such as providing free or reduced cost broadband service and preventing disconnection of existing broadband service is one of the eligible uses of the program. So again, go ahead and look at page four of the NOFO under A(1)(B)(i).

Margaret Gutierrez:

1:12:43

Thank you, Adam. Vanessa or Adam, each Tribe will get \$500,000, what can that be used for?

Vanesscia Cresci:

1:12:55

Good afternoon. So, things it can be used for are outlined in the NOFO, which are for broadband infrastructure costs, but also non infrastructure related costs, which includes things like telework and telehealth.

Margaret Gutierrez:

1:13:11

OK, thank you. Gabe, what about off reservation Tribal members that reside just outside of a community, how will they be included?

Gabe Montoya:

1:13:24

One of the components of the NOFO allows for the Tribes to build off reservation. If you could jump in and give me some facts there, Adam so I can cover that that please.

Adam Geisler:

1:13:36

Sure. So, we recognize that a number of you are going to have to run infrastructure coming from off the reservation, on the reservation. And the goal of the program is to provide services on Tribal lands. I strongly encourage everybody to take a look at the NOFO section that identifies both eligible uses and Tribal lands.

1:13:56

There are some unique circumstances in the way that Tribal lands are defined, depending on which area of the country you're in. If you're in the lower 48, there are components of BIA service areas. If you're in Alaska, you need to take a look at your IHS service areas. And if you're over in Hawaii, we're going to ask you to coordinate with the Department of Hawaiian Home Lands to take a look at that. At the end of the day, the goal is to provide services to native households. And while infrastructure

may not necessarily be something you'd be able to do off the reservation or outside of some of those areas, providing subsidized service is. And so, I again want to point everybody to also page four of the NOFO under Program Description, Overview of the Tribal Broadband Connectivity Program, one, and then look at B.i, projects that promote the adoption and use of broadband services.

1:14:51

Margaret Gutierrez:

Thank you. Crystal, are only truly unserved residences and businesses on the reservation considered as part of the grant. Our Tribe has decent broadband to much of the existing reservation, but the new and not yet developed portions of the reservation have none.

1:15:07

You can hear me, right?

Crystal Hottowe:

1:15:14

OK, great, so it's 25/3. That's, that's the metrics of which we're going to go ahead and read this. So, if you are not, if you're not able to reach 25/3, or you don't have that currently, right now, they're eligible.

Margaret Gutierrez:

1:15:33

Thank you, Crystal again. Is there a deeper definition of a fixed ISP and who is an eligible fixed ISP?

Crystal Hottowe:

1:15:44

So, the infrastructure or use and adoption will require a final speed or access to 25/3, or greater. We are solution agnostic as long as the services meet 25/3 or greater. So, for further guidance, please see definitions on page eight regarding qualifying broadband service.

Margaret Gutierrez:

1:16:05

Thank you. Jennifer, with the NTIA Broadband Infrastructure Program grant, it mandates the city partner with the carrier. In the Tribal grant, we don't see that requirement. We are a carrier and have been working with a Tribe on a partnership. They have no experience in telecom but are considering becoming a CLEC and applying alone. Would NTIA consider this a viable applicant for any funding beyond the \$500,000, and would this Tribe be able to use the public rights of way outside of the reservation.

1:16:33

Jennifer Duane:

Under our program, a Tribal Government would be an eligible entity and could apply. We're not necessarily requiring that there be CLEC status, but they can certainly apply as an eligible entity as a Tribal Government or Tribal Organization, whatever category of eligible entity they fall into.

1:17:08

Margaret, what was the second part of that question?

1:17:13

Margaret Gutierrez:

Would this try to be able to use the public rights of way outside of the reservation?

1:17:17

Jennifer Duane:

They would have to follow the procedure for getting access to the public right away, but I don't see any issue, necessarily as using the right of way.

1:17:32

Margaret Gutierrez:

OK, one more question for you, Jennifer, in our grant application. We are considering the option of adding residential broadband to communities outside of the reservations to also help out the employees of the Tribal casino. Would this earn us points in the grant application?

Jennifer Duane:

We would definitely look at that. I mean, we're trying to maximize the deployment of infrastructure for the benefit of Tribal citizen. So, that under the scoring criteria, we can factor that in.

1:18:04

Margaret Gutierrez:

Thank you. Adam, USF, CAF-II, RDOF areas are eligible? None of the RDOF applicants have been preliminary approved, does that matter?

1:18:17

Adam Geisler:

Well, I think that what's important to keep in mind here is that this program is really meant to meet Tribes based upon their needs as Tribes and how they choose to partner with other funding mechanisms really is up to that Tribe. So, as we mentioned earlier, there is no supplanting allowed. But if you apply for the program as a Tribe through RDOF, and you have yet to be funded, I think we're going to have to take that on a case-by-case basis. What's important here, is that we're not duplicating efforts of federal funding but complementing those efforts. So, I apologize that we're having to answer some of these in a way that is probably not as direct as you'd all like. But the reality is that there are some nuances about how we're viewing the, excuse me. How are we viewing self-certification of coverage and the requirements and metrics in place in order to qualify that the Tribe had entered into agreements at this point via resolution? So, I really want you to dig into the NOFO. In particular, I want everybody to take a look at page 21 regarding certification of unserved areas. And I'm hoping that that will be helpful in looking at other funding mechanisms that are out there, and how that relates to what is currently today served versus unserved.

1:19:46

Jennifer, is there anything else you want to add to that comment?

1:19:50

Jennifer Duane:

Yeah, that's right on Adam. The only thing I would add is that the definition of unserved that talks about funding under a federal or state support that an entity has received, or has been selected to receive, and they're subject to enforceable buildout of commitments by date certain. And one thing that we did was in the NOFO is add a definition of what it means for enforceable buildout commitments.

1:20:17

As Adam mentioned, we really wanted to acknowledge the sovereignty of the Tribes, and make sure that they were aware of build outs, or that they had agreed to broadband deployment and were knowledgeable of that on their land. So, in terms of defining the buildout commitment, we defined it as an agreement between a Tribal government or its authorized agent, and the broadband service provider to the plan on Tribal lands. So, any of that deployment needed to meet that, that enforceable buildout commitment to be considered. Something that, you know, it could potentially take some Tribal areas off the list for eligibility purposes.

1:21:11

Margaret Gutierrez:

Thank you. Adam, Starlink secured RDOF phase one funds to build out an area under Tribal reservation, is that area now ineligible?

1:21:21

Adam Geisler:

I think it's kind of a carryover from the last question, you know, enforceable build out. You guys really need to take a look at that section and see if it meets that criterion.

1:21:33

If the Tribe is entered into a resolution with Starlink to provide those services. Again, I'm going to steer you to that section of the NOFO, and you're going to have to evaluate that on a case-by-case basis.

1:21:44

If I could just simplify the goals here. The goal is to make sure that as infrastructure planning for broadband is occurring, that the Tribe's sovereignty is considered in the planning processes, and that they're knowledgeable about the plans that others may be thinking about, and that they're collaborating on that. And so, this program has really been designed to promote partnerships and discussions where these instances may be occurring. So, again, look at enforceable build out requirements, or the way that we're treating that. Also look at self-certification, and between those two areas of the NOFO you should be able to kind of navigate your way through some of these instances that are popping up.

1:22:31

Margaret Gutierrez:

Thank you. Vanessa, is tomorrow's webinar the same content as today's webinar?

1:22:39

Vanesscia Cresci:

It sure is! You get to see all of our beautiful faces again.

1:22:48

Margaret Gutierrez:

Here's another one, Vanessa, is this just for fiber broadband installation?

1:22:54

Vanesscia Cresci:

So, no. If you refer to the NOFO on page five. It states that infrastructure can include, but is not limited to cable, fiber, wireless, fixed wireless, and satellite. However, applicants can propose technology or technologies that best suits your needs. However, we do encourage that proposals, as much

as possible, use fiber, but it's up to the Tribe to determine what their needs are.

1:23:31

Margaret Gutierrez:

OK, thank you. Adam, is there a website URL that has all 543 Tribal entities that are eligible to submit an application?

1:23:40

Adam Geisler:

OK, I'm going to actually point you to the definition of a Tribal Government within the Statute itself, Subsection 905 of HR133. Sorry, folks. I'm sure there's attorneys on the line.

1:23:57

I'm going to encourage you to go take a look at what the definition is, federally recognized Tribe, and the way that it's defined within the Statute.

1:24:10

Margaret Gutierrez:

Crystal, is there a template available for the resolution of consent required from each Tribe?

1:24:19

Crystal Hottowe:

No, not at this time we're not providing a template, as we respect Tribal government sovereignty, and each resolution will have its own unique language based on the private projects of that particular Tribe.

1:24:34

Margaret Gutierrez:

Thank you. Jennifer, given that most or all reservations are remotely located, is there a ratio of middle mile infrastructure to off reservation infrastructure that NTIA would consider preferable in an application?

1:24:48

Jennifer Duane:

We're trying not to be too prescriptive there. I think we would leave it up to the applicant to define that in their application proposal in there and describe that in their project narrative.

1:25:02

Adam Geisler:

All right, Jennifer, if I could just jump on that really quick. I realize that a lot of you are sitting out there just looking for, we're so used to the government saying this is how we want you to do it. I'm going to say it again, because it's unique for us in Indian country. This is really meant to meet you based upon what you believe your solutions sets are for solving the digital divide.

1:25:24

From an infrastructure standpoint, from an affordability standpoint, from a workforce development standpoint, from a telehealth standpoint, from an education standpoint, it's all out there, guys. So really, at the end of the day, put forward the solutions that make sense to you, that meet your Tribe's needs. And that cover not just infrastructure, but all the components that you're thinking about as it relates to broadband infrastructure and use and adoption.

1:25:50

Margaret Gutierrez:

Thank you. Adam, while you're up on the hot seat. Can you explain, if areas that were awarded RDOF funding would be considered? If an ISP was awarded RDOF funding over one of our properties, and we want to work with another ISP in the same area, can we still get NTIA funding for that project?

1:26:10

Adam Geisler:

Again, I think this is that we realize it's a hot topic today. Guys, at the end of the day, we want to take enforceable build out commitments and how we define that. Take a look at eligible lands, and then take a look at self-certification. At the end of the day, you can't duplicate federal funding. But, again, if there's different areas of funding that have been identified, as long as they're not duplicating, we don't anticipate there being an issue. But, again, bring your applications in. I think I want to highlight one other component here. Our goal is to try to get to yes where we can, as long as we stay within these parameters, and we're going to work to cure your application on a case-by-case basis. What's important here is that you're really thinking about what makes sense for you and your community, get those applications in and we'll work through some of the nuances that are sitting out there.

1:27:03

Jennifer Duane:

Adam, I just want to add to that, we are coordinating closely with the FCC and USDA on their programs to make sure that we're not duplicating funding, and as Adam mentioned we have a curing process with the application. So, if there are some areas that looks like it might some overbuild with different programs, we can work with you to descope that or carve that out of the application. Again, our overriding goal is to make sure you get this funding out to the and most in need and we want to work with you to make sure that we're really targeting unserved areas in Tribal lands.

1:27:44

Margaret Gutierrez:

Crystal, if asking for an extension, should we include the longer timeline provided in the application, meaning, when showing our timeline, can we present one for longer than one year?

1:27:55

Crystal Hottowe:

Yes, but you will still need to request an extension into the future.

1:28:02

Margaret Gutierrez:

Perfect. Gabe, the Ho-Chunk Nation has a very scattered land base. In order to get broadband projects to all of our members we would still have to work with several different ISPs in multiple areas within the state of Wisconsin. Can we include multiple projects with multiple ISPs in one NTIA grant application? If not, can we have multiple applications to cover those separate projects?

1:28:25

Gabe Montoya:

Thank you, Margaret. That's actually a very good question and probably a very common question. We're going to see everywhere with checkerboarded Tribes. Ideally, we would like to see one large proposal for the whole Ho-Chunk Nation. We're encouraging as many partnerships with different organizations to ensure that you can get that coverage across the board. So, we would encourage you to leverage as much partnerships as you can to make a stronger proposal to submit your need for the Ho-Chunk Nation.

1:28:59

Margaret Gutierrez:

Thank you. Vanessa, is other equipment eligible for funding such as the telemedicine or distance learning equipment to connect to broadband? Also, what about the network and wireless equipment needed?

1:29:13

Vanesscia Cresci:

So, under the Broadband Adoption and Use Activities, you can refer to page 32 in the NOFO there are activities there that are allowed as eligible costs. And one of them includes acquiring broadband related equipment, instrumentation, networking capability, hardware, software, etcetera. So, I recommend referring to that section of the NOFO.

1:29:38

Margaret Gutierrez:

Thank you. Adam, what is a CLEC, and what is the difference between a CLEC and an approved provider? May a Tribe be an approved provider to seek Lifeline?

1:29:51

Adam Geisler:

I'm not going to answer questions related to the Lifeline program that, that's not what we're here to discuss today related to the Tribal Broadband Connectivity Program. You have two different categories. I am going to address the CLEC and ILEC discussion.

1:30:05

So, the ILEC's are usually the folks that have, and I will keep it simple: They're essentially the larger carriers in the region that often have the ownership of the pipe and the cable in the ground. Often, there are smaller carriers, also in the regions that apply for CLEC status. And there's a lot of Tribes that I know that are currently going through a CLEC application process. At the end of the day, I guess I want to make something really clear.

1:30:33

It doesn't matter if your Tribe is an ILEC or CLEC or doesn't have any of those certifications, it doesn't matter to us. At the end of the day, what we're trying to do is bring infrastructure to light up Native American households. And so, if your Tribe is going after becoming a CLEC, more power to you. It actually makes me smile a lot, because I think that it would be great to see a lot of Tribal CLECs out there. A lot of times, too, you run into carriers that will not tie into, it doesn't matter if it's Tribal or

not, other individuals' infrastructure if they don't carry a CLEC status. Those statuses actually have certain components about them with regards to maintenance and standards that are unique. And that's why the status, that's why they hold a status such as a CLEC or an ILEC.

1:31:23

With that being said, again, this program is agnostic of if you're a CLEC or an ILEC, or any other designation that may be out there that's either state specific or Tribal specific. We're here to work with you. Whatever you're looking for in your application, send it in. We realize there's other funding mechanisms out there.

1:31:41

Make sure our guidelines are not duplicating other guidelines of other programs, including our friends over at the FCC, or the USDA, or the EDA, or Treasury because we know there's money out there for all these programs, and again, we'll work together with you once you get your application, to make sure that we're not having those issues happen.

1:32:01

Margaret Gutierrez:

Adam, I have a follow up question for you. If a Tribe is not ETC yet but planning to be, how do you want that to be documented?

1:32:08

Adam Geisler:

I mean, again. Another status, ETC. Put it in your application. If that's what you're moving toward, that's great. One, more time we'll promote it. And congratulations to you for taking that step as a Tribe to move in that direction. Note it. It's great. It's not, it's not going to hurt or help the application. It's just great knowledge for us to know. We're not going to put one Tribe above another, because they're an ILEC, a CLEC, an ETC. At the end of the day, whatever serving the community, based on what the community's needs are, is what our focus is. So, put it in there, makes me smile, but it's not going to give you a little bit more weight, or a little bit less weight when it really comes down to it.

1:32:50

Margaret Gutierrez:

Gabe, we have a housing community that is only for enrolled Tribal members that is fully owned by the Tribe, but it is on fee lands. It depends on the Tribe for services such as water, water treatment, maintenance, roads, and other needs. Does this qualify as a dependent Indian community since it is on fee land?

1:33:07

Gabe Montoya:

It does qualify to be an eligible entity to be served.

1:33:15

Adam Geisler:

Margaret, if I could follow up to that. For those of you that are wondering where you fit in the definitions, tell us how you fit.

1:33:26

Right, if you believe that that's a distinct element of being in an Indian community, again, guys, we're not here to tell you. You're here to tell us what makes sense for your solutions in your communities.

1:33:37

The other thing that I'm going to highlight is BIA service areas. If you're in the lower 48. Some of the BIA service areas are off Tribal lands, traditionally.

1:33:46

So, take a look at what's unique to your situation. Share with us what it is you believe and where you fit, and again, we'll work with you through the application process. Sorry to sound like I'm on a repeating record. I feel like that's going on in my head. But I get it, it's an odd space, that's not normal for us in Indian country to be in an environment where if you submit an application, we're willing to work through a cure. That's usually a yes or no. But this program, that's not what we're trying to do. We want to get service to the community.

1:34:16

Margaret Gutierrez:

Alright, well you two are on a roll. Gabe and Adam. This is around eligibility. If a Tribal land has an existing service provider that provides qualifying internet service at a very high cost for the members to afford it, does it qualify as unserved?

1:34:34

Gabe Montoya:

Do you want to take that one Adam?

1:34:38

Adam Geisler:

Go for it.

1:34:41

Gabe Montoya:

So, this program is based around delivery of 25/3. If you are getting that connection of 25/3, you would not be eligible because this is a need based on needing broadband speeds. If you are already receiving broadband speeds, you are considered served. Is that correct?

1:35:03

Adam Geisler:

That is correct. I am going to add a caveat to that. So again, maybe in terms of deployment of infrastructure, we're talking about 25/3. But if affordability is something that you're facing as a Tribe, that fits in the bucket of broadband use and adoption. So, take a look at the eligible uses, and if affordability is a challenge that you are being it with, we realize that COVID has hit so many Tribal economies so hard, costs are a reality that so many of you are dealing with. Take a look at that component. It's not all about infrastructure. It is about affordability.

1:35:43

There are some differences between how we view infrastructure and affordability. And again, just look at those differences in the NOFO. And we're going to try to get to yes with you how we can.

1:35:53

Margaret Gutierrez:

Thank you. I know we're throwing around a lot of acronyms, so let's try and make sure that we're defining those acronyms for people on the other end of the line.

1:36:01

Jennifer, can you explain for everyone where they can find the NOFO?

1:36:06

Jennifer Duane:

Well, it's on our website and we can send out the link for our Broadband USA link. It's also available from grants.gov and there's also a link to that we can provide. So, if you don't have access to the NOFO, we will do everything we can get that to you, so you have access to it.

1:36:27

Margaret Gutierrez:

Thank you. Vanessa, can you please describe how each Tribe will be allocated funding up to \$500,000 as described in B3 of the NOFO? Is this allocation formula-based, needs based on the grant application or another way? Adam may be better fit to answer that, but either one of you.

1:36:49

Vanesscia Cresci:

Sure, so I think that even though it does mention that funding will be allocated up to \$500,000 for each Tribe. But I also want to mention that it's not actually a funding cap, either, and so that, if you feel like, you know, your proposed project you need less than \$500,000 or more, I would want to make sure that your budget supports that when it is submitted.

1:37:20

Jennifer Duane:

Yeah, and if I could just add that it's not a formula. We're directed under the Statute to do an equitable allocation, among Tribes. So, we settled on up to \$500,000 allocation for each of the federally recognized Tribes. So, it's not a cap, but it's also something that you need to apply for. So even though it's set aside for you, still need to come in, file an application, you have a budget, document the activities you're planning to use that money for, in order to receive that funding. I just wanted to clarify that if there's any doubt, it's set aside for you, but you still need to come in and apply and tell NTIA what you're planning to use the funds for.

1:38:11

Margaret Gutierrez:

Crystal, what does the resolution of consent look like?

1:38:19

Crystal Hottowe:

Let me unmute myself first. The resolution of consent looks like how you define it. We're looking for you to actually, I'm going to punt this to Adam.

1:38:36

Adam Geisler:

That's all right. You are headed right down the correct path. So, we're not here to tell you guys how to write your resolutions. You are sovereign governments. When it comes down to infrastructure, I mean, all of you

that have read the NOFO, at this point, are seeing that it doesn't really matter who you are, when you're looking at infrastructure. A resolution is going to be needed from the, from a federally recognized entity, the Tribe, in order to get consent for the infrastructure component. How you choose to describe what you're consenting to in a resolution is up to each Tribe.

1:39:09

And so, while we recognize some of you are looking for boilerplate language, the reality is that we realize, from Alaska, to Hawaii, to the lower 48, you are all unique and that we are not going to try to dictate to you how your resolution should look.

1:39:23

So, and again, on a case-by-case basis, some of your resolutions may have satellite focus. Some of them may have fiber focus. Some of them may have 2.5 deployment of wireless focus. Some of them may have all three. So, at the end of the day, we don't want to tell you how to do you, so, I know, it's odd. But we're not going to tell sovereign government how to, how to write resolutions that meet their needs. We're going to let you guys do that, and we look forward to seeing how those come in.

1:39:58

Margaret Gutierrez:

Thank you. Vanessa, can several Tribes in a regional area form a consortium and submit one application or is it better if each Tribe applies individually?

1:40:07

Vanesscia Cresci:

So, yes. You can submit an application as a consortium, if that's what's going to best meet your needs. If not, you are also welcomed to submit an application on your own. There is a section in the NOFO that talks about sub-awards, as well, so please make sure you refer to that Section in the NOFO.

1:40:29

Margaret Gutierrez:

Thank you. Crystal, if we state in our application that we expect for construction to take longer than a year, and that we expect to ask for an extension, will this appear as a negative review?

Crystal Hottowe:

No, no, definitely not. One of the really great things about what NTIA has done with the Tribal Broadband Program is they've brought on people who are experienced in this area, and also the reviewers will be experienced in this area, too. So, with that said, the construction aspect of this there, we're understanding, we know that construction may take longer than what is allowed in the NOFO. With that, then the extensions will be allowed. So, no, you're not going to be knocked down if it's for a long construction period or a longer construction period longer than a year.

1:41:28

Margaret Gutierrez:

Adam, I'm a consultant that is looking to offer service, and I'd like to connect with someone to help provide it.

Adam Geisler:

1:41:38

Well, I know we're not allowed to recommend consulting. At the end of the day, as federal employees, we can't do that. I guess what I can say is that I'm not sure who you are or what you're doing, we also recognize that industry has a role here, right?

1:41:57

There are plenty of Tribes out there that are going to need support and assistance to navigate this space because it may be new to them. So, what I guess I would encourage all of you that are out there, that are from the industry side, is take a look at the Tribes that are in, near or around where your services are at today and see if it makes sense to go pick up the phone and talk to them. Tribes are usually pretty open door. I realize COVID has changed the dynamic a little bit. But I really would encourage you to take a look at the federally recognized Tribes, Tribal organizations that are out there, there's been a lot, and see how you can leverage that.

1:42:34

The other item that, I guess I would put out there, that would probably be appropriate, is, there are American Indian Chamber of Commerce entities that are out there as well. That always is a great place to convene enterprise and government to solve problems. So, you know, that's the other thing, I guess what I would put out there, and that's probably as far as I can go, or Jennifer will reach to the screen. You know, do your best to work out, reach out to the Tribes that are around you, and that's the best we can do for you today.

Margaret Gutierrez:

1:43:07

Jennifer, can you elaborate on the funding of middle mile broadband infrastructure that would be eligible under Section E, areas or communities designated by the Assistant Secretary of Indian Affairs at the Department of the Interior?

Jennifer Duane:

1:43:20

In terms of the Tribal lands that are kind of off reservation? So, we're going to look at what those areas are. But, as I said, you know, broadband infrastructure, middle mile, that is all eligible costs. All of that it is eligible for funding. So, I don't know how detailed we can be, but, you know, a typical middle mile networks are funding that would be eligible for deployment.

Adam Geisler:

1:43:52

Jennifer, can I make one point here, too?

Jennifer Duane:

1:43:55

Absolutely.

Adam Geisler:

1:43:55

We realize the middle mile is going to traverse off reservation. What's important here is that where the service is deployed is on areas of eligible, like, so, where the last mile connection is, where that end point connects to

a house, or an anchor institution, or a place where services are being provided to Indians because of the benefit of them being Indians, that really is the point here.

1:44:20

So, while middle mile, I guess, I just want to be clear on, I think what I understood, the question to be. Middle mile is going to have to occur in many instances on lands that are off reservation. What's important here is the endpoint and where those services are being received. So just keep that in mind.

1:44:36

And then for those of you, I'm assuming that the question being asked by folks that are probably not familiar with Indian country. The Tribes are pretty familiar with their BIA service areas and where they extend BIA resources. So, again, work with the Tribe that you're wanting to work with. Have some conversations with them about their needs. And hopefully, we can see some great partnerships come out of this situation.

1:45:06

Margaret Gutierrez:

Gabe, if a Tribal member lives off reservation and owns their own home, it appears that they would be eligible Tribal land, but if they rent, they would not, is that correct?

1:45:19

Gabe Montoya:

Wow. I would say that it would be ineligible. And Adam, please correct me if I say this inaccurately, but I would say that they would be ineligible if they rented. But if it was a Tribal home, they would be eligible because it is an off-reservation home, you live by a Tribal member. Is that correct Adam?

1:45:39

Adam Geisler:

I missed the question so I'm going to point it to Jennifer.

1:45:48

Jennifer Duane:

We can check on that. I don't see a home ownership component, whether that factors in whether you're renting or owning the home. I don't know that that is part of the definition; we can verify that, and we can address it in a frequently asked question, but I'm not seeing why the difference would be, if you're renting or owning, whether that would be eligible. And maybe I just didn't understand the questions. And we can certainly take it back and address it in an FAQ to make sure that we are fully understanding what the questioner is getting it.

1:46:26

Adam Geisler:

Whoever asked that question, if you don't mind sending that question to the e-mail account, Adam.Geisler@firstnet.gov, we do want to incorporate that into the NOFO. Because I think if I'm understanding the question correctly, we realize some of you through BIA HIP housing programs or through NAHASDA, you have off reservation rental units where services or Native Americans or Alaska Natives or Indians are living.

1:46:56

Send that over. We'll take that offline and do our best to try to address it, because I have a feeling that's kind of where the intent of the question is going. And we do want to try to get to yes where we can So, let's take a look at that. Thanks.

Margaret Gutierrez:

1:47:11

Adam, our Tribe is definitely interested; however, we lack the knowledge of broadband systems, and verbiage. Can that be stated as a gap of service and will it be considered during the award phase?

Adam Geisler:

1:47:23

Absolutely. We're going to work with you. We realize the technology terms are maybe new, but a number of you have been doing infrastructure forever. Right. At the end of the day, fiber is going in conduit, which goes in the ground. Or it is being hung on telephone poles and all of you have water systems and power access. So just to simplify this concept about fiber. It's just another type of a utility that you either hang between poles or put in the ground. Then there's a wireless component to that, but at the end of the day, we will work with you and your applications.

1:48:01

Don't get hung up on the terminology, if you can clearly state what your goals and objectives are, we'll help you through that process. I guess I'm just going to say it as simple as that. We realize that there's a short timeline and probably a pretty significant learning gap for some of you, and we're absolutely going to take that into consideration and no, we're not going to penalize you for that. That's not our intent.

Margaret Gutierrez:

1:48:28

Thank you. Vanessa, of the one-billion-dollar budget, is there a required percentage that needs to be allocated to infrastructure spending versus use and adoption spending.

Vanesscia Cresci:

1:48:38

The Statute does not mention that, so I'm going to say no.

Margaret Gutierrez:

1:48:46

Vanesscia again, we have a few members who are disconnected from broadband service due to non-payment. If we pursue funds for free, reduced broadband services, can we use funds to pay for delinquent accounts so Tribal members are able to be re-instated for services?

Vanesscia Cresci:

1:49:01

One of the allowable activities under this program is providing free or reduced cost broadband services and preventing the disconnection of broadband service.

Margaret Gutierrez:

1:49:13

Thank you. Gabe, the NOFO contemplates that a lower tier participant of a consortium can still submit its own application. How is a lower tier participant defined?

1:49:29

Gabe Montoya:

I think it would still be considered a Tribal organization. So as long as you have a Tribal organization, or fit within that criterion eligible entity, regardless of how you define it, as long as you fit that criterion, you shouldn't be, you should be eligible to do that whether you're a smaller or large entity.

1:49:53

Margaret Gutierrez:

Crystal, the NOFO mentions grant being awarded on a rolling basis. Does this mean applications should be submitted as soon as possible so they are not disadvantaged?

1:50:04

Crystal Hottowe:

Well, the past grant writer in me says you should be working on it as soon as you can, as soon as you get the NOFO and possibly even before then.

1:50:54

So, do it and get your grant application in as soon as you can, but because I don't know, is this working because I feel like it's not. So, do your grant application as soon as you can. You won't be at a disadvantage for waiting until September 1 to turn your application in but get it off your desk and get ready to get to work with it.

1:51:28

Margaret Gutierrez:

Crystal, again, page 32 states, "fund the cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service. Does this mean that if awarded, then dollars can be spent beyond the one-year timeframe?"

1:51:49

Crystal Hottowe:

Jennifer, I'll point this one to you.

1:51:52

Jennifer Duane:

Yes, basically there is a default of a one-year award period, as we mentioned, with an infrastructure grant here, where we know that there's going to be extensions required. So, we know that the award period will most likely exceed one year. With a long-term lease, essentially in the structure of the capital lease that you're paying all that cost upfront, then that cost would be allowable assuming that it's incurred during the period of performance and most capital leases are structured in, or IRUs are structured in a way that it's an upfront payment, and it's incurred during the period of performance, so that would be an eligible cost in the program.

1:52:35

Margaret Gutierrez:

Adam, has NTIA considered the federal research that service providers have overreported 25/3 broadband availability on Tribal lands? Is it

possible to construct middle mile largely off Tribal lands but would cause broadband at 25/3 to become available on Tribal lands? I.e., backhaul is the bottleneck, is that a project that is eligible?

1:53:02

Adam Geisler:

If I, if I understood the question correctly, it sounded like it was, how are we treating 477 data? Is that, essentially, Margaret, what that the question is kind of encapsulating when you read it and how are we reviewing it?

1:53:17

OK, then here's what I'm going to say to that, everybody. There's a reason why we have a self-certification process that has been built into the NOFO. We realize that there may be some discrepancies with the way in which coverage has been reported. And at the end of the day, what we're really looking for is for you to assess your own access and certify if you have it or not. And, again, I'm going to point you to self-certification of what you have in terms of coverage within the program and, if it's there, it's there. If it's not, it's not! And we want to make sure, again, with this program, that where it is not, or it is not serving at 25/3, that Tribes have the ability to address the digital divide access issues. I apologize if that's the fed answer that I really hate to give.

1:54:12

That's the truth here, guys. We want to get these households lit up and irrespective of what may be reported somewhere, if it isn't there, it isn't there, and we're leaning on Tribes to validate that and in recognition of Tribal sovereignty.

1:54:26

Margaret Gutierrez:

I think the second part of that question, Adam, is, if the middle mile network would be largely off Tribal lands, but would serve on Tribal lands, is that project eligible?

1:54:37

Adam Geisler:

I mean, it's all about providing 25/3 service to Tribal households within eligible areas on Tribal land. So, I'm not going to give a hard yes, but if the infrastructure needs to come from off reservation to bring it on reservation or into the eligible land, sorry for using the term reservation. I realize you folks in Alaska are in a different environment, Sorry. At the end of the day, guys, like, of course, we're going to take a hard look at that as being an eligible expense, because you got to get the service there somehow. Right. I'll put the period there.

1:55:22

Margaret Gutierrez:

Jennifer, could you address in more detail what counts toward project sustainability as far as the evaluation process goes? Specifically, would Tribal ownership of infrastructure be considered as part of sustainability? What should be the plan for long-term sustainability of the service?

1:55:38

Jennifer Duane:

We will definitely take a look at that. In terms of the Tribal ownership. When we're thinking about sustainability, we're looking at the ability of the network infrastructure or the other activities to be sustained beyond the award period, so, you know, if the Tribal ownership of the infrastructure contributes to that sustainability will definitely factor that into the evaluation.

1:56:02

Margaret Gutierrez:

OK, and we're going to do one more question and it is for you, Jennifer. is BLM, BIA, and FCC supportive of the expedited process that this grant requires? Sometimes it has taken over a year to get NEPA documents completed, let alone the projects significantly completed.

1:56:20

Jennifer Duane:

Yeah, so one of the things that we're going to do is work closely with our counterparts at BLM, FCC, and BIA in working on the approvals for this program. And I know Adam has done a lot of work with BIA. We serve on our streamlining federal permitting works on the American Broadband Initiative, where we have these parties together, and we're planning on informing them about this grant program and looking for their support to expedite approvals. So, we can roll out this infrastructure as quickly as possible, and Adam, if you want to add any further about your BIA work, please do it.

1:57:03

Adam Geisler:

Sure. Look, I'm a former Tribal leader myself, I can absolutely relate to title status report issues, rights of way issues, encumbrance issues, appraisal processes, environmental cat ex (categorical exclusions) and guess what?

1:57:18

We are hot and heavy into those conversations with the Department of Interior and BIA. And I actually want to give a hat off to Secretary Haaland and her team, Bryan Newland and his team over at BIA. We are working very closely with them. We're engaging them on a weekly basis. There are leadership meetings going on. Also, we're working with Morgan (Anthony) Rodman. For those of you that know, Morgan, who is the Executive Director with the White House Council on Native American Affairs, where these topics are also being discussed.

1:57:50

So, for what it's worth, guys, we all recognize that there's going to be a need to work together through the permitting, leasing right away, environmental and historic preservation issues, as a whole. We may be talking about that on our next webinar. So, how is that for a tease. We know it's an issue. We're working our way through that but be patient with us. But know that we do have everybody's best interest in trying to resolve this, because we know that that's one of the important parts of any

infrastructure deployment on Tribal lands. And I'm going to make one more comment to that.

1:58:24

Broadband is what we're talking about here today, but our friends over at Treasury have money for water, wastewater, and broadband. Our friends over at EDA have three point five billion dollars over there, for a program that they're getting ready to roll out that focuses on all types of economic development opportunities. So, take this as an opportunity to master plan the things that you're thinking about. Broadband is just one component. If you're building a road or you're building a driveway to a household and you're going to rip up the road or build something new, if that trench is open, stick your water, your wastewater, your power, your broadband, and anything else that you're thinking about that's a utility in there. Again, you can't duplicate, but you can complement.

1:59:07

And so, I'm going to encourage you one more time, this entire team is going to encourage you one more time to take a hard look at your community's needs. Don't just rush your way through this process. We know that there is a window and a clock for our program. But take your time to think about how we fit in the overall needs of the Tribes that you're serving, and we look forward to working with you through this process.

1:59:33

Margaret Gutierrez:

Thank you and that'll end our question-and-answer section.

1:59:42

Adam Geisler:

Thanks again everybody for joining us. Have a great rest of your week, and we hope to see you for follow up tomorrow. I'm sure there'll be more of you on again with more questions. So, thank you to the team. Thank you to Deputy Secretary Graves. And thank you, Margaret, for facilitating the discussion today.

2:00:02

Margaret Gutierrez:

As a reminder, the presentations, transcript, and audio recording will be available on the Broadband USA website within seven days. Please join us again on July 21st or 22nd for our next webinar series.

END TRANSCRIPT.