

BEAD INITIAL PROPOSAL

Volume 2



ConnectLA

Louisiana Office of Broadband
Development & Connectivity

Message from the Executive Director

ConnectLA is proud to publish the second volume of Louisiana's draft Initial Proposal for the Broadband Equity, Access and Deployment program. We ask you, as a broadband stakeholder, to review this draft proposal with a critical eye and provide as much constructive feedback as you can.

Louisiana received more than \$1.35 billion from the BEAD program for the construction of broadband infrastructure and the development of programs to eliminate the digital divide. [Vol. 1](#) focused on answering questions three, five, six and seven of the Initial Proposal, and Vol. 2 will respond to the remaining 15 questions. The public comment period will close on Sept. 25, 2023, and the feedback form can be found at connect.la.gov/comment. The proposal will be updated based on new data and public suggestions.

Since the release of Vol. 1:

- Internet service providers have completed or are in the process of connecting thousands of broadband locations throughout the state. Projects in Iberia, Lafourche and St. Martin parishes have been completed. Projects in Avoyelles, Franklin and many more parishes are under construction.
- ConnectLA strongly supported initiatives to build and upgrade 205 miles of middle-mile underground fiber by 2025.
- The Blue Cross and Blue Shield of Louisiana Foundation, in partnership with ConnectLA and through the State Library of Louisiana, gave grants to libraries in Beauregard, Cameron, Concordia, East Carroll, Franklin, Ouachita, St. John the Baptist, Union, Vermilion, Washington and West Baton Rouge parishes to enhance telehealth services for patrons.


Given the state's unique challenges with geography and workforce, a few topics were important to us in Vol. 2:

- Infrastructure needs to be resilient to weather damage. Burying fiber (especially in coastal areas) and building redundant systems will ensure fewer outages and improve emergency preparedness and response.
- This amount of infrastructure needs a robust workforce to build and maintain it. The Louisiana Community and Technical College System will offer broadband certifications for telecommunications-related jobs and play a major role in developing the state's broadband workforce.
- Once all Louisianians have internet access, it is crucial that we invest in the "future of work activities." New jobs in areas such as cybersecurity, computer programming, telehealth, and artificial intelligence will be open to people for the first time. This is a large step toward eliminating Louisiana's "brain drain."

These initiatives showcase how our goals go beyond increasing internet access. We also want Louisianians to be able to leverage the technology to improve their own lives.

We could not have completed this proposal without the help of our valuable partners, including the Louisiana Board of Regents, Urban League of Louisiana, Louisiana Coastal Protection and Restoration Authority, state college and university systems, planning commissions, tribal leaders, economic development organizations, citizens throughout the state and more. Each of our partners is committed to eliminating the digital divide and has contributed heavily to Louisiana's success.

We look forward to hearing your feedback. If you have any questions or need clarification about anything in this document, contact us at connect@la.gov.



Veneeth Iyengar, Executive Director

INTERNET FOR ALL

Initial Proposal Volume II

Final Approved Version



U.S. Department of Commerce

National Telecommunications and Information Administration

Note: This document is intended solely to assist recipients in better understanding BEAD Initial Proposal and the requirements set forth in the Notice of Funding Opportunity for this program. This document 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.

Version History		
Version	Date	Changes
1.0	8/25/2023	Draft version released for public comment
1.1	9/29/2023	Draft version pending NTIA approval
1.2	11/10/2023	Final draft version pending NTIA approval (updates for clarity, consistency, and detail in sections 2.4, 2.5, 2.7, 2.8, 2.11 and 2.12)
1.3	12/7/23	Final approved version

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Preface of Commonly Used Terms:

BEL – Broadband for Everyone in Louisiana

ConnectLA – Louisiana Office of Broadband Development & Connectivity

GUMBO – Granting Unserved Municipalities Broadband Opportunities

LAPDD – Louisiana Association of Planning and Development Districts

LCTCS – Louisiana Community and Technical College System

LOUIS – Louisiana Library Network

LWC – Louisiana Workforce Commission

ULL – University of Louisiana Lafayette

SECTION 2.1 Objectives

(Requirement 1)

2.1.1 Long-term Objectives

Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

Deploying broadband in Louisiana is critical to bridge the digital divide and provide equal access to all residents. One of the most significant challenges to closing the digital divide is ensuring stable, affordable, and universal access to high-speed internet. To frame the current digital divide, 1.5 million Louisianians (roughly one of every three residents) do not have access to high-speed, affordable, and reliable internet. Most of these residents can be found in either north Louisiana, which has a rural development context, or on the southern coast of the state, an area frequently afflicted by hurricanes that affect infrastructure as well as homes. As a testament to the lack of affordable and reliable high-speed internet, Louisiana approved \$176.7 million in Capital Projects Funds from the American Rescue Plan in nearly eight months to create a new grant program, Granting Unserved Municipalities Broadband Opportunities. The GUMBO program targets investment for areas lacking internet speeds of 25/3Mb per second. It is expected that in the next 12–18 months, nearly 88,500 homes and businesses will be connected. The goal is that by 2029, every address will have broadband availability with speeds of connection up to 1/1GB per second as well as the capacity and digital skills necessary to accomplish common tasks.

Due to the severe lack of broadband in Louisiana, there is a sense of urgency to quickly provide reliable internet to all residents. To reflect this urgency, the Office of Broadband Development and Connectivity (ConnectLA) will be looking for funded projects to be constructed and executed by eligible applicants within the next 5 years. If the provider has not sustainably completed the project it was awarded through BEAD funds, the state reserves the ability to claw-back constructed assets and award them to another provider.

Broadband is a 21st century necessity, prioritized on the level of other critical public infrastructure like electricity, water and sewage. Over the past two years and having visited over 90 cities, towns and villages conducting through stakeholder engagement, ConnectLA learned of the gaping disparities presented in rural and urban communities. Some households indicated internet costs of nearly \$200 per month for marginal service, reaching speeds of less than 25/3Mb per second. According to a 2021 published¹ report

¹ Report by the U.S. Energy Information Administration, 2021 Average Monthly Bill-Residential,

by the U.S. Energy Information Administration, the average Louisianian pays roughly \$130 per month for electricity. To this end, ConnectLA is committed to requiring service providers to participate in the Affordable Connectivity Program and incentivize base consumer prices of less than \$80 per month. The goal would be to keep consumer prices stable and consistent with the U.S. Bureau of Labor Statistics' Consumer Price Index.

The implementation of this project will significantly improve the lives of Louisianians by expanding high quality internet services to areas with lower economic mobility and majority-minority communities.

Louisiana consists of about 633 Historically Disadvantaged Census Tracts, representing more than 50% of total census tracts for the state. The primary barrier for digital equity has historically been significant under-investment in utility infrastructure. This has inhibited business opportunities, creating a spiral of limited economic investment and job availability for residents. By expanding affordable broadband access to these communities, the region will be able to improve educational outcomes to all community members, giving these residents the tools to develop economic opportunities for their area. The vital link of federal funding to achieve digital equity and improve the existing broadband infrastructure will allow the state to facilitate a more level playing field for all Louisianians. The state will coordinate with engaged partners, including the Office of Broadband Development & Connectivity, the Louisiana Board of Regents, LOUIS: The Louisiana Library Network, local higher education partners, regional planning commissions and other community-based organizations with a shared vision of digital equity and increased economic opportunities for residents.

ConnectLA's digital inclusion goal is for every Louisianian to have the ability and access to engage in digital skill programming to enhance individual digital literacy. To help further this goal, Louisiana piloted a program to increase the available digital training programs, the Louisiana Statewide Digital Inclusion Pilot. This one-year effort was initiated through five public libraries. Participating libraries trailed new digital literacy programming, enhanced their existing digital skills instruction, and tried new outreach strategies to reduce the number of people in their communities who lacked foundational digital literacy skills. Existing library staff received digital navigator training to serve as trusted guides for individuals looking to improve their digital skills. As of March 2023, there were 65 digital navigators from across the five pilot sites. Two goals were set for the pilot, 1.) reduce the number of residents who lack foundational digital literacy skills and 2.) develop a framework for a sustainable statewide digital literacy program for public libraries. While the pilot proved successful, several challenges were identified to long-term programming: 1.) small and rural libraries faced capacity issues 2.) digital navigators were limited in their autonomy to meet participants needs 3.) some library staff lacked foundational digital literacy skills 4.) a focus on censorship challenges resulting in staff turnover and 5.) promotion of digital literacy training programs. As digital literacy programming is expanded in the future, ConnectLA will consider how best to deploy the digital navigator model throughout libraries and other organizations statewide. A potential solution may involve increased engagement with coalitions and consortiums composed of churches and faith-based groups, K-12 and higher education institutions, food pantries and others with insight into the best way for deployment of digital literacy programming.

A concern among economic development stakeholders and parents alike is the state's "brain drain" of young talent seeking education and work outside of Louisiana. The prospect of high-speed, reliable

https://www.eia.gov/electricity/sales_revenue_price/pdf/table

internet in urban and rural areas brings a level of hope for retaining young talent and attracting others who have left the state to return. Better broadband accessibility provides expanded possibilities for creating high-paying, high-quality and high-salary remote work opportunities within Louisiana. Remote workers would be able to take advantage of Louisiana’s affordable real estate, utility and food costs, a priority for many to manage increases in inflation for the basic cost of living that the U.S. is currently experiencing. Through affordable, reliable, and high-speed internet, devices and digital skills training, Louisianians will be able to compete for remote work opportunities nationwide, increasing Louisiana’s productive citizens and tax base. Students will have access to online libraries of information to upskill and become competitive jobseekers. Farmers will be able to use precision agriculture to measure and increase crop efficiency, increasing potential exports in Louisiana. Doctors and citizens will be able to utilize telehealth services, reducing transportation costs to medical facilities for vulnerable residents. For this to become reality, Louisiana will need to supply a highly skilled workforce for broadband, enabling the state to compete in the digital economy. To help address the workforce gap, in 2022 the Louisiana Community and Technical College System was awarded \$10 million in funding from the Office of the Governor to align training programs with industry demand. This is especially critical as broadband expansion efforts and new projects are realized. In the long term, operations and maintenance of broadband infrastructure will demand a sustainable, skilled workforce.

Louisiana, through leadership at ConnectLA, is on the forefront of national broadband programming and construction. The BEAD funding will provide Louisiana with significant investment, broadband construction employment opportunities and greater access to the digital economy. Illustrated in Table 1 are the goals, objectives and ultimate outcomes to close the digital divide in the next five years.

Table 1: BEAD Goals, Objectives and Outcomes

Broadband Goals	Objectives	Outcome
<p><u>Access</u></p> <p>Connect 100% of broadband serviceable locations throughout Louisiana.</p>	<ul style="list-style-type: none"> • Eliminate the unserved population (access to speeds of less than 25/3Mb per second) by deploying climate resilient infrastructure with access to speeds of at least 100/20Mb per second. A file is available for download (“unserved.csv”) listing unserved location IDs. The data is sourced from the Broadband DATA Map as of May 2, 2023. • Eliminate the underserved population (access to speeds of less than 100/20Mb per second) by deploying climate resilient infrastructure with access to speeds of at least 100/20Mb per second. A file is available for download (“underserved.csv”) listing underserved location IDs. The 	<ul style="list-style-type: none"> • Ensure connectivity for 100% of broadband serviceable locations (483,113 unserved) • Ensure CAIs relied upon for recovery efforts have redundant connectivity capabilities in place. • Incorporate resilience zones into project areas for future grant awards. Receive updates at least annually from Coastal Protection and Restoration Authority in relation to Louisiana Climate Action Plan. • Ensure 100% connectivity (1,148 properties, 159,150 residents) to multiple dwelling unit wireless access.

Broadband Goals	Objectives	Outcome
	<p>data is sourced from the Broadband DATA Map as of May 2, 2023.</p> <ul style="list-style-type: none"> • Eliminate the challenges that community anchor institutions have (access to speeds of less than 100/20Mb per second) by deploying climate resilient infrastructure with access to speeds of at least 1000/1000Mb per second. A file is available for download ("cai.csv") listing eligible CAI location IDs. The data is sourced from the Broadband DATA Map as of May 2, 2023. • Fully administer, execute or oversee federally funded infrastructure expansion efforts towards achieving internet for all. Provide a plan for communication resilience by ensuring redundant anchor institution connectivity during times of natural disasters. • Study the creation of designated telecommunications "resilience zones" because of increasing threats described in the Louisiana Climate Action Plan. • Prioritize Wi-Fi access to multi-dwelling units among low-income and affordable housing units. • Support the efforts of existing state middle- mile infrastructure to facilitate better connectivity. 	
<p><u>Adoption</u></p> <p>Increase broadband adoption rates by 50%.</p>	<ul style="list-style-type: none"> • Improve outreach and education for broadband financial assistance. • Increase digital skills and 	<ul style="list-style-type: none"> • Louisiana broadband adoption rates of 95% (2021 ACS Data). • A 50% increase in adoption rate for households earning less than \$20,000 annually.

