



# Soliciting Public Comments

A guide for States on posting Digital Equity Plans for public comment

*This document is intended solely to assist recipients in better understanding the process of completing and submitting DE Plans and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.*

# Soliciting Public Comments

A guide for States on posting Digital Equity Plans for public comment

## OVERVIEW

Through the State Digital Equity Grant Planning (SDEPG) Program, States are developing Digital Equity (DE) Plans. States are required to post their DE Plans for public comments before final plan submission. By completing the public comment period and considering those comments prior to submitting a final Digital Equity Plan, States will be prepared to apply for a State Digital Equity Capacity Grant (SDECG).

## DEVELOPING THE DE PLAN

The table below depicts the key steps States must take for the development of their DE Plans in accordance with statutory and NOFO requirements, along with a suggested timeline. If a State requested and was granted a Period of Performance extension, they should confer with their State FPO on process adjustments.

Step	Description	Timeline*
1 <b>States Draft DE Plan</b>	States are strongly encouraged to utilize the support of their State Federal Program Officer (FPO) for informal reviews and feedback before publishing their DE Plans for public comment. NTIA encourages States to utilize <a href="#">the provided template</a> when making their DE Plans available for public comment prior to submission to NTIA. This format will facilitate the public's review of the DE Plans.	In months 4-10 of the Period of Performance, up to 60 calendar days prior to the DE Plan submission deadline
2 <b>States Post DE Plan for Public Comments</b>	States are required to make their draft DE Plan available for public comment, consider the comments made, and revise the DE Plan as appropriate. States must also provide a written response to each comment and describe any changes made to the plan as a result.	At least 60 calendar days prior to DE Plan submission (30 calendar days to post, 30 calendar days to revise)
3 <b>States Submit DE Plan and Public Comments</b>	After incorporating feedback from public comments into their DE Plans, States will use the NTIA Grants Portal (NGP) to 1) submit the final DE Plan and a Record of Public Comments and Actions Taken and 2) attest to meeting statutory and NOFO requirements.	Within one year of the date on which a State is awarded SDEPG funds
4 <b>NTIA Reviews the DE Plan and Public Comments</b>	NTIA will review the DE Plan and Record of Public Comments and Actions Taken. Any incomplete submissions will be sent back to the States for curing. Upon completing the review process, NTIA will inform each State that the DE Plan has been accepted and that the State has satisfied its obligations under the SDEPG.	Within 30 business days of submission

## POSTING FOR PUBLIC COMMENT

States are required to solicit and respond to comments on their DE Plans. Suggested best practices around the timeline for this process are described below.

Best Practice	Description
<b>When*</b>	At least 60 calendar days prior to DE Plan submission (30 calendar days to post, 30 calendar days to revise)
<b>How</b>	States should post their plans online and notify the public that comments are being collected. Then, States should monitor their DE Plans for comments and address them upon receipt. When possible, States should post their DE Plans for public comments using their existing processes.
<b>Tools</b>	States are encouraged to use the Public Comments Disclosure Tab on the <a href="#">Local Coordination Tracker</a> to help prepare public comments for submission to NTIA, as it incorporates the information required by law. If available, States are encouraged to use an online tool for comment submission to ease the burden of gathering and preparing the information for submission to NTIA.

\*These suggested deadlines apply to States that do not request and receive Period of Performance extensions. If a State requests an extension, NTIA will grant extensions when deemed necessary on a case-by-case basis and provide further guidance on adjusted deadlines. Timelines must comply with all statutory and grant agreement requirements, including but not limited to any standing Special Award Conditions.

# Soliciting Public Comments

A guide for States on posting Digital Equity Plans for public comment

## ENGAGING THE PUBLIC

The public comment period is intended to promote transparency by having a forum for stakeholders to provide feedback and recommendations. A critical element to success of the DE program is meaningful engagement of community organizations, potential partners, and members of Covered Populations themselves in the program design. This will help DE projects and activities undertaken be more accurately targeted to address community needs and barriers to DE. To support broad awareness and participation in the public comment period, States should consider leveraging existing relationships and outreach strategies developed as part of their local coordination efforts. Suggested outreach mechanisms could include:



When engaging the public, States should share guidance on providing comments on DE Plans. Here are tips that States could share with the general public to help them provide effective comments.

1. Support your comment with substantive data, facts, and opinions. When possible, provide your lived experience in your comment.
2. Clearly identify the section within the DE Plan that you are commenting on and include the section number. Although comments should be clear and concise, there is no minimum or maximum length for an effective comment.
3. If you disagree with an aspect of the DE Plan, suggest an alternative and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.
4. Include pros and cons and trade-offs in your comment. Consider other points of view and respond to them with your views. Include examples of how the proposed DE programs and activities would impact your life and work positively or negatively.

## COLLECTING INFORMATION

In accordance with the Infrastructure Act and the Notice of Funding Opportunity (NOFO) for the SDEGP, States are required to post their DE Plans online to gather public comment, consider the comments made, and revise the DE Plan as appropriate before submitting to NTIA. To meet these requirements, States are encouraged to collect and submit the following information when gathering public comments:

- Commenter’s Name
- Commenter’s Email Address
- Other Comments\*
- Commenter’s Organization
- Relevant Section of the Plan\*
- Date Submitted
- Commenter’s Title
- Feedback Provided\*
- Written Response/Actions Taken\*

When submitting their DE Plans, States are required to explicitly state how they incorporated comments into their DE Plans or explain why they did not deem updates necessary. Additionally, States are required to submit a Record of Public Comments and Actions Taken. To support the States in collecting and compiling this information, NTIA has developed the Public Comments Disclosure Tab on the [Local Coordination Tracker](#). When posting the comments to the Internet for All Website, NTIA will only share information marked with an asterisk.

# Soliciting Public Comments

A guide for States on posting Digital Equity Plans for public comment

## REQUIREMENTS

In addition to the 15 statutory and NOFO requirements for the DE Plans, there are specific requirements for the public comment process, as noted below.

### Statutory Requirements\*

*From §60304(c), 135 Stat. 1214:*

#### (2) PUBLIC AVAILABILITY –

(A) IN GENERAL.— The administering entity for a State shall make the State Digital Equity Plan of the State available for public comment **for a period of not less than 30 days** before the date on which the State submits an application to the Assistant Secretary under subsection (d)(2).

(B) CONSIDERATION OF COMMENTS RECEIVED.—The administering entity for a State shall, with respect to an application submitted to the Assistant Secretary under subsection (d)(2) –

(i) before submitting the application—

(I) **consider all comments received** during the comment period described in subparagraph (A) with respect to the application (referred to in this subparagraph as the “comment period”); and

(II) **make any changes to the plan** that the administering entity determines to be worthwhile; and

(ii) when submitting the application—

(I) **describe any changes** pursued by the administering entity in response to comments received during the comment period; and

(II) **include a written response** to each comment received during the comment period.

### NOFO Requirements

*From DE Planning Grant NOFO Section I.A:*

**“Within one year of the date on which a State is awarded State Digital Equity Planning Grant Program funds**, that State must develop a State Digital Equity Plan that includes elements outlined in the statute and herein, **solicit and respond to public comments** on the draft plan, and finalize that plan. Each State’s State Digital Equity Plan will be a key component of any application the State may later submit seeking a State Digital Equity Capacity Grant.”

*From DE Planning Grant NOFO Section VI.I:*

“Pursuant to Section 60304(g)(1)(C) of the Infrastructure Act, NTIA will create and maintain a fully searchable database, which shall be accessible on the internet at no cost to the public, that contains, at a minimum: (i) the application of each State that has applied for a grant under this program; (ii) the status of each application described in clause (i); (iii) each report submitted by an entity pursuant to Section 60304(g)(1)(A) of the Infrastructure Act; (iv) a **record of public comments** made regarding the State Digital Equity Plan of a State, as well as any **written responses to or actions taken as a result of those comments**; and (v) any other information that is sufficient to allow the public to understand and monitor grants awarded under this program.”

## RESOURCES

The following resources aim to support the DE Plan development and public comment process:

- **DE Plan Template:** Recommended template to support each State in developing its DE Plan ([available](#))
- **DE Plan Guidance:** Guidance for States on how to structure and what to include in the DE Plan to meet all requirements ([available](#))
- **Local Coordination Tracker (Public Comment Disclosure Tab):** Recommended template to track the gathering of, response to, and submission of public comments on a State’s DE Plan ([available](#))
- **DE Plan Model Plan Guidance:** Guidance for Reviewers on the DE Plan review criteria so Reviewers can provide States with feedback that allows States to submit high-quality DE Plans ([available](#))

For more information on technical assistance for Digital Equity Programs, please click [here](#).