



INFRASTRUCTURE INVESTMENT AND JOBS ACT

MIDDLE MILE PROGRAM



FEBRUARY 2022



AGENDA

Enabling Middle Mile Program Overview & Questions Review

Sarah Bleau, Broadband Program Specialist, Office of Internet Connectivity and Growth, NTIA

Moderated Discussion

Andrew Berke, Special Representative for Broadband, NTIA

Note: This presentation only covers rules and requirements set by the Infrastructure Investment and Jobs Act (IIJA), Division F, Pub. L. 117-58 (Nov. 15, 2021).



ENABLING MIDDLE MILE PROGRAM OVERVIEW & QUESTIONS REVIEW

Sarah Bleau, Broadband Program
Specialist, Office of Internet Connectivity
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WHAT WE'LL COVER

- 1 Review today's discussion questions
- 2 Provide an **overview** of the Middle Mile program
- 3 Describe **eligible uses and entities** for Middle Mile funds
- 4 Outline grantee **commitments & requirements**
- 5 Describe **prioritization of awards**
- 6 Detail **other relevant requirements** for the program

Note: this presentation only covers rules and requirements set by the Infrastructure Investment and Jobs Act, Division F, Pub. L. 117-58 (Nov. 15, 2021)

LISTENING SESSION DISCUSSION QUESTIONS

1. What requirements, if any, should NTIA impose on federally funded middle mile projects with respect to the placement of splice points and access to those splice points? Should NTIA impose other requirements regarding the location or locations at which a middle-mile grantee must allow interconnection by other providers?
2. How can the Middle Mile Broadband Infrastructure program leverage existing middle mile facilities, access to rights of way, poles, conduit, and other infrastructure and capabilities that are owned, operated, or maintained by traditional and non-traditional providers (public and investor-owned utilities, grid operators, co-ops, academic institutions, cloud service providers, and others) to accelerate the deployment of affordable, accessible, high-speed broadband service to all Americans?
3. What scalability requirements, if any, should NTIA place on middle mile grant recipients?

OVERVIEW | \$1 BILLION ALLOCATED TO MIDDLE MILE GRANT PROGRAM TO SUPPORT EXPANSION OF NETWORKS

OFFICIAL NAME	FUNDING POOL	TYPE OF PROGRAM	PROGRAM OBJECTIVE
Enabling Middle Mile Broadband Infrastructure	\$1.00B	Direct competitive grant on technology-neutral basis	"Encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas ... and to promote broadband connection resiliency" ¹

Note: funding amounts inclusive of all administrative set-asides
 1. Infrastructure Investment and Jobs Act, Division F, Pub. L. 117-58 (Nov. 15, 2021)

ELIGIBLE USES | FUNDING USES ARE ESTABLISHED IN THE LEGISLATION

Middle mile grants can be used for **"the construction, improvement, or acquisition of middle mile infrastructure"**

Middle mile infrastructure broadly means *"any broadband infrastructure* that does not connect directly to an end-user location, including an anchor institution," **and includes:**

- Leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services
- Wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless network, *e.g.*, towers, fiber, and microwave links

ELIGIBLE ENTITIES | ELIGIBLE ENTITIES CAN APPLY INDIVIDUALLY OR THROUGH A PARTNERSHIP

Can be one or a partnership of multiple:

- State or a political subdivision of a State
- Tribal government*
- Technology company
- Electric utility, utility cooperative or public utility district
- Telecommunications company or cooperative,
- Nonprofit foundation, corporation, institution, or association
- Regional planning counsel
- Native entity*
- Economic development authority



*See appendix for further definitions

COMMITMENTS | THE ACT ESTABLISHES REQUIREMENTS FOR APPLYING ENTITIES

PRIORITIES

To be eligible for a middle mile grant, an eligible entity shall agree in its application to prioritize:

- Connecting middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas;
- Connecting non-contiguous trust lands; OR
- The offering of wholesale broadband service at reasonable rates on a carrier-neutral basis.

BUILD TIME

An eligible entity shall also agree in its application to complete buildout of the middle mile infrastructure described in the application by no later than 5 years after the date on which grant amounts are made available to the eligible entity

Extensions: At the request of an eligible entity, the Assistant Secretary may extend the buildout deadline by not more than 1 year if the eligible entity certifies that—

- The eligible entity has a plan for use of the middle mile grant;
- The project to build out middle mile infrastructure is underway; or
- Extenuating circumstances require an extension of time to allow completion of the project to build out middle mile infrastructure.

ACCOUNTABILITY

The Assistant Secretary shall establish sufficient transparency, accountability, reporting, and oversight measures for the grant program to deter waste, fraud, and abuse of program funds, and establish—

- Buildout requirements for each eligible entity that receives a middle mile grant, which shall require the completion of a *certain percentage of project miles* by a certain date; and
- Penalties, which may include rescission of funds, for grantees that do not meet buildout requirements described above or the deadline described under "Build Time"

Note: the amount of a middle mile grant awarded to an eligible entity may not exceed 70 percent of the total project cost

PROJECT REQUIREMENTS (I/II) | THE ACT ALSO ESTABLISHES REQUIREMENTS FOR PROPOSED PROJECTS

Capable of supporting retail broadband service

The Infrastructure Investment and Jobs Act (IIJA) requires that proposed middle mile broadband projects be capable of supporting retail broadband service, as determined by the Assistant Secretary.

Interconnection and non-discrimination

An eligible entity that receives a middle mile grant to build a middle mile project using fiber optic technology shall offer interconnection in perpetuity, where technically feasible without exceeding current or reasonably anticipated capacity limitations, on reasonable rates and terms to be negotiated with requesting parties.

- The interconnection required to be offered includes both the ability to connect to the public internet and physical interconnection for the exchange of traffic.
- An applicant for a middle mile grant shall disclose the applicant's proposed interconnection, nondiscrimination, and network management practices in the application submitted to NTIA.

Connecting anchor institutions

To the extent feasible, an eligible entity that receives a grant to build middle mile infrastructure using fiber optic technology shall:

- Ensure that the proposed middle mile broadband network will be capable of providing broadband to an anchor institution at a speed of not less than 1 gigabit per second for downloads and 1 gigabit per second for uploads to an anchor institution, and
- Include direct interconnect facilities that will facilitate the provision of broadband service to anchor institutions located within 1,000 feet of the middle mile infrastructure.

PROJECT REQUIREMENTS (II/II) | THE ACT ALSO ESTABLISHES REQUIREMENTS FOR PROPOSED PROJECTS

Mapping Data

In mapping out gaps in broadband coverage, an eligible entity that uses a middle mile grant to build out terrestrial or fixed wireless middle mile infrastructure shall use the most recent data available from one of the following sources:

1

The FCC fixed broadband map

2

The State or Tribal government with jurisdiction

3

Speed and usage surveys of existing broadband service that meet certain criteria¹

Additionally, an eligible entity that constructs, improves, or acquires middle mile infrastructure using a middle mile grant shall share the location of all the middle mile broadband infrastructure with the Assistant Secretary, the Commission, the Tribal government with jurisdiction over the area that will be served (if applicable); and the State broadband office for the State where the area that will be served is located.²

- An eligible entity shall provide the required information in a uniform format determined by the Assistant Secretary.
- The information provided by an eligible entity may only be used for purposes of carrying out the grant program and any related reporting.

1. Survey must: (1) demonstrate that more than 25% of the respondents display a broadband service speed that is slower than the speeds required for an area to qualify as unserved; and (2) be conducted by (a) the eligible entity; (b) the State of the area to be served by the middle mile infrastructure; or (c) the Tribal government with jurisdiction over the area that will be served (if applicable). 2. An information recipient may not receive information unless the recipient agrees in writing to assert all available legal defenses to the disclosure of the information if a person or entity seeks disclosure from the recipient under any Federal, State, or local public disclosure law.

PRIORITY AWARDS | IN AWARDS, PRIORITY WILL BE GIVEN TO PROJECTS THAT MEET CERTAIN CRITERIA

In awarding middle mile grants, the Assistant Secretary should give priority to—

- Projects that leverage existing rights-of-way, assets, and infrastructure to minimize financial, regulatory, and permitting challenges;
- Projects in which the eligible entity designs the route of the middle mile infrastructure to enable the connection of unserved anchor institutions, including Tribal anchor institutions;
- Projects that facilitate the development of carrier-neutral interconnection facilities;
- Projects that—
 - Improve the redundancy and resiliency of existing middle mile infrastructure; and
 - Reduce regulatory and permitting barriers to promote the construction of new middle mile infrastructure.

The Assistant Secretary shall give priority to applications from eligible entities meeting at least two of five conditions:

- Adopt fiscally sustainable middle mile strategies
- Commit to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request
- Identify specific terrestrial and wireless last mile broadband providers that have: expressed written interest in interconnecting with middle mile infrastructure planned, and demonstrated sustainable business plans or adequate funding sources with respect to the interconnect
- The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project
- Eligible entity demonstrates that the infrastructure will benefit U.S. national security interests

TRIBAL GOVERNMENTS | CERTAIN REQUIREMENTS MAY BE WAIVED OR AMENDED FOR TRIBAL GOVERNMENTS/LAND



The Assistant Secretary, in consultation with Tribal governments and Native entities, may waive certain requirements, or specify alternative requirements, if the Assistant Secretary finds the waiver or alternative requirement necessary for:

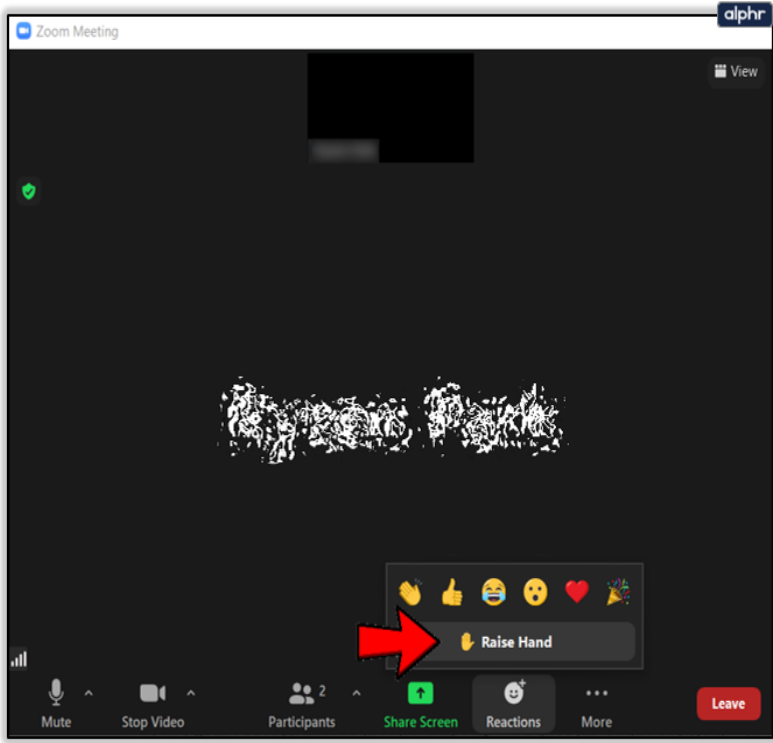
- The effective delivery and administration of middle mile grants to Tribal governments OR
- The construction, improvement, or acquisition of middle mile infrastructure on trust land.



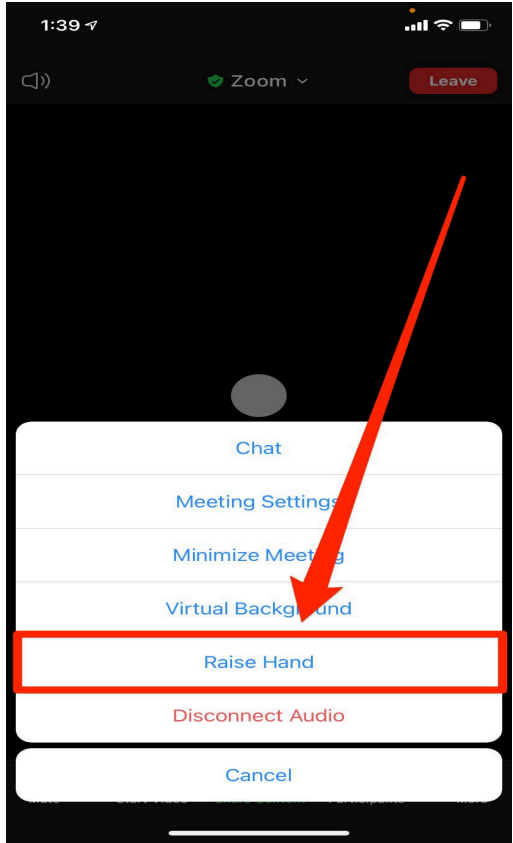
MODERATED DISCUSSION

Andrew Berke, Special Representative
for Broadband, NTIA

HOW TO RAISE HAND ON ZOOM



On desktop application



In Zoom phone application (in settings)

If audio/phone-call
ONLY, dial *9 to raise
your hand

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3. What scalability requirements, if any, should NTIA place on middle mile grant recipients?

To ask questions about IIJA broadband programs or provide additional feedback:

BroadbandForAll@ntia.gov

Please join us for our upcoming broadband program public virtual listening sessions!
February 23, 2022

For more information about upcoming listening sessions:
<https://broadbandusa.ntia.doc.gov/events/latest-events>

THANK YOU FOR
JOINING TODAY'S
SESSION





APPENDIX

ANCHOR INSTITUTION & INTERCONNECT



ANCHOR INSTITUTION

The term “anchor institution” means a school, library, medical or healthcare provider, community college or other institution of higher education, or other community support organization or entity.

INTERCONNECT

The term “interconnect” means the physical linking of 2 networks for the mutual exchange of traffic on non-discriminatory terms and conditions.

Note: Definitions above are specific to the Middle Mile program. Definitions may vary across IJA programs.

UNSERVED AREA

The term “unserved”, with respect to an area, means an area—

- That is designated as a Tribally underserved area* OR
- That—
 - Is of a standard size not larger than a census block, as established by the Federal Communications Commission (FCC); and
 - As determined in accordance with the FCC fixed broadband map, does not have access to broadband service with:
 - Except as provided below, a download speed of not less than 25 megabits per second and an upload speed of not less than 3 megabits per second OR
 - Minimum download and upload speeds established as benchmarks by the FCC for purposes of the IIJA after the date of enactment of the IIJA , if those minimum speeds are higher than the minimum speeds specified above.

Note: Definitions above are specific to the Middle Mile program. Definitions may vary across IIJA programs.

**The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for the purposes of this program.*

UNDERSERVED AREA

The term “underserved”, with respect to an area, means an area—

- That is designated as a Tribally underserved area* OR
- That—
 - Is of a standard size not larger than a census block, as established by the FCC
 - Is not an unserved area, AND
 - As determined in accordance with the FCC fixed broadband map, does not have access to broadband service with:
 - Except as provided below, a download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second OR
 - Minimum download and upload speeds established as benchmarks by the FCC for purposes of the IIJA after the date of enactment of the IIJA, if those minimum speeds are higher than the minimum speeds specified above.

Note: Definitions above are specific to the Middle Mile program. Definitions may vary across IIJA programs.

**The Assistant Secretary, in consultation with Tribal governments and Native entities, shall develop a process for designating Tribally unserved areas and Tribally underserved areas for the purposes of this program*

TRIBAL GOVERNMENT AND NATIVE ENTITY

TRIBAL GOVERNMENT

The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of the IJA pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

NATIVE ENTITY

The term “Native entity” means: an Indian Tribe; an Alaska Native Corporation; a Native Hawaiian organization (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)); the Department of Hawaiian Home Lands; and the Office of Hawaiian Affairs.

Note: Definitions above are specific to the Middle Mile program. Definitions may vary across IJA programs.



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