Broadband Goals	Objectives	Outcome
	<p>understanding of individual broadband need.</p>	
<p><u>Affordability</u></p> <p>Decrease by 15% the number of households that cannot afford broadband service and devices.</p>	<ul style="list-style-type: none"> • Continue to publicize and market the FCC Affordable Connectivity Program to improve outreach and education for financial assistance. • Promote the availability and use of financial incentives for low-income households. • Research innovative state-level program offerings to target the most vulnerable of populations. 	<ul style="list-style-type: none"> • All providers state-wide offer ACP assistance (900,000 households). • All eligible households (904,157) use ACP assistance.
<p><u>Digital Equity and Inclusion</u></p> <p>Increase by 15% the number of literacy programs offered through broadband partners</p>	<ul style="list-style-type: none"> • Create low-cost to free opportunities for digital skills training. • Fund digital navigators to assist in digital inclusion programming. • Develop public-private partnerships to help fund devices. • Continue to research BEAD funding mechanisms for important non-deployment projects such as telehealth access, precision agriculture, cybersecurity concerns and telecommunications mobility. • Work with disadvantaged communities to advance successful pilot programs funded through existing federal grants. • Work with healthcare service providers to advance successful pilot programs funded through existing federal grants. 	<ul style="list-style-type: none"> • Contract with the Blanco Public Policy Center at University of Louisiana to perform an outcome analysis of the Digital Equity Plan. • All 64 parishes will have one staff member dedicated to digital skills outreach and training for the local population. • Ensure 70,000 households receive a free or subsidized device. • Document anticipated non-deployment projects and their relationship to digital equity and inclusion.
<p><u>Digital Skills</u></p> <p>Increase Louisiana’s</p>	<p>Provide a path to increase digital skills of residents by funding staff support at the parish level and postsecondary education</p>	<ul style="list-style-type: none"> • Digital skills training for 230,000 Louisianians. One digital navigator is institutionalized at each library to offer Northstar

Broadband Goals	Objectives	Outcome
digital skills rate by 50%	institutions with state-wide partners to offer low-cost or free opportunities for training programs. <ul style="list-style-type: none"> • Continue to implement the Northstar Digital Literacy program statewide, with an additional incentive for enrollment through the offering of a free device (laptop/tablet) upon program completion. 	Digital Literacy programs.
<p><u>Economic Development</u></p> <p>Scale Louisiana workforce to meet the projected shortage of nearly 8,000 jobs and cultivate the economic supply chain required to support mass infrastructure deployment in Louisiana.</p>	<ul style="list-style-type: none"> • Partner with the Louisiana Community and Technical College System and the Louisiana Workforce Commission to ensure workforce development needs are met. • Offer tuition subsidies for students enrolling into broadband certification programs. • Assist with the creation of a resilient broadband supply chain in Louisiana. • Ease regulatory and permitting burden on project buildouts by working with local and state agencies 	<ul style="list-style-type: none"> • All parishes with a community college location (55) will have broadband curriculum offered. • Eight thousand broadband jobs are filled and operational. • Ensure LCTCS maintains documentation of tuition subsidies offered for programs.

Louisiana has experienced significant success in securing and deploying broadband funding, which is largely driven by the pervasive need for equitable, affordable, and accessible internet. Achieving universal service is the overarching outcome. The establishment of ConnectLA is a milestone that has unquestionably identified a leader to coordinate efforts statewide. While ConnectLA demonstrates national success, Louisiana was prepositioned for progress by varying stakeholders throughout the state. In the aftermath of the COVID-19 pandemic local, tribal, and regional organizations realized the disparaging effects from lack of broadband connectivity. Consequently, communities throughout Louisiana began to mobilize for better coverage.

SECTION 2.2 Local, Tribal, & Regional Broadband Planning Processes

(Requirement 2)

2.2.1 Alignment with Existing Planning Efforts

Describe coordination with local and tribal governments, along with local, tribal and regional planning processes. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

As a frontrunner in deploying federal funding, Louisiana’s success can be attributed to the efforts stemming from ConnectLA and established partnerships. Broad outreach across the state has afforded ConnectLA the opportunity to understand existing activities and create alignment.

Louisiana has made a concerted effort to invest resources in eliminating the digital divide. Preceding ConnectLA and NTIA’s support, Louisiana facilitated a variety of broadband programming. While most programming was incongruent and lacked coordination by a centralized state body, broadband priorities were imbedded throughout state plans and planning initiatives. Broadband needs were later magnified by the COVID-19 pandemic, which changed the digital landscape leading to immediate action. The chart below describes existing initiatives that have helped to streamline ConnectLA’s goals.

Activity Name	Geography	Intended Outcome(s)
Louisiana Optical Network Initiative	Statewide	LONI is a statewide dedicated middle-mile network for universities and institutions to access high-speed internet. LONI has a robust 40 Gbps backbone network with connection to Internet2, commodity internet and other major national and international networks throughout the state. It can be positioned as a state asset to streamline construction efforts and buy down service cost.
Louisiana Wireless Internet Network	Statewide	The LWIN network supports communication to the public sector enabling seamless communication among all emergency responders improving information sharing and systems.
Broadband for Everyone in Louisiana Commission	Statewide	In August 2019, Gov. John Bel Edwards created the BEL Commission. The commission was tasked with facilitating private sector providers, public entities and other broadband stakeholders to improve the adoption and availability of broadband service for Louisianians by providing universal access to broadband service with minimum committed speed of 25/3Mb per second for all Louisianians by 2029.

Activity Name	Geography	Intended Outcome(s)
Louisiana Governor’s Advisory Council on Rural Revitalization	Statewide	The council was created to identify the needs and issues facing Louisiana’s vital rural communities, as well as solutions to removing any challenges. One of the focus areas identified by the council was broadband, and it is identified as a top priority in the council’s Strategic Plan Report.
Louisiana Association of Planning and Development Districts	Regional	In 2021, LAPDD received an U.S. Economic Development Administration award to conduct statewide outreach and develop regional broadband priorities.
Delta Regional Authority Broadband Mapping Project	Statewide and Regional	DRA awarded Louisiana technical assistance for the creation of a statewide speed test and mapping product. Louisiana residents were able to validate the level of service being provided to broadband serviceable structures.
Legislative additions	Statewide	In 2020 ConnectLA was created and in 2021, Louisiana created a new grant program, Granting Unserved Municipalities Broadband Opportunities (GUMBO). Using \$176.7 million in Capital Projects Funds from the American Rescue plan, the GUMBO program targets investment for areas lacking internet speeds of 25/3Mb per second.
Acadiana Planning Commission Broadband Assessment	Regional	In 2021, Acadiana Planning Commission analyzed existing broadband availability throughout the Acadiana region and found that nearly 21% of households lacked broadband access. Out of this need emerged a goal of servicing residential, business and community anchor institutions with high-speed, fiber-optic internet throughout Acadiana.
Library programs	Statewide	To further the goal of improving digital literacy rates, Louisiana piloted a program to increase the available digital training programs called the Louisiana Statewide Digital Inclusion Pilot. This one-year effort was initiated through five public libraries. Participating libraries trialed new digital literacy programming, enhanced their existing digital skills instruction and tried new outreach strategies to reduce the number

Activity Name	Geography	Intended Outcome(s)
		of people in their communities who lacked foundational digital literacy skills. Existing library staff received digital navigator training to serve as trusted guides for individuals looking to improve their digital skills.
National Digital Inclusion Alliance technical assistance	Statewide	NDIA provided ConnectLA with technical assistance to address digital skills and inclusion efforts.
Louisiana Climate Action Plan – Climate Initiatives Task Force	Statewide	A priority of the Climate Action Plan is to reduce roadway travel and corresponding greenhouse gas emissions. The strategy for this is to expand broadband access statewide, allowing for more remote working opportunities.
Louisiana Industry – Based Certification State Focus List	Statewide	The Louisiana Workforce Commission (LWC) has integrated the broadband profession as a state focus on the Louisiana IBC State Focus List. The Workforce Investment Council has identified this as a need and intends to provide support to ensure the career path is clearly articulated to the community. LWC is partnering with Coursera to launch “Tech Ready Louisiana,” a new statewide workforce development initiative. They will also be offering their American Job Centers for people to access online training if reliable internet access at home is an issue.
Digital Learning/ Educational Technology Plan	Statewide	The Louisiana Department of Education has a plan that is intended to be a guide to inform and influence school systems in crafting their own strategic technology plan. This plan also serves as a guide for school leaders to develop a framework for educational technology integration at the school level.

Starting in October 2023, ConnectLA will begin having quarterly meetings with all federally recognized tribes to discuss broadband related issues. ConnectLA is partnering with local ISP’s and the Chitimacha Tribe of Louisiana to organize ACP enrollment fairs.

Assessing existing efforts was the first step to understanding broadband readiness throughout Louisiana. These efforts prepositioned the state for national success. The level of initial coordination and engagement is a pillar of ConnectLA’s strategy for ensuring that broadband funds are appropriately spent. Ongoing interactions with local communities will continue to be a priority moving forward in the implementation of BEAD.

SECTION 2.3 Local Coordination

(Requirement 4)

2.3.1 Plan for Ongoing Coordination

Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

ConnectLA has undergone a robust public engagement effort to not only educate residents on the significance of participating in today's digital world, but to actively listen and apply resident feedback. To satisfy diverse engagement metrics and reach covered populations—individuals who live in covered households, aging individuals, incarcerated individuals excluding those in a federal correction facility, veterans, individuals with a language barrier, individuals in a racial or ethnic minority group and individuals who live in a rural area—throughout the state, ConnectLA and the outreach team implemented a multi-faceted approach to engagement wherein the needs of individuals were met. To accomplish these goals, ConnectLA and the Kathleen Blanco Public Policy Center collaborated with the state's regional planning and development districts, colleges and universities, tribal organizations and other regional partners to reach a diverse group of Louisianians.

Strategies included in-person stakeholder meetings (which were recorded and livestreamed), tribal consultations, a stand-alone online digital form, a paper form at meetings and left at libraries and in-person and virtual focus groups. All recordings were shared with attendees via email list as well as shared on social media platforms and newsletters. Engagement included four official tribal consultations, eight regional stakeholder meetings, online and paper input forms and 29 focus groups. Regional stakeholder meetings and the input forms were facilitated to capture broader feedback from the public. Tribal consultation and focus group meetings were aimed at collecting a more in-depth understanding of the needs associated with covered populations. Participants were either members of a covered population or those who have worked with a covered population. Figure 1 details the engagement strategies.

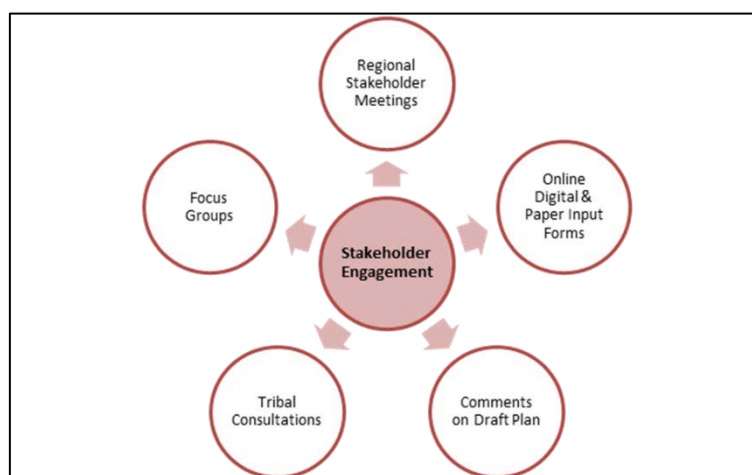


Figure 1: Engagement Strategies

Regional Stakeholder Meetings

On the local government level, there are 64 parishes and 303 municipalities statewide governed by

mayors, councilmen, police juries and other designated local officials. ConnectLA’s aggressive engagement goal has been to visit each parish tri-annually, for a total of 192 visits per year. Given the number of parishes and Louisiana’s size, this is a feasible challenge. A typical meeting day could see team members leave East Baton Rouge (central south) at 5:00 a.m., drive to Caddo (northeast) for morning meetings, hold afternoon meetings along the I-20 corridor (north), before concluding with evening meetings in Caddo (northeast) and returning home for 9:00 p.m. The next day, ConnectLA targets other parishes with the same rigor and tenacity. With this schedule, ConnectLA can easily meet with a minimal of four parishes in a day, or eight per week. The formula in numbers is $(64 * 3) / (4 * 2)$, which equals 24 maximum weeks necessary in a year to reach our goal. To meet this commitment, ConnectLA staff has driven over 15,000 miles across Louisiana between July 2022 to March 2023. ConnectLA worked with each of the state’s eight planning and development districts to schedule stakeholder meetings. Collectively, 260 people across the state attended these meetings. Working with regional planning groups gave greater outreach consideration to covered populations and other hard-to-reach areas in each region. Each stakeholder engagement event had two regional leaders from the planning group to moderate, present digital equity background material and address all participant questions that arose during the stakeholder Q&A portion of the event.

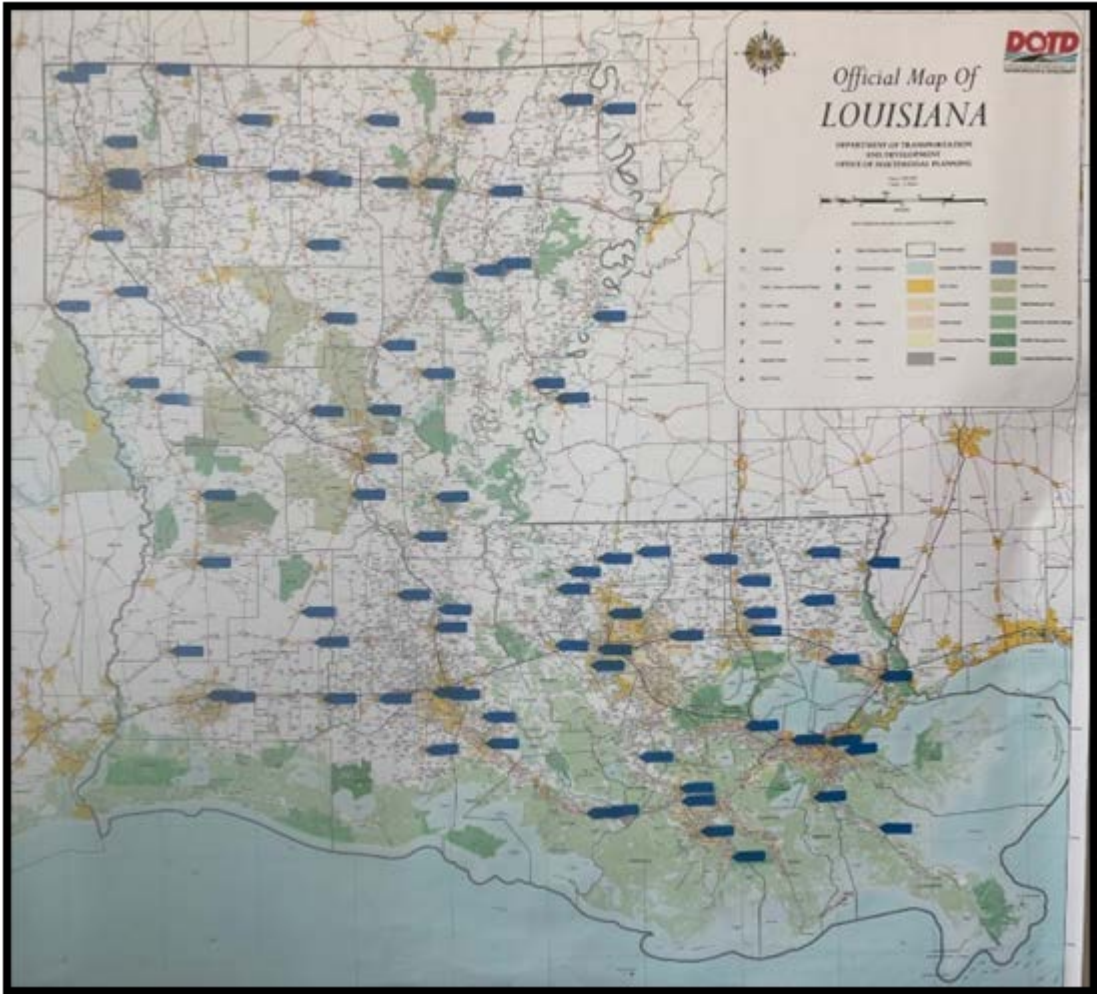


Figure 2: Outreach Meetings at Flagged Locations

At the event, stakeholders were asked to provide input about their unique local and regional assets that address digital equity issues, local and regional resources that address digital equity and barriers to achieving digital equity faced in the city, parish, region or specific populations in the region. The attendees were asked to help identify how to improve communication about digital equity in their community, strategies to address digital equity barriers and existing digital equity plans in their community.

Individuals from multiple different interest groups representing community anchor institutions, local and parish governments, school systems, postsecondary institutions, non-profits, state agencies and businesses were invited to attend these meetings. At each event, staff collected notes and listened to stakeholders. Meeting notes and transcripts were coded by Blanco Center staff and key insights, including unique ideas and ideas mentioned multiple times were drawn out to use in the needs assessment and implementation sections.

At the conclusion of each stakeholder meeting, all attending state partners met for further in-depth discussions regarding each region's unique broadband challenges and timely solutions to address those challenges.

Each event was staffed and supported by representatives from the Blanco Center, the regional planning and development district, LOUIS: The Louisiana Library Network, ConnectLA and select postsecondary institutions located in the region.

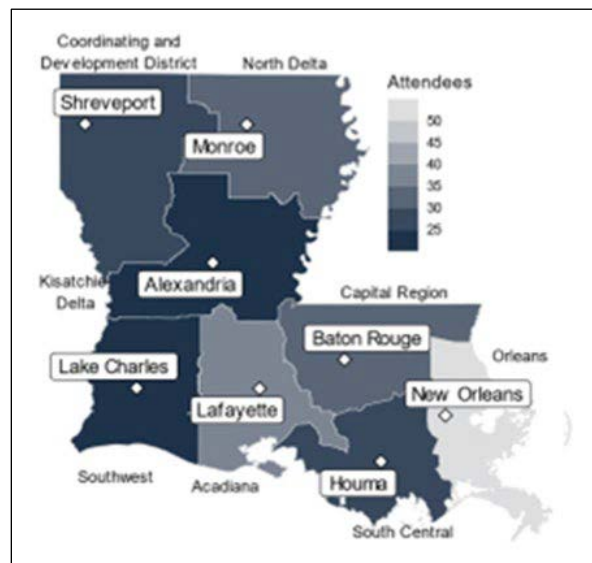


Figure 3: Attendance at each regional meeting
Source: Sign-in sheets from stakeholder meetings

Online Digital and Paper Input Forms

Louisianians were able to provide input regarding their unique broadband experiences via an online form or a paper copy of the same form at their local library. The existence and access to this form was heavily advertised at regional stakeholder meetings, in follow-up information about the meeting, at focus groups and through multiple media channels. All who attended regional stakeholder meetings were asked to share the link with others. Librarians were given copies of the form to distribute at the library.

The form asked about specific areas related to digital equity, including input about their unique local or regional assets that address digital equity issues, local and regional resources that address digital equity and barriers to achieving digital equity faced in the city, parish, region or specific populations in the region. Form respondents also provided recommendations for how to improve communication about digital equity in their community, strategies to address digital equity barriers and existing digital equity plans in their community.

The use of the form and intermittent analysis throughout the stakeholder engagement process helped identify some stakeholder groups in need of additional touchpoints to gain feedback. For example, the form illustrated high engagement among rural and older populations. As a result of the early feedback from the digital form, focus groups were targeted at communities with low engagement rates.

Content analysis of form answers was incorporated into the needs assessment and implementation sections of the plan.

Our office has continuously updated broadband rules and scoring criteria to maintain long-term affordability for consumers, increase mandatory speeds and incentivize company collaboration with local governments through this direct form of stakeholder engagement. At each stakeholder event, staff collected notes and listened to stakeholders' feedback. Stakeholder feedback was integrated into the initial proposal.

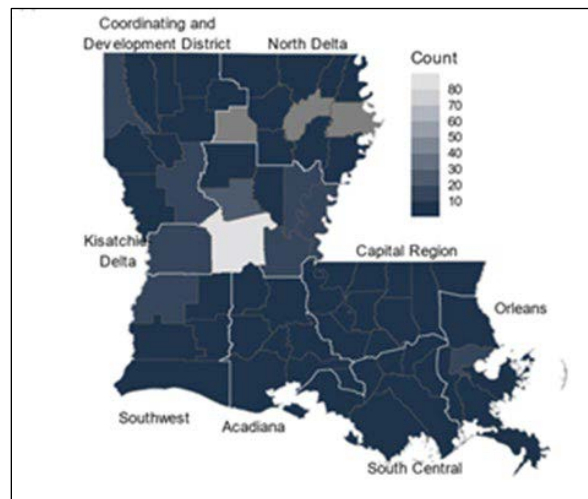


Figure 4: Number of responses to stakeholder form by parish

Focus Groups

For a more in-depth understanding of covered populations within the state and as a follow-up to the regional stakeholder meetings, the Blanco Center conducted multiple focus groups across the following populations or groups. Staff held 29 focus group meetings, which were attended by 224 people. Seven meetings were conducted in-person, and 22 were conducted virtually (Table 2). All attendees had the opportunity to provide feedback during the meeting or through the digital form (paper forms were provided for the in-person meetings). Depending on the meeting, attendees were people with lived experience or those who work directly with the covered population. Focus groups were organized in partnership with local and statewide partners who work with or are composed of covered populations.

An example of a partner organization is the Urban League, which organized seven focus groups around the state with Black residents. Leaders of our partner organizations invited stakeholders and collaborated with Blanco Center staff to develop an agenda and semi-structured discussion questions. At the meeting, staff from the Blanco Center and Office of Broadband Development and Connectivity provided an overview on the digital equity plan and the planning process. Blanco Center staff and partner organizations facilitated discussion with focus group attendees. Staff listened to stakeholder responses, took notes on attendee responses and ideas and asked follow-up questions related to digital equity issues. The information heard in focus group meetings was collected and integrated into relevant sections throughout the plan.

Table 2. Focus group meetings by covered population

Covered Population	Date	Attendance (#)	Location
Incarcerated/Formerly Incarcerated-Office of Reentry & Education Services	1/25/2022	3	Virtual
Tribal (state)/Native American-Office of Indian Affairs Native American Commission	12/1/2022	3	Virtual
Incarcerated/Formerly Incarcerated-Jesuit Social Research Institute	12/2/2022	3	Virtual
Individuals with a Disability-Governor's Office of Disability Affairs and Office of State ADA Coordinator	12/6/2022	4	Virtual
Tribal (state)/Native American- Office of Indian Affairs Native American Commission/Pointe-au-Chien Indian Tribe	12/15/2022	5	Virtual
Incarcerated/Formerly Incarcerated-Beacon Community Connections	1/6/2023	3	Virtual
Tribal (state)/Native American-Office of Indian Affairs Native American Commission/Adai Caddo Indians of Louisiana, Bayou Lafourche Band of Biloxi-Chitimacha Confederation of Muskogees, Four Winds Cherokee, Grand Caillou/Dulac Band of Biloxi Chitimacha Choctaw, Jean Charles Choctaw Nation, Louisiana Department of Veterans Affairs, Pointe-au-Chien Indian Tribe	1/9/2023	15	Baton Rouge
Healthcare-Louisiana Public Health Institute and Ochsner Health	1/9/2023	17	Virtual

Covered Population	Date	Attendance (#)	Location
Agriculture-Young Estates, PJF Farm Ville Platte, Progressive Tractor, LSU AG Center	1/11/2023	15	Alexandria
Library-LOUIS: The Louisiana Library Network, Louisiana Board of Regents, Southern University, Livingston Parish Library, Washington Parish Library, Central Louisiana Technical Community College, Caddo Parish Public Schools, Natchitoches Parish Library, LSU Eunice, Loyola University	1/12/2023	11	Virtual
Labor Union/Workforce-CWA LA & LA AFL-CIO	1/13/2023	9	Virtual
Older Adults Organizations-AARP, Jefferson Parish, New Orleans, Madison Parish, Pointe Coupee Council on Aging	1/17/2023	7	Virtual
Agriculture-LSU AgCenter	1/17/2023	7	Rayne
Older Adults -General	1/18/2023	9	Virtual
Agriculture-LSU AgCenter, 4-H Foundation, Food Bank of Northwest Louisiana	1/18/2023	13	Bossier City
Agriculture-LSU AgCenter, 4-H Foundation, Concordia Parish Library	1/19/2023	14	Winnsboro
Agriculture-LSU Ag Center	1/23/2023	8	Hammond
Incarcerated/Formerly Incarcerated-Lafayette Parish Sheriff's Office (LPSO Reentry Program)	1/23/2023	2	Virtual
Incarcerated/Formerly Incarcerated-Office of Reentry and Education Services	1/25/2023	2	Virtual
Incarcerated/Formerly Incarcerated-Beacon Community Connections	2/1/2023	2	Virtual
Black communities-Urban League, Louisiana Small Business Alliance	2/1/2023	9	Shreveport (Virtual)
Hispanic/Latino	2/20/2023	2	Virtual
Black communities-Urban League, Ashe Cultural Arts Center, Verizon, Birth Equity Collaborative, Louisiana Small			

Covered Population	Date	Attendance (#)	Location
Business Alliance	2/27/2023	14	Virtual
Black communities-Urban League, Southern University Law Center, Humana Healthy Horizons	2/27/2023	8	Baton Rouge (Virtual)
Black communities-Urban League, LSU Healthcare Network, Ochsner Lafayette General	2/27/2023	8	Lafayette (Virtual)
Black communities-Urban League, Tobacco Living	2/28/2023	4	Lake Charles (Virtual)
Black communities-Urban League, Verizon	2/28/2023	3	Alexandria (Virtual)
Black communities- Urban League	2/28/2023	4	Monroe (Virtual)
Incarcerated/Formerly Incarcerated-Voice of the Experienced	3/16/2023	20	Lafayette

The Office of Broadband Development and Connectivity will continue to partner with the set of stakeholders identified through this planning process and expand the outreach methods to ensure any additional stakeholder groups that have not been reached are sufficiently recognized. The Office will develop processes to maintain a high level of engagement to ensure that state-led initiatives are coordinated with ongoing efforts to move Louisiana toward digital equity. ConnectLA will discuss both the Initial and Final proposals at meetings, as well as post to their website. Ongoing planning, outreach and meetings will occur quarterly and methods to reach and/or broadcast in multiple languages to multiple ethnicities will continue to be refined.

All coordination meetings were open to the public and located in central locations that were both accessible and inclusive. Multiple methods of outreach were used to invite stakeholders. These methods include but were not limited to television, social media, e-mail blast, phone calls, flyers. All meetings were live-streamed and recorded to ensure that those unable to attend in person could still have access to the event either remotely or via recording after the fact. ConnectLA used a scaffolding approach to building on answers to ask more questions on trying to better understand the why there is disparity and for what reason. Notes were taken at each meeting, after the notes were compiled ConnectLA circled back with each of the groups to get their feedback on whether everything that was discussed was captured. This feedback was used to propose implementation strategies such as broadband affordability and other non-deployment activities.

[2.3.1.1 Supporting Documentation for Local Coordination Tracker Tool](#)

Submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations and other groups.

[Exhibit A](#)

2.3.2 Federally Recognized Tribal Consultation

Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

Tribal Consultations

As part of this engagement, ConnectLA contacted the Governor’s Office of Indian Affairs which is the consolidated point of contact for tribal communities. When doing stakeholder engagement, also notified and invited the key coordinator within each of the recognized tribes. The Governor’s Office, in coordination with the ConnectLA office, sent a nation-to-nation letter requesting an initial tribal consultation on BEAD coordination to each of the four federally recognized tribes in February 2023. As a result of the letter, four official tribal consultations were held, as well as three focus group meetings with state tribal leaders and the Louisiana Native American Commission. In addition to tribal leaders, staff from ConnectLA, the Blanco Center and the U.S. Department of Commerce’s NTIA Tribal Division attended each meeting. Staff from U.S. Senator Bill Cassidy’s office attended meetings with Coushatta Nation, Jena Band Choctaw Nation and Tunica Biloxi Tribe. The table below lists the meeting date and tribe.

Tribe (federal)	Meeting Date
Coushatta Nation	3/16/2023
Jena Band Choctaw Nation	3/17/2023
Tunica Biloxi Tribe	3/17/2023
Chitimacha Tribe of Louisiana	4/27/2023

State Recognized Tribal Consultation

In January 2023, ConnectLA held a digital equity stakeholder research meeting with representatives from the 11 state-recognized tribes in the Governor’s Office. The results of this meeting are being weighed and incorporated into the state digital equity plan. The state-recognized tribes are:

- Adai Caddo Indians of Louisiana
- Bayou Lafourche Band of Biloxi-Chitimacha Confederation of Muskogees
- Choctaw-Apache Tribe of Ebarb
- Clifton Choctaw
- Four Winds Cherokee
- Grand Caillou/Dulac Band of Biloxi Chitimacha Choctaw
- Jean Charles Choctaw Nation
- Louisiana Band of Choctaw
- Natchitoches Tribe of Louisiana
- Pointe-au-Chien Indian Tribe
- United Houma Nation

At the meetings tribal leaders were consulted on the needs of their communities, regarding deployment and non-deployment. There was a consensus amongst the tribes for access to high quality high-speed internet not only on tribal lands but in the surrounding communities as well where tribal members also live. However, each tribe had other priorities that they would like to see accomplished for instances the

Coushatta tribe felt that local government or the state should retain full ownership of the middle mile network while the Jena Band of Choctaw would like to provide coverage to a larger area outside of the reservation to provide quality internet service to its members who live off site. The Tunica-Biloxi Tribe of Louisiana stated they would like to concentrate their efforts on workforce development and job training. During each secession notes were taken and integrated into the needs assessment and implementation section. Tribal leaders also received a draft copy of the section of the plan prior to the public comment period and had the opportunity to provide feedback.

ConnectLA is committed to working with the tribes moving forward on their broadband initiatives. The Coushatta Tribe of Louisiana recently applied for an EDA Disaster Supplemental Funding as well as DRA's Community Infrastructure Fund to construct two broadband fiber projects, the Coushatta Community Fiber Middle Mile Access Project and the Coushatta Allen Parish Internet Enablement Project. As part of the ongoing communication that ConnectLA has with the Tribe they were able to provide letters of support for each application. Moving forward ConnectLA plans to continue quarterly meetings with each of the tribes to gather feedback for BEAD funding.

[2.3.2.1 Supporting Documentation for Tribal Consultation](#)

Provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.

[See Exhibit B](#)

SECTION 2.4 Deployment Subgrantee Selection

(Requirement 8)

2.4.1 Plan for Fair, Open, and Competitive Process

Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.

Louisiana’s GUMBO 2.0 plan for awarding BEAD subgrants contains multiple elements designed to achieve a fair, open and highly competitive award process with broad participation both by current in-state broadband providers as well as by qualified new providers. GUMBO 2.0 also includes rules that fully implement all Subgranting Accountability Procedures mandated by NTIA, including for disbursement, claw-back rights, subgrantee reporting and ongoing monitoring, as described below in section 2.16.

Overview of GUMBO 2.0. To illustrate the specific ways in which GUMBO 2.0 will be a fair, open and competitive process, the summary below provides an overview of each step. Many of these elements are described in greater detail in the following sub-sections of this overall section 2.4 response.

GUMBO 2.0 will use an overall approach of organizing the eligible locations in the state into a set of pre-defined areas, or “sub-project areas.” Prospective subgrantees in Louisiana will have wide flexibility to define their proposed overall deployment projects, but such proposals must be submitted in the form of sets of SPAs. By including an SPA in an application, the provider commits to reach all included eligible locations. In other words, GUMBO 2.0 takes a similar approach to that used in certain past federal and state award programs that have used standard units such as census block groups or census blocks, although for GUMBO 2.0 Louisiana plans to take advantage of the new availability of location-level maps to adjust and improve on traditional Census Bureau definitions in order to define a set of SPAs that best reflect local deployment economics and geographic profiles across the state.

GUMBO 2.0 will use this SPA-based approach to ensure that the award of BEAD subgrants in Louisiana both reaches all eligible locations as well as meets BEAD’s stringent requirements for a fair, open and competitive process. Louisiana is a geographically large state with approximately 230,000 BEAD-eligible locations. ConnectLA considered an approach of allowing providers to propose entirely custom project areas at the level of individual locations, including via a “notice of intent” process, but concluded that in Louisiana this approach would create significant risks that large numbers of locations would not benefit from a truly fair, open and competitive award process, or at worst would receive no subgrant proposal at all.

Instead, every eligible location in Louisiana will be included in a SPA. Certain SPAs will be designated as “Economically Disadvantaged” based having particularly poor business cases for broadband deployment; these SPAs will receive additional scoring weight in order to create an incentive for providers to serve these traditionally left-behind regions of the state. In addition, to mitigate the significant climate resilience risks facing Louisiana, certain mandatory infrastructure hardening requirements (such as a requirement for the use of buried fiber) as well as the opportunity to make supplemental communications resilience commitments to areas lacking the baseline mobile broadband service necessary for emergency communications will apply in certain areas, as described below in sections 2.11.1.D and 2.4.2.1.

Feasible, higher cost locations that are traditionally left behind will be bundled with more desirable eligible locations within overall SPAs. The use of standardized SPAs also will allow ConnectLA to make fair

comparisons between different proposals that partially overlap; to foster competition between prospective subgrantees and therefore more reliably only award BEAD funds at the level required by a reasonable business case; and to still provide significant flexibility that will enable a wide range of providers, both small and large, to participate in the process, rather than using areas that favor only one specific entity or general type of provider.

To begin GUMBO 2.0, ConnectLA will release pre-qualification requirements to interested prospective subgrantees as well as the initial proposed list of SPAs. This information will be provided via the ConnectLA public website, with additional outreach via email or other forms of direct communication to both providers and other local stakeholders known to ConnectLA via past efforts including the GUMBO 1.0 process as well as BEAD Five-Year Action Plan local engagement efforts. ConnectLA will seek public comment for 30 days on the proposed SPA list. After reviewing those comments, ConnectLA will release the final list of SPAs that will be used for GUMBO 2.0, with a target of doing so no later than 30 days after the end of the comment period, with notice provided using the same approach.

At the time of this final release, the description of each SPA will also include a reference amount of BEAD funding for that SPA in Round 1 of the GUMBO 2.0 process. These reference funding levels will be assigned using the per-location funding need values made available to Louisiana by NTIA; specifically, the state will use the sum of the per-location “Greenfield FTTH NPV” values for eligible BSLs within an SPA as a default reference funding level and then will make certain adjustments if needed to ensure that as many SPAs as possible receive initial interest. Section 2.4.6 below provides additional information regarding SPA definition and reference funding level determination.

Upon release of final SPAs, ConnectLA will open the pre-qualification filing window for interested prospective subgrantees. Notice will be provided via announcement on the ConnectLA public website, with additional outreach via email or other forms of direct communication to both providers and other local stakeholders known to ConnectLA via past efforts including the GUMBO 1.0 process as well as BEAD Five-Year Action Plan local engagement efforts. During this filing window, prospective subgrantees must provide BEAD-required financial, operational, managerial and technical qualifications as well as submit required certifications and authorizations. The prequalification window will be open for two weeks. Prospective subgrantees will be notified after the closing of this window whether they have been deemed qualified to participate in GUMBO 2.0, with a target of making all final qualification decisions within 30 days depending on the number of interested provider submissions. These qualification decisions will permit an approved entity to participate in the GUMBO 2.0 subgrant application process, but the state reserves the right to re-assess the qualifications, capabilities and resources of all prospective subgrantees based on the application-specific technical, geographic and financial details of actual proposed projects prior to making final awards.

Qualified prospective subgrantees will then have the opportunity to submit a Round 1 application. A Round 1 application must include the list of SPAs included in the application, the amount of BEAD funds requested, the proposed technology type for the project and additional primary and secondary scoring application elements including plans for affordability, fair labor practices, deployment timeline, speed of network and any other supporting information required to comply with final NTIA rule requirements for the fixed subaward grant model that ConnectLA will use for GUMBO 2.0. Note that ConnectLA will not specify an Extremely High-Cost Per Location Threshold cost level in advance of Round 1, as the state strongly encourages the broad participation of non-FTTH technologies and providers in BEAD 2.0 given the

diverse range of needs throughout the state. The Round 1 application window will remain open for 2 weeks.

Round 1 applications will then be analyzed to identify any overlap between applications, with a limited number of selections made according to the prioritization approach described below in section 2.4.2. Any such selections will be subject to review and confirmation by the state that the applicant has the requisite operational, managerial, and financial capability to fulfill the subgrant in the specific SPAs included. Any other Round 1 applications that overlap with a Round 1 award will be deemed by the state to have been denied, but the applicant will be permitted to resubmit any non-overlapping SPAS as a new application in Round 2. This Round 1 processing is expected to last two–four weeks, depending on the volume and complexity of received Round 1 applications.

After Round 1, only limited information will be provided to prospective subgrantees, as defined in section 2.4.2 below, in order to maximize competition and minimize the risks of indirect collusion and coordination between applicants in Round 2, which will be the final round.

In Round 2, all remaining unawarded Round 1 applications will automatically be pulled forward and may not be withdrawn. Round 1 applications may be simply left as-is for Round 2, or the applicant may make certain changes including adding new SPAs to the application and/or changing the amount of requested BEAD funding, as described below in sections 2.4.2 and 2.4.2.1. Any Round 1 applicant may also propose new Round 2 applications exclusively comprising SPAs that did not receive any applications in Round 1. As with the first round, the Round 2 application window will remain open for two weeks.

ConnectLA has designed this two-round approach to address the unprecedented policy challenge posed by the BEAD program: how to reach 100% of eligible locations via a single subgrant process with a total budget that is potentially sufficient for the task, in contrast to prior broadband programs primarily focused on “taking the next bite out of the problem” by awarding a limited tranche of funds to certain projects but without any expectation of achieving full coverage. In other words, the most important design question for GUMBO 2.0 is not “does Louisiana have enough funding based on modeling projections?” but rather “What can Louisiana do to ensure that all eligible locations attract high-quality subgrant proposals that all can be funded within the total BEAD budget?”

With that goal in mind, the purpose of Round 2 in GUMBO 2.0 is to advance two inter-related objectives: (1) to establish a “best and final offer” mechanism by which the competition for overlapping applications in Round 1 can result in more efficient BEAD funding awards by the state in those high-demand areas; and (2) to provide a “second bite at the apple” with greater funding availability for any areas passed over in Round 1 if providers initially view the Round 1 reference funding as insufficient. A key benefit of this approach is that after reviewing all Round 1 applications, ConnectLA will possess a much clearer view of the actual demand profile for subgrants—such as which areas of the state have received high-quality Round 1 proposals and what the likely funding requirements will be for those areas, allowing a much stronger final attempt by the state in Round 2 to create maximum opportunity and incentive for proposals in the hard-to-serve areas that are typically left behind by traditional funding programs.

Round 2 applications then will be selected for funding as follows. First, all FTTH applications will be scored using the scoring rubric described below in section 2.4.2 and 2.4.2.1, with de-confliction of overlapping FTTH applications resolved as specified in section 2.4.6 below. In other words, the initial set of sections

will consider only FTTH proposals, thereby implementing the BEAD NOFO requirement that Priority Broadband Projects receive preference.

Next, all non-FTTH applications available for SPAs not already selected for FTTH proposals will be scored and de-conflicted in the same fashion.

As a last step prior to finalizing all the Round 1 and Round 2 selections, ConnectLA will review the overall set of awards that could be made based on these steps to assess whether 100% of unserved locations would be served by either Priority or Reliable service within the available BEAD allocation budget for the state.

If this assessment indicates that the level of service that would be provided to BEAD-eligible locations could be improved, ConnectLA will apply the Extremely High Location Threshold (EHCT) as a process described below in sections 2.4.9 and 2.4.10. In other words, Louisiana proposes to implement the EHCT requirement as a process applied as an optimization tool with respect to the actual set of applications received by the state, not as an *ex ante* requirement that may deter certain types of applicants from pursuing BEAD subgrants in Louisiana.

ConnectLA will then conduct a final review of selected proposals to confirm that the total set of awards to each prospective subgrantee is consistent with the financial, operational and managerial capabilities submitted in the pre-qualification process, confidentially engaging with specific providers if needed to confirm or clarify any identified issues, and reserving the ability if necessary to select an alternative proposal if any concerns about the ability of the provider to deliver on all awards remain. ConnectLA will then publicly announce all awards selected. After approval of the state's Final Proposal by NTIA, ConnectLA will implement grant award contracts that will include mandatory subgrantee accountability requirements with respect to the timing and recoverability of disbursements, reporting and ongoing monitoring, as described below in section 2.16.

ConnectLA anticipates that this post-Round 2 application review, analysis, and selection will require approximately 6 weeks, depending on the volume and complexity of pending applications as of the close of Round 2.

To summarize the overall expected timeline for GUMBO 2.0:

- 30 days: Public release of pre-qualification materials and initial SPA list, and public comment thereon
- 30 days: Review of public comment on SPA list and final SPA list determinations
- 2 weeks: Release of final SPAs, and opening of pre-qualification submission window
- 30 days: review of pre-qualification materials and notification to qualified applicants
- 2 weeks: Round 1 application window
- 2-4 weeks: Round 1 application processing
- 2 weeks: Round 2 application window
- 6-8 weeks: Round 2 application processing and determination of final subgrant selections

Expected end-to-end timeline through the finalization of GUMBO 2.0 subgrants: approximately 6-7 months.

Specific GUMBO 2.0 elements aimed at fairness, openness, and competition. Within this overall competitive award model, the GUMBO 2.0 process specifically ensures a fair, open and competitive process through the operation of a number of rules and requirements, including:

Fairness. Gumbo 2.0 includes a broad set of safeguards to ensure a fair subgrantee selection process that is free of conflicts of interest (COI), direct or indirect collusion amongst applicants and biased or otherwise arbitrary outcomes.

First, as a fundamental requirement under Louisiana law as applicable to GUMBO 2.0, applicants must fully disclose any real or apparent (perceived) COIs. In addition to these generally applicable Louisiana requirements, GUMBO 2.0 will require attestation from prospective subgrantees that will include the acceptance of these terms. Such a conflict would arise when the “employee, any member of his (her) immediate family, his or her partner...has a financial or other interest in the firm selected for award” (2 CFR 200.318). In addition to requiring such attestation from applicants, ConnectLA will also require state employees involved in the evaluation of subgrant applications to disclose any financial or other interest in any applicant entity, and will not allow any employees with such an interest to participate in the selection of GUMBO 2.0 subgrants. Other federal regulations with which the grantee must comply are the conflict-of-interest requirements in 2 CFR 200.112 and 24 CFR 570.489(h). Conflicts of interest may be governed also by state law (see Exhibit C for a memorandum from the Louisiana Board of Ethics) or local law or ordinance.

Based on these disclosures, ConnectLA reserves the right to take any appropriate mitigation steps including, if necessary, the disqualification of the entity from GUMBO 2.0. Second, Louisiana law prohibits direct collusion between bidders or applicants for state-provided funds; these rules directly apply to GUMBO 2.0. In addition, GUMBO 2.0 implements several new requirements designed to mitigate the risks of indirect collusion between applicants in the form of public communication about desired service areas, funding requests, or other information that could lead to anti-competitive signaling behavior or other forms of coordination by applicants.

At the commencement of the GUMBO 2.0 pre-qualification process, for example, prospective subgrantees must certify that they will refrain from making any public communication with respect to plans for applying for specific GUMBO 2.0 subgrants, until the announcement of final awards, using rules modeled after the Federal Communications Commission’s (FCC) prohibited communications rules for auctions. A number of Louisiana providers expected to participate in GUMBO 2.0 also participated in the FCC’s 2020 RDOF process and therefore are well-acquainted with these rules. In addition, all prospective subgrantees also will agree to adhere to the specific GUMBO 2.0 rule prohibiting any prospective subgrantee from publicly disclosing that it has received an award until after ConnectLA announces the end of GUMBO 2.0 after Round 2. This prohibition specifically applies to any prospective subgrantees confidentially notified of a Round 1 award, and failure to comply with this rule shall result in the disqualification of any remaining Round 2 applications.

Indeed, while ConnectLA will emphasize transparency prior to the beginning of the subgrantee selection process, once the process formally begins only limited information will be made available to prospective subgrantees with respect to competing applications’ proposed project areas, funding requests, technology types, or other selection criteria. This approach is described in detail in section 2.4.2 below. Simply put, once the GUMBO 2.0 process begins, Connect LA believes that fairest approach is to require prospective

subgrantees to submit proposals based solely on their own business needs, rather than proposals that are informed by information with respect to the plans of other providers also pursuing subgrants.

As a reinforcing element for these COI and anti-collusion protections, the detailed ownership disclosure requirements described below in section 2.4.16 will allow ConnectLA to police any attempts to disguise COIs or collusive behavior via the use of shell companies, indirect ownership agreements or other avoidance strategies based on interlocking ownership structures.

Third, GUMBO 2.0 will guard against bias or arbitrary outcomes via the use of transparent, objective criteria both for the definition of SPAs as well as for scoring and selecting winning subgrantees. For example, as described below in section 2.4.2, the GUMBO 2.0 scoring rubric is strongly weighted toward objective, quantitative metrics (including for BEAD funding level, affordability, speed of deployment, local/tribal support, and speed of network for non-FTTH projects) that involve little or no qualitative scoring discretion (and therefore little risk of arbitrary outcomes). By state law, GUMBO 2.0 also includes an appeals process for scoring errors as an additional protection against arbitrary outcomes.

Openness. GUMBO 2.0 will welcome the participation of any type of provider authorized to provide broadband service in Louisiana, including for-profit entities, co-operatives and public-private partnerships as enabled by the Local Government Fair Competition Act since 2004. The GUMBO 2.0 scoring rubric described in section 2.4.2 does not favor any particular provider nor type of provider.

In addition, BEAD 2.0 will provide public notice and transparency for all program activities up until applications are submitted, at which time only limited information will be available in order to prevent indirect collusion by applicants, and then followed by full transparency after awards are announced. For example, all detailed GUMBO 2.0 application requirements and scoring rules will be made public well in advance of the application process. ConnectLA's initial definitions of SPAs also will be made available prior to the start of the process, as described in section 2.4.6., and final SPA definitions as well as Round 1 reference BEAD funding availability levels also will be made public in advance. ConnectLA will also implement a series of technical assistance and application tutorial steps for prospective subgrantees prior to the start of the process, including a "mock GUMBO 2.0" opportunity for prospective subgrantees to fully familiarize themselves with the application process.

Competitiveness. ConnectLA designed GUMBO 2.0 to emphasize the competitiveness of subgrant awards and thereby deliver the most impact for the citizens of Louisiana from the state's BEAD allocation. First, as described above, almost all of the scoring elements described in 2.4.2 are not only based on neutral criteria but are algorithmic in nature, such as the award of points based on the percent of reference BEAD funding objectively determined by the state or the award of affordability points based on a reasonable reference price. Even qualitative scoring components such as fair labor plans support flow from clear, neutral criteria that will be made public in advance of applications.

Above and beyond scoring rules, however, GUMBO 2.0's fundamental structure will heighten competition for BEAD subgrants. As detailed above, BEAD 2.0 will allow ConnectLA to make objective comparisons between applications based on standardized sub-project areas and objectively defined reference funding estimates. GUMBO 2.0 also employs a two round application process that both creates incentives for applicants to apply in any area of interest in all Round 1 (because of the risk that another application will be automatically awarded in Round 1 if there is no overlapping application) and encourages prospective subgrantees to make a best and final offer prior to awards after being notified of competing applications

in desired areas, creating a concrete mechanism for the competitive dynamics promoted by GUMBO 2.0's rules to result in a more efficient outlay of BEAD funds.

In other words, under GUMBO 2.0, the surest route to securing a subgrant award is not to seek favoritism or other unfair advantage such as the use of project areas that are tailored for specific entities, but rather to provide the best proposition to the residents of Louisiana.

Deployment Projects Scoring Criteria

2.4.2 Prioritization and Scoring Process

Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

In Round 1, prospective subgrantees must specify the amount of requested BEAD funding for each application, expressed as a percentage of the total reference amount for all SPAs included in the application. For example, if an application includes SPAs with reference funding amounts of \$1 million, \$3 million and \$2 million respectively and the total funding request for the entire application is \$4.5 million, the prospective subgrantees would specify a Round 1 request of 75%.

Prospective subgrantees also must submit scoreable application elements for affordability, fair labor practices, speed to deployment, inclusion of economically challenged or critical resilience SPAs, and network technical capabilities, as defined below in section 2.4.2.1. The scoring rubric achieves a balance among minimizing required BEAD funding, maximizing affordability and labor commitments, creating incentives to include less-attractive SPAs along with more attractive SPAs, advancing the state's network resilience needs, and consideration of the other BEAD-required secondary criteria.

After Round 1 submissions, two categories of applications will be awarded: (1) FTTH applications that do not overlap with any other application of any technology type, and that request funding no greater than the reference funding levels for all included SPAs; or (2) FTTH applications that achieve a decisively higher score at least 100 points better² than any overlapping application of any technology type (informally referred to below as "decisively higher score" applications). Round 1 applications that overlap with awards made in either of these categories will be deemed withdrawn, although applicants will be permitted to re-submit any non-overlapping SPAs in Round 2.

The purpose of these two types of Round 1 awards is to provide strong incentives for prospective subgrantees to fully express their desired areas and actual funding requirements in Round 1, rather than seeking strategic advantage by holding back until Round 2. Simply put, the risk of pursuing such a strategy in Round 1 for an applicant could include negative outcomes such as (a) a desired area would be awarded to another prospective subgrantee that did choose to apply in Round 1 and faced no overlap, or (b) a strategically high funding request—for example, by an applicant pursuing a Round 1 strategy of asking for the full reference funding level or more, even if actual need is less—resulting in a Round 1 loss to a "decisively higher score" for another applicant that does make an lower request based on its actual business need.

² As will be detailed in the full scoring rubric in section 2.4.2.1, a score differential of 100 points could be achieved for example if FTTH Application A requested only 10% of reference funding and committed to deploy in 8 months instead of 48 months, and overlapping Application B requested the full amount of reference funding and a deployment period of 48 months, with otherwise identically scored applications.

Unawarded Round 1 applications will be automatically moved forward to Round 2 and may not be withdrawn. Prospective subgrantees in Round 2 then have the option to either let Round 1 applications stand as-is, or to make modifications as follows: the addition of SPAs not already awarded in Round 1 (subject to the limit that a given SPA may not be included in more than two active applications from the same prospective subgrantee), and/or a change to the requested subsidy amount (an increase no greater than the reference amount of funding available in any new SPAs added to an application in Round 2, or a decrease if not). Prospective subgrantees may not remove SPAs from any Round 1 application that is automatically carried forward to Round 2.

A primary goal of GUMBO 2.0 is to maximize the number of areas receiving the benefit of both an initial funding request in Round 1 and a “best-and-final” request in Round 2; this strategy is a primary way that Louisiana is advancing the goal of minimizing the use of BEAD funds for two reasons that stem from the nature of the bidding environment in each of the two rounds.

In Round 1, applicants will submit funding requests without knowledge of whether they face competition for funds in a given area, but the use of state-specified reference funding levels and a scoring methodology that heavily weights in favor of bids at or below those reference levels will create an initial incentive in Round 1 for initial bids to come in at or below reference levels. Applicants also will understand the strategic implications of the Round 1 selection rules that award subgrants for uncontested FTTH applications or “decisively higher score” applications: the risk of withholding certain bids in Round 1 could be automatic loss of the area to another applicant. In short, from the state’s perspective, the importance of Round 1 is to induce applicants to “put their cards on the table” both in terms of areas of interest as well as reasonable initial funding level requests. Finally, because the total of all reference funding levels for all SPAs will be less than Louisiana’s total BEAD allocation, even in a “worst case” (from a BEAD funds utilization view) scenario of large numbers of non-overlapping FTTH applications at the full reference funding level, these Round 1 rules will still directly advance the BEAD goal of universal access.

In Round 2, applicants will have been notified of all applications for which they do face competition. With all unawarded Round 1 applications automatically carried forward to Round 2, this new information about competition will provide incentive for applicants to consider ways to reduce their funding requests as they revisit initial budgets and business plans and seek to improve Round 1 scores. Importantly, in Round 2 the only ways to improve on a score are to either reduce requested funding (for Round 1 areas) or to add new areas, both of which directly advance the state’s goal of maximum coverage for minimal BEAD outlay.

In other words, GUMBO 2.0’s strategic design is to induce applicants to reveal a broad range of areas of interest and reasonable initial funding requests in Round 1, and to then rely on competition between applicants in Round 2 to advance the goals of maximum coverage and minimal BEAD outlay. In order to accomplish this, incentives must be put in place to prevent the strategic behavior of skipping Round 1 and only submitting a single Round 2 funding request. For this reason, only Round 1 participants have the option to submit new applications in Round 2 exclusively for SPAs not included on any applications in Round 1, taking into consideration possibly increased amounts of available funding in these areas.

As in Round 1, new Round 2 applications may be made up of any combination of SPAs, subject to the constraint that such new Round 2 applications may comprise only SPAs that did not receive a Round 1 application. (Note that any unawarded SPA, whether it received any Round 1 interest, always also may be added to an existing Round 1 application.) Otherwise, such new Round 2 applications must follow the same approach as Round 1 applications.

After receiving all Round 2 submissions, the state will first rank all FTTH applications from highest to lowest score. By definition, Round 2 applications will not overlap with any previously awarded SPAs; therefore the highest scored Round 2 FTTH application will be provisionally³ awarded for all included SPAs at the total requested overall funding level. ConnectLA will then review each next-highest ranked FTTH application in order, applying the provisional selection and de-confliction rules between any overlapping FTTH applications as described in section 2.4.6 below.⁴ This approach expressly implements the BEAD requirement that FTTH applications are always selected over non-FTTH applications, subject only to the EHCT process followed at the end of the process as described below in sections 2.4.9 and 2.4.10.

After all available FTTH applications are resolved using this process, all non-FTTH applications will similarly be ranked from highest to lowest score, with reliable service (cable/HFC and licensed fixed wireless) applications being placed ahead of other terrestrial (unlicensed fixed wireless) applications. In addition, the secondary scoring criterion of Speed of Network will create an additional score-based prioritization as between non-FTTH applications, such that for example a licensed fixed wireless project that is able to deliver higher maximum performance levels and/or scalability and asset longevity will receive a higher score than one only able to support lower performance.⁵

This approach ensures that priority broadband projects are always given first preference as required, because no non-priority project is considered until all priority projects have been scored, ranked and resolved for overlap. Only after all priority projects have been either awarded in full, partially awarded based on deconfliction procedures or discarded due to overlap with a higher-scored priority project, will non-priority projects be evaluated. Overlapping non-FTTH applications will be selected and de-conflicted vis-à-vis each other using the same procedure described in section 2.4.6 below.

2.4.2.1 Supporting Documentation for Scoring Rubric

Attach the scoring rubric to be used in the subgrantee selection process for deployment projects.

Primary Criteria	Max points available	601
Minimal BEAD Outlay	300	Based on % of reference funding level requested for a total project area
Affordability	200	Based on the applicant’s commitment to support affordability in BEAD areas consistent with other areas of the state
Fair Labor Practices	101	Score based on compliance record
Secondary and Additional Criteria	Max points available	197
Speed to Deployment	12	Points for enforceable deployment plans faster than 48 months
Economically Disadvantaged Areas	25	Additional points for including

³ Provisional subject only to the application of the Extremely High-Cost Location Threshold process, as described in sections 2.4.9 and 2.4.10 below.

⁴ In the event of a tie between two applications, the state will first re-review awarded scores to assess whether any adjustments are appropriate, and then the tied applications shall be ranked in order of the number of eligible locations included in the application from most to least.

⁵ Note that to simplify the implementation of application processing and scoring, FTTH projects also are assigned a Speed of Network score, but this score will always be higher for a FTTH project than for a non-FTTH project. See section 2.4.2.1 below.

Infrastructure Resiliency Commitments	100	economically challenged SPAs Additional points for buried fiber and for commitments to designated SPAs lacking mobile broadband resiliency infrastructure
Number of Eligible Locations Included Within a Parish	35	Additional points for applications covering greater numbers of eligible locations within a given parish
Speed of Network	25	25 points for FTTH projects; non-FTTH scoring based on performance levels and scalability of non-FTTH networks

1. Primary Criteria – Minimal Bead Outlay:

- a. Each application in each of Round 1 and Round 2, will be scored based on the amount of requested BEAD funding as follows:
 - i. For applications requesting no more than the amount of reference funding set for the applicable round for all included SPA(s)
 - 1. Score = 300- [percent of reference funding requested, rounded to the nearest whole integer value].
 - 2. For example:
 - a. If 100% of the reference funding is requested, the score assigned will be 200.
 - b. If 80% of reference funding is requested, the score assigned will be 220.
 - c. If 1% of reference funding is requested, the score shall be 299.
 - ii. Applicants are permitted to request up to 200% of the reference amount. For applications requesting more than the amount of reference funding for all included SPA(s):
 - 1. Score = 100- [percent of reference funding requested – 100, rounded to the nearest whole integer value].
 - 2. For example:
 - a. If 150% of reference funding is requested, the score assigned will be 50.
 - b. If 190% of reference funding is requested, the score assigned will be 10.
 - 3. The application system will not accept funding requests greater than 200% of the reference funding.
 - 4. The maximum score for any application requesting more than the reference funding will be 100.
- b. Maximum awardable points: 300

2. Primary Criteria – Affordability

- a. Following Louisiana statutory requirements. GUMBO 2.0 does not require subgrantees to offer any particular rate for any particular tier of service, although existing Louisiana law does impose certain requirements on existing in-state providers as described below. Instead, this federally mandated scoring category offers applicants the opportunity to obtain additional points via voluntary affordability commitments of their choosing, with scoring defined as follows:
 - i. This affordability scoring approach follows the provision of Louisiana law requiring that “[a] grant recipient that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state.”⁶ This statutory

⁶ Louisiana Revised Statutes 51 §2370.29.

Louisiana requirement shall be implemented as a subgrant condition, for a duration of time as required by final NTIA guidance,⁷ for any subgrant recipient meeting that definition, with “prices consistent with offers to consumers in other areas of the state” scored as an affordability commitment using the methodology below.

- b. Affordability score for FTTH projects: 200 points. Following Louisiana law, and applying the mandatory federal requirement in the BEAD NOFO that a primary scoring criterion must be “[t]he prospective subgrantee’s commitment to provide the most affordable total price to the customer for 1 Gbps/1 Gbps service in the project area,”⁸ a base score of 200 points in this category will be awarded as follows:
 - i. Compliance with Louisiana law on affordability, if applicable to the prospective subgrantee. Any applicant that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years that includes a commitment to provide 1 Gbps/1Gbps service in its proposed BEAD subgrant area at a price no higher than its offer to consumers for 1 Gbps/1 Gbps service in other areas of the state will receive a score of 200 points.
 - ii. Alternate method of achieving a full baseline score. An applicant that has not offered broadband service to at least one thousand customers for a period of at least five consecutive years, or an applicant that does not otherwise offer 1 Gbps/1Gbps service, that includes a commitment to provide 1 Gbps/1Gbps service to all included locations in its application at a price no higher than the median price for all 1Gbps/1Gbps service offerings reported in the most recent year’s FCC Urban Rate Survey will receive a base score of 200 points.
 - iii. This section shall define the affordability score for a Priority Broadband Project (i.e., end-to-end FTTH) irrespective of other service tiers proposed by the applicant.
- c. Affordability score for non-FTTH projects: 200 points. For non-FTTH projects, the mandatory federal requirement in the BEAD NOFO is that a primary scoring criterion must be “[t]he prospective subgrantee’s commitment to provide the most affordable total price to the customer for 100 Mbps/20 Mbps service in the project area.”⁹
 - i. Compliance with Louisiana law on affordability, if applicable to the prospective subgrantee: 200 points. Any applicant that has offered broadband service to at least one thousand consumers for a period of at least five consecutive years that includes a commitment to provide 100 Mbps/20 Mbps service in its proposed BEAD subgrant area at a price no higher than its offer to consumers for 100 Mbps/20 Mbps service in other areas of the state will receive a score of 200 points.
 - ii. Alternate method of achieving a full baseline score. An applicant that has not offered broadband service to at least one thousand customers for a period of at least five consecutive years, or an applicant that does not otherwise offer 100 Mbps/20 Mbps service, that includes a commitment to provide 100 Mbps/20 Mbps service to all included locations in its application at a price no higher than the median price for all 100 Mbps/20 Mbps service offerings reported in the most recent year’s FCC Urban Rate Survey will receive a base score of 200 points.

⁷ The duration of the affordability commitments under this section shall be the same as that for the Low-cost Service Option, as specified by NTIA in future guidance, as described below in section 2.12.1.D.

⁸ BEAD NOFO IV.B.2.i (discussion of mandatory Primary Criteria for Priority Projects, NOFO page 43).

⁹ BEAD NOFO IV.B.2.ii (discussion of mandatory Primary Criteria for Non-Priority Projects, NOFO page 45).

- iii. This section shall define the affordability score for a non-Priority Broadband Project (i.e., any alternative technology or mix other than end-to-end FTTH) irrespective of other service tiers proposed by the applicant.
 - d. Use of FCC Urban Rate Survey. If applicable to a subgrantee using the alternate methods outlined above in section b.ii or c.ii, the FCC Urban Rate Survey will be used as follows:
 - i. For each subgrant performance year covered by an applicable subgrantee commitment, the state will use the prior year's FCC Urban Rate Survey broadband data for the state of Louisiana. For example, for performance of a subgrant in 2026, the state would use Louisiana's 2025 FCC Urban Rate Survey results.
 - ii. On the first business day of the year, the state will determine that year's median price for 1Gbps/1Gbps service and for 100 Mbps/20 Mbps service that will be applicable to the GUMBO 2.0 program for the coming year.
 - iii. If a given year's survey results do not contain any service tiers precisely at 1Gbps/1Gbps or 100 Mbps/20 Mbps, the closest comparable service tier result will be used.
 - e. Other provisions.
 - i. The applicable affordability commitments under this section shall be updated annually beginning upon final issuance of the subgrant.
 - ii. If at any point during the performance of a subgrant a subgrantee becomes subject to Louisiana's statutory affordability requirement by virtue of having delivered broadband service to at least 1000 consumers for a period of five consecutive years, the required subgrant affordability commitment shall be based on sections b.i or c.i above, as applicable.
 - f. Maximum awardable points: 200

3. Primary Criteria – Fair Labor Practices

- a. Record of compliance with Federal labor and employment law. Any applicant that certifies a record of past compliance with Federal labor and employment law with respect to broadband deployment projects, as supported by submitted information as specified in section 2.7.1.A below, shall receive points as follows:
 - i. Applicants able to certify a record of compliance for at least three years will receive 80 points.
 - ii. Applicants also able to so certify a record of compliance for four years will receive 5 additional points.
 - iii. Applicants also able to so certify a record of compliance for five or more years will receive 6 additional points.
 - iv. Applicants that cannot certify compliance with Federal labor and employment law with respect to broadband deployment projects within the last three years, including new entrants that have not completed a broadband deployment project in that time frame, shall be eligible for points as provided in section 3.b. below
- b. Plan for ensuring compliance with Federal labor and employment law. Applicants shall receive points as follows:
 - i. Any applicant that provides a plan that meets the baseline compliance plan requirements as specified in section 2.7.1.B below shall receive 10 points.
 - ii. Applicants may also achieve additional points, subject to the total category maximum of 101 points, based on including in their compliance plans additional elements as specified in section 2.7.1.B below:
 - 1. One additional element only: 40 additional points
 - 2. Two additional elements: 70 additional points

3. Three or more additional elements: 90 additional points
- c. This scoring model for the Fair Labor Practices primary criterion implements the NOFO requirement that “Eligible Entities must give priority to projects based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.”¹⁰
- d. The table below summarizes the total points awarded for different combinations of past compliance records and prospective compliance plans under of this scoring approach:

Years of compliance	<3 years	3	4	5+
Baseline compliance plan	10	90	95	101
+ 1 additional element	50	101	101	101
+ 2 additional elements	80	101	101	101
+3 or more additional elements	100	101	101	101

- e. Applicants shall be permitted to have a single statewide workforce plan that applies to all applications, or to propose different workforce plans for individual applications.
- f. Maximum awardable points: 101

4. Secondary and Additional Criteria

- a. Speed to Deployment
- i. Any application that certifies, including binding commitments and assumption of contractual liability for penalties established by the state for non-compliance, that deployment to all included eligible locations will be completed in less than the 48 months required by BEAD shall receive additional points as follows:
 1. $[48 - (\text{number of months to complete deployment, rounded up to the next whole month})] / 4$
 2. For example, a project that certifies completion in 8 months receives 10 additional points.
 - ii. Maximum awardable points: 12
- b. Economically Disadvantaged areas
- i. Any application that includes ED-SPAs shall receive additional points as follows.
 1. 15 points: Include all ED-SPAs within a given parish.
 2. 1 point: Any individual ED-SPA, but not all within a parish
 3. For example, an application that includes all ED-SPAs in one parish and two additional ED-SPAs but not all in another parish shall receive 17 additional points.
 - ii. Maximum awardable points: 25
- c. Infrastructure Hardening and Resiliency Commitments
- i. Any application for the deployment of fiber infrastructure to last-mile eligible locations that includes an enforceable commitment to the infrastructure hardening step of including at least 90% buried fiber plant – including 100% buried plant to

¹⁰ NOFO IV.B.7.b.i and IV.B.7.b.ii

- eligible CAIs, unless a specific exception is granted -- as specified in section 2.11.1.D will receive 30 points.
- ii. Any application involving the deployment of new wireless tower infrastructure that includes an enforceable commitment to the Wireless Tower Hardening specifications provided in section 2.11.1.D will receive 20 points. This point total shall be applied once for an entire application, irrespective of the number of such hardened towers included.
 - iii. In addition, any application that includes at least one Critical Resiliency Need (CRN)-SPA and includes an enforceable commitment to deploy necessary mobile broadband infrastructure to achieve the resiliency requirements of the CRN designation, following all requirements as detailed in section 2.11.1.D, shall receive additional points as follows:
 - 1. 40 points: Include all CRN-SPAs within a given parish.
 - 2. 10 points: Any individual CRN-SPA, but not all within a parish.
 - 3. For example, an application that includes all CRN-SPAs in one parish and one additional CRN-SPA in another parish shall receive 50 additional points on top of any base points for buried fiber or hardened tower commitments as provided in sections i and ii above.
 - 4. Any award of points in this category is subject to the state's technical review of the satisfactoriness of proposed plans to fulfill specified resiliency capabilities, according to the specifications provided in section 2.11.1.D.
 - iv. Applications may receive points for any combination of commitments in these areas, but the total points available in this overall category to any application is capped at the maximum total awardable points level below.
 - v. Maximum total awardable points: 100.
- d. Number of eligible locations within a given parish
- i. During the review of each application, the state will total the number of eligible locations within all included SPAs in each Louisiana parish within the application and identify the highest such count.
 - 1. For example, if an application includes 8 SPAs with a total of 1000 eligible locations in parish A and 1 SPA with a total of 75 eligible locations in parish B, the highest count value would be 1000 eligible locations.
 - 2. If an application only includes SPA(s) in a single parish, the highest count value would be the total number of eligible locations in all SPAs included in the application.
 - ii. Applications shall receive additional points based on this highest count value as follows:
 - 1. 10 points: An application that includes at least 500 eligible locations within a single parish.
 - 2. 20 points: An application that includes at least 2000 eligible locations within a given parish.
 - 3. 30 points: An application that includes 5000 eligible locations or more within a given parish.
 - 4. 35 points: An application that includes 100% of eligible locations within a given parish, only if the applicable highest count value is greater than 2000 eligible locations.

- iii. Maximum total awardable points per application: 35
- e. Speed of Network
 - i. FTTH applications shall receive 25 points in this category.
 - ii. Non-FTTH applications only shall be scored based on certified speed and latency performance commitments that are enforceable subgrant conditions and subject to verification after deployment to all eligible BSLs as well as on length of useful life of the proposed infrastructure and future scalability.
 - 1. Speed and latency performance characteristics, as certified by the applicant and subject to technical review and verification by the state, shall receive points as follows:

Minimum downstream/upstream speed (Mbps)	Maximum latency (milliseconds)	Points awarded
100/20	100	2
200/50	100	4
400/100	100	10
1000/250	100	20

- 2. To receive points in any of these categories, the state’s technical review must confirm that the proposed network design has the ability deliver the above performance levels to all eligible locations within an application, including reasonable assessment of how the proposed network can add incremental capacity in a cost-effective manner as new customers are added.
 - 3. Total awardable sub-category points for non-FTTH networks: 20
 - iii. For non-FTTH technologies, the length of useful life and future scalability, as certified by the applicant and subject to technical review and verification by the state, shall receive points as follows.
 - 1. Useful life of funded infrastructure, as assessed by the state:
 - a. <5 years: 0 points
 - b. 5-10 years: 1 point
 - c. 10+ years: 2 points
 - 2. Cost-effectiveness of future scalability to significantly performance levels of proposed technology, as assessed by the state:
 - d. Ineffective: 0 points
 - e. Somewhat cost effective: 1 point
 - f. Very cost effective: 2 points
 - 3. Total awardable sub-category points for non-FTTH networks: 4
 - iv. Maximum awardable Speed of Network points: 25.

Deployment Service to Unserved and Underserved Locations

2.4.3 Prioritizing Unserved Service Projects

Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

A GUMBO 2.0 application is defined as a set of SPAs, as outlined above in section 2.4.1 and defined below in section 2.4.6, and the accompanying BEAD-required documentation for a proposed project to serve those SPAs. The inclusion of an SPA in an application carries an obligation to deploy to all eligible locations in the SPA if the application is awarded. All application plans and commitments such as for affordability, technology type, and performance level must apply to all eligible locations within included SPAs.

As described above in sections 2.4.1 and 2.4.2, the state has assessed projected funding requirements for eligible locations based on data provided by NTIA, and based on that analysis ConnectLA is confident that the BEAD allocation is sufficient to achieve the goals of GUMBO 2.0. In other words, the set of SPAs used for GUMBO 2.0 applications will include 100% of unserved locations, and ConnectLA believes that all SPAs will be included in awardable subgrant proposals within the state's BEAD allocation.

As a final fail-safe, however, GUMBO 2.0 also will require all applicants to agree that the state may, prior to making final subgrant awards, unilaterally remove certain locations from a subgrant in order to ensure compliance with the BEAD-required prioritization of all unserved locations first, then underserved locations, and then CAIs. For example, in the event that insufficient BEAD funds are available to reach 100% of underserved locations, the state would remove CAI locations from all subgrants, and then would remove certain underserved locations in order to comply with BEAD requirements for the order in which underserved locations are reached if 100% is not possible. In such cases, the state would adjust the subgrant award amount to account for the removal of certain locations, as described below in section 2.4.7.

2.4.4 Prioritizing Eligible CAIs

If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note "Not applicable."

GUMBO 2.0 will include all eligible CAIs alongside unserved and underserved locations as part of the core deployment obligation for subgrantees in awarded SPAs. In other words, the state will prioritize deployment to all eligible CAIs before making funds available for non-deployment projects.

2.4.5 Compliance with EHP and BABA Requirements

The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historical Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

ConnectLA understands the need to ensure that American taxpayer dollars are spent procuring needed products and supplies from American workers and businesses and minimizing the impacts from building in areas where environmental and/or historic preservation may be of concern. The office will ensure adherence to the requirements of Build America, Buy America Act (BABA), the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.).

The Office will communicate requirements stipulated in the Acts noted above to all prospective subgrantee prior to the selection process. This will be completed by conducting outreach (webinars, in-person

meetings, etc.) to participating stakeholders, posting a list of regulations on the Office website and including grant application instructions and grant agreement terms, conditions and monitoring program requirements.

Specific to BABA compliance efforts, the Office will ensure the following key points are highlighted:

- Requirements that all iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.
- In determining whether a product is produced in America, prospective subgrantees must comply with definitions included in Section 70912 of the Build America, Buy America Act, which provides that a manufactured product is considered produced in the United States if the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- In addition to the provisions above, prospective subgrantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).
- The Infrastructure Act expressly prohibits subgrantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from the assistant secretary.

Specific to NEPA and NHPA compliance efforts, the Office will ensure the following key points are highlighted:

- Prospective subgrantees will describe how they will comply with applicable environmental and national historical preservation requirements.
- Obtaining all necessary federal, Eligible Entity, and local governmental permits and approvals necessary for the proposed work to be conducted based on the timeline for implementation for project areas.
- Projects and other eligible activities are expected to be designed so that they minimize the potential for adverse impacts on the environment.

The Office will formulate specific intake questions (See [Exhibit D](#)) to evaluate the viability and compliance of a proposed application. Prospective subgrantees will be required to provide plans that show compliance with the Acts noted above and will only be eligible to participate in the subgrant process once compliance is determined.

Because adhering to these requirements is necessary to participate in any BEAD funding grant rounds, engagement with stakeholders is critical for success. The Office will encourage prospective subgrantees to engage with numerous federal, state and local stakeholders, including but not limited the following:

- Federal land and resource managing agencies, including but not limited to the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the U.S. Coast Guard, the U.S. Forest Service and others, to understand any restrictions or special conditions that may apply to infrastructure proposed on federal land, or that may impact federally managed resources such as wetlands, threatened or endangered species, navigable waterways and others.
- Coordination with state and local agencies that may have a role in EHP requirements, such as the State

or Local Historic Preservation Office, as well as state or local agencies that may need to issue their own permits for any proposed projects.

The Office recognizes the importance for compliance with the Acts noted above and ongoing monitoring of the subgrantees to ensure compliance. The Office will ensure preparedness for compliance requirements with BABA once further guidance is finalized by NTIA. The office will ensure preparedness for compliance requirements with NEPA and NHPA through the following steps:

- Review of available resources and requirements:
 - Familiarity with the EHP requirements and additional guidance in the BEAD NOFO.
 - Understanding of the requirements of the NEPA review process and the NHPA.
 - Review the NEPA, Historic Preservation, and Climate Resilience Webinar and presentation materials.
- Sourcing of EHP focused staff or contractors:
 - Demonstrate the readiness of their broadband team to analyze potential environmental impacts.
 - If necessary, hire additional staff or contractor support to ensure their broadband team has the appropriate capacity and expertise to manage EHP activities.
 - Designate certain individuals to be specifically responsible for EHP activities. Outline their responsibilities associated with managing EHP and NEPA review activities.
 - Invite collaborators or SMEs to support their team.
- Outline an approach for EHP activities:
 - Outline steps and activities necessary to ensure that the prospective subgrantees understand the requirements to comply with NEPA.
 - Coordinate with other state offices that have experience administering federal grants, such as the Department of Transportation & Development, to identify best practices and approaches for managing the NEPA review process.
 - Identify subcontractors they may engage to support with potential environmental assessments.
 - Share best practices for developing a project description that provides enough detail about the potential impacts to the environment to make a preliminary determination about the level of NEPA review required.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. The Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the requirements noted above.

Last-Mile Broadband Deployment Project Areas

2.4.6 Definition of Eligible Project Areas

Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.

As described above in sections 2.4.1 and 2.4.2, GUMBO 2.0 will require prospective subgrantees to define their overall application areas as a set of pre-defined sub-project areas. The inclusion of a SPA in an

application creates an obligation to deploy to all eligible locations in the SPA if the application is awarded as well as new eligible locations identified by the FCC during the period of performance of the subgrant. A project area is the overall proposed deployment area included in an application, comprising the eligible locations within the set of SPAs included in the application.

Specifically, ConnectLA initially will identify the approximately 230,000 BEAD-eligible locations in LA as a set of approximately 2,000 SPAs initially organized using U.S. Census Bureau boundaries (including a mix of census block groups and census blocks, depending on the number of eligible locations in different local areas) for administrative convenience, with potential adjustments into smaller or larger boundary areas based on stakeholder comment that identifies specific issues such as unique terrain features, the economic profiles of eligible BSLs in different areas or demarcations for locally available infrastructure.

ConnectLA notes that given the distribution of BEAD-eligible locations throughout the state, GUMBO 2.0 SPAs are expected to include a diverse mix of unserved, underserved and served locations; however, only the individual eligible locations within an SPA shall be considered Unserved Service Projects or Underserved Service Projects for BEAD eligibility purposes.¹¹ In other words, in GUMBO 2.0 the SPA shall function as an “application unit” to be used in submitting applications, but only individual eligible locations shall be treated as Unserved Service Projects or Underserved Service Projects that are eligible to receive BEAD subgrant funding.

For reference, approximately 2500 Census Block Groups in Louisiana contain at least one BEAD-eligible location, although a subset of this group includes only a de minimis number. Although final GUMBO 2.0 SPAs will not strictly follow CBG boundaries, the state believes that this approximate application unit size is appropriate for several reasons. First, it has been proven to be a fully feasible approach for applicants: recent funding efforts such as the FCC’s CAF II and RDOF processes demonstrated that a wide range of broadband providers are able to use CBGs as the building block for deployment proposals, and in recent years various states such as New York and Texas have similarly used Census Blocks as application units.

Second, a core GUMBO 2.0 design principle is that ConnectLA believes it is not possible for a state or federal entity to model or otherwise predict the appropriate definitions for deployment projects; there are simply too many types of providers, business cases and engineering considerations in a large, diverse state such as Louisiana. On the other hand, the state believes that allowing applicants to simply propose their own bespoke, per-BSL application areas both will fail to satisfy the requirement that BEAD subgrants be awarded based on true competition between applicants and at the same time will result in “cherry-picking” bias within such custom application areas that will fail to reach all eligible locations.

Accordingly, the state’s strategic choice in GUMBO 2.0 is to organize the state’s eligible locations into a reasonably large set of SPAs with a reasonably small number of locations each, allowing providers to assemble different combinations of SPAs into a wide range of specific deployment proposals while at the same time allowing the state to make direct “apples to apples” comparisons between competing applications using the standard application unit of the SPA.

In addition, this approach to BEAD application area definition will allow the state to appropriately distribute available BEAD funding throughout the state based on an objective analysis of economic need at the outset of the subgrant award process. As described above in sections 2.4.1 and 2.4.2, each SPA will have specified

¹¹ An ‘Unserved Service Project’ or ‘Underserved Service Project’ can be as small as a single unserved or underserved location, respectively. BEAD NOFO Section IV.B.7.a.ii.1.

an amount of “reference funding” for the SPA; application scores will be impacted by an applicant’s ability to request funding at or below these levels. The amount of reference funding in an SPA will be determined using the detailed per-location information for “Greenfield FTTH NPV” made available to Eligible Entities by NTIA. Therefore, the reference funding available across the approximately 2000 SPAs will vary by a wide range depending on the underlying deployment economics of the area. This will allow the state to make consistent comparisons across applications based on the full range of the state’s per-location cost curve. For example, an application that only requests 50% of the reference funding in a high funding need area can be appropriately compared to an application that requests 90% of the reference funding in a lower funding need area, even if the latter’s per-location funding request is considerably lower in absolute terms. In other words, GUMBO 2.0 will avoid the trap of relying on broad per-location or per-passing averages, which is particularly inconsistent with the BEAD goal of reaching 100% of eligible locations, which range from the location with the least need for public funding to achieve a positive business case to the one with the greatest need.

Finally, this approach also fulfills the state law requirement that ConnectLA shall “identify locations eligible for grant funding” and then award funding based on “overall project areas” proposed by prospective subgrantees. Specifically, prospective subgrantees will be freely able to propose their preferred overall project areas comprising any mix of SPAs, including non-contiguous SPAs, and to submit multiple applications.

Prospective subgrantees also may express their preference for whether they would be willing to accept any SPAs in an application on an independent basis if the state cannot award the entire application (i.e., a prospective subgrantee may indicate which individual SPAs, if any, it would still like to have awarded even if the entire application cannot be awarded due to overlap with a superior application), or if they simply wish to have no award if the entire application cannot be selected (“all or nothing”).

Prospective subgrantees may submit any number of applications (comprising one or more SPAs) in Round 1 and are also permitted to include the same SPA in up to two separate applications (for example, a given SPA may be included in one single-SPA application with one level of requested subsidy, as well as in another multi-SPA application from the same applicant with a different level of requested subsidy and/or technology). This rule will allow prospective subgrantees to express a wide range of preferences for proposed deployment efforts, such as a single large application covering many SPAs (at one overall funding level that incorporates economies of scale) along with additional smaller applications covering only certain sub-sets of SPAs, including some also included in the first large application, to reflect more targeted business plans.

Prospective subgrantees in Round 2 have the option to either let Round 1 applications stand as-is, or add any SPAs not already awarded in Round 1 (subject to the limit that a given SPA may not be included in more than two active applications from the same applicant). Applicants may not remove SPAs from any Round 1 application that is automatically carried forward to Round 2.

In addition, all Round 1 participants have the option to submit entirely new applications in Round 2 exclusively for SPAs not included on any applications in Round 1, taking into consideration possibly increased amounts of reference funding in these areas announced by the state after Round 1.

To address the BEAD project area requirement that de-confliction mechanisms be used to advance the goal of universal coverage, an additional element of Round 2 is that applicants may specify whether any

included SPA is “separable” from the overall application. Note that such designation of “separable” SPAs within an overall application is not treated as an independent application, and therefore the same applicant may still have a second application covering such SPA. As described in section 2.4.2, therefore, in Round 2 each application will include two effective “bids”: (1) the overall application, including all selected SPAs, and a total amount of funding requested for all SPAs, expressed as a percentage of the total reference funding for all; and (b) the independent per-SPA funding request for any SPA designated as “separable.”¹² GUMBO 2.0 will always assume that the applicant’s first choice is to be awarded its total application at the overall funding level in (1), and will make the alternative “separable” SPA awards in (2) only if necessary, based on the presence of a superior competing application.

This per-SPA “separability” designation is a primary GUMBO 2.0 strategy for “de-conflicting overlapping proposals (for example, by de-scoping some locations from a provider’s proposed project area) to allow for like-to-like comparison of competing proposals.”¹³ In other words, this approach maintains the state’s ability to “de-scope” proposals to advance coverage goals while also giving applicants the ability to propose their own project areas based on real-world business plans, including to create “unbreakable” packages of SPAs when such an “all or nothing” approach is required for business plan purposes.

Note that up until this point in the deconfliction process, ConnectLA proposes absolutely no use of discretion, with all decisions made by automatic application of scoring rules and applicants’ designations of “separable” SPAs. Indeed, these GUMBO 2.0 deconfliction rules offer maximum ability for providers to craft their exact preferences both with respect to overall project proposal areas as well as the extent to which, if at all, a provider is willing to accept only certain parts of an overall application if a competing proposal achieves a higher score. This degree of pro-provider flexibility stands somewhat in contrast to the more common approach to this issue such as that used by the FCC in recent reverse auctions, with the “package bidding” rules for RDOF allowing a bidder to set mandatory packages only up to the level of 75% of a total bid. This pro-applicant approach proposed for GUMBO 2.0 therefore raises a degree of risk that in certain cases it may not be possible for the state to resolve conflicting applications in order to best advance the BEAD goal of 100% coverage of eligible locations.

Therefore, as a final de-confliction element for GUMBO 2.0, after completing the actions above, the state reserves the unilateral ability as a final step to remove up to 20% of the BSLs from any subgrant application prior to final award, and applicants must certify their acceptance of this condition during the pre-qualification phase. The state will exercise this right only in the event it is necessary at the end of Round 2 to address a small overlap between two applications that cannot be resolved via the operation of GUMBO 2.0’s standard scoring and de-confliction rules, including the designation of voluntarily “separable” SPAs by an applicant, as outlined above.

In other words, in order to advance the BEAD priority goal of ensuring service to 100% of eligible locations, in the event that two otherwise selectable applications pose a small amount of overlap that cannot be resolved via the stated “separability” preferences of the applicants, the state will de-scope one or both of the applications only to the amount necessary to award both applications, such as the removal of one or more SPAs comprising in total less than 20% of the BSLs from one of the applications. When exercising this

¹² To illustrate, if an application includes two SPAs A and B with a reference funding of \$100,000 and \$200,000 respectively, the total application may for example request 50% of the total funding (\$150,000 for the total application), but also may designate both SPAs as “separable”, and request 60% of the funding in A and 70% in B if either is awarded independently. This flexibility reflects the business requirement that smaller service areas may suffer from fewer economies of scale for example, and therefore may require higher support levels individually than if part of a larger total area of award.

¹³ BEAD NOFO IV.b.7.a.ii.7 (NOFO at 38).

ability, the state will only remove entire SPA(s), subject to the 20% limit with respect to the total BSLs in the application. Finally, in the event that the state does de-scope an application prior to award under this provision, the amount of the award will be reduced by the amount of funding requested in Round 2 by the affected applicant for each removed SPA.

ConnectLA is sensitive to the risk that the operation of this unilateral de-scoping step could be perceived as arbitrary. Therefore in the event this step is taken with respect to any two or more applications, the state will provide detailed supporting information in the Final Proposal to document that: (a) no other means of deconflicting the affected applications was available; (b) therefore under the GUMBO 2.0 rules the only alternative would have been to outright deny one of the two applications; (c) such a denial of one of the applications would have left eligible locations with either a lower-quality level of service from alternative application, or with no alternative application at all; and (d) the removal of contested SPAs was implemented in a reasonable and fair manner as between the two or more overlapping applications at issue, including an approach of proportional impact on all impacted applications to the extent possible given the specific areas in question. The state will also ensure that all GUMBO 2.0 applicants will be fully aware of the potential application of this step and will design their applications accordingly. Finally, ConnectLA notes that this is not a new approach, and that other states have employed this strategy effectively and fairly by similarly providing clear, up-front notice to applicants and applying a fair standard based on the goal of maximizing coverage of eligible locations.¹⁴

2.4.7 Ensuring Universal Coverage in Subsequent Funding Rounds

If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

GUMBO 2.0's comprehensive approach to ensuring universal coverage is fully detailed above in sections 2.4.3 and 2.4.6. In short, the main GUMBO 2.0 process incorporates multiple strategies to minimize the number of locations remaining without any proposals.

However, if after pursuing all of these steps ConnectLA still faces a scenario in which not all unserved or, if applicable, all underserved locations have not been covered by an awarded subgrant, the state will engage in additional outreach to existing providers and/or new subgrantees to close these remaining coverage gaps.

At the conclusion of primary GUMBO 2.0 process, the state will publicly identify any unserved locations not covered by an awarded subgrant. Due to the already comprehensive nature of GUMBO 2.0, ConnectLA does not contemplate a "new" subgrant round. However, the Office reserves the right to administer additional competitive grant rounds in order to achieve the goals of BEAD and to ensure 100% coverage of all BSLs in the State. Instead, ConnectLA plans to attack any such remaining locations via a targeted outreach and negotiation strategy with the proximate providers and/or newly awarded subgrantees with

¹⁴ See New York Public Service Commission, New NY Broadband Program: Phase 3 Request for Proposal Guidelines (March 30, 2017) at 20 ("In submitting their Phase 3 applications, the Program requires that each applicant agree to accept a reduction of up to 20% of the total number of proposed Units to be addressed by their application, with a commensurate (i.e., pro rata) reduction in the requested amount of State assistance.").

https://broadband.ny.gov/system/files/documents/2022/04/broadband_-_phase_3_rfp_guidelines-final.pdf

See also Texas Office of the Comptroller, Notice of Funds Availability for Bringing Online Opportunities to Texas (BOOT) Program (2023) at 8. <https://www.txsmartbuy.com/esbddetails/view/BDO-NOFA-001>

the greatest apparent ability to make targeted extensions of service to individual locations passed over in the main GUMBO 2.0 process.

Specifically, ConnectLA will first engage in direct negotiations with existing providers and/or entities receiving subgrants in nearby areas about potential expansion to encompass these remaining unserved locations, including the potential exercise of the state's option to remove underserved locations from provisionally awarded subgrants. As a tool in engaging in these negotiations, ConnectLA will use the NTIA provided per-location NPV and Total Investment data as a reference for assessing the reasonableness of proposed terms for expanding coverage. In these situations, ConnectLA will also prioritize the use of any unawarded BEAD funds, such as by potentially agreeing to funding levels above the minimum 25% match requirement (assuming NTIA will grant a waiver if the area is not in one of Louisiana's 21 High-Cost Area CBGs¹⁵).

ConnectLA will commit to an ongoing direct negotiation process of offers and counteroffers for a period of no more than four months, to allow sufficient time to submit the Final Proposal within the one-year timeline. Finally, if direct negotiations prove unsuccessful, ConnectLA does not anticipate the availability of other reliable technology alternatives and therefore will seek NTIA approval in its Final Proposal for a non-Reliable service support program made available directly to individual unserved locations, such as for unlicensed fixed wireless if already deployed in a nearby area or options such as low-earth orbit satellite service, all provided at a minimum of 100 Mbps down and 20 Mbps up at required minimum latency levels.

2.4.8 Tribal Government Consent

Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

ConnectLA has been engaging in formal tribal consultations with the four federally recognized tribes in Louisiana. The Office will formulate specific intake questions to evaluate the compliance of a proposed application. Prospective subgrantees with plans to build within any of the tribal lands will be required to provide a Resolution of Consent or other formal demonstration of consent from each tribal government's tribal council or other governing body, upon whose tribal lands the infrastructure will be deployed. ConnectLA will require that the resolution of consent, or any substitute document used at request of the tribal government, be submitted by the prospective subgrantee at the time of application along with other relevant documents demonstrating that holistic local coordination occurred. This will ensure that the proper documentation is obtained for submission and approval of the Final Proposal.

Extremely High Cost Per Location Threshold

2.4.9 Identification of Extremely High Cost Per Location Threshold

Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether *they* consider only capital expenditures or include operational costs for the lifespan of the network.

Based on detailed analysis using NTIA-provided per-location values, ConnectLA anticipates that its \$1.355 billion BEAD allocation is sufficient to reach all eligible locations in the state with FTTH service. However,

¹⁵ The state anticipates using a standard CBG boundary for all High-Cost Area SPAs in order to simplify the administration of the minimum match BEAD requirement.

notwithstanding this result, ConnectLA has designed GUMBO 2.0 cognizant of the practical constraint that all eligible locations may not actually receive such an FTTH application, that costs may prove significantly higher in some areas or that certain locations may receive an application that cannot be granted due to overlap with a higher scoring application that cannot be resolved by the de-confliction mechanisms described above in section 2.4.6.

ConnectLA therefore declines to identify an *ex ante* cost-per-location value as the Extremely High Cost Per Location Threshold, but instead will only submit an EHCT value as part of the Final Proposal. In other words, there is no per-location funding level that ConnectLA could not “afford” to fund in theory at the outset of the process; instead ConnectLA’s EHCT focus is on the risk that the actual applications received may not be fully resolvable to deliver either FTTH or some other reliable broadband service to all eligible locations.

ConnectLA also seeks to guard against the risk that all eligible locations may not receive awardable proposals even via Reliable Service applications from Cable/HFC or licensed fixed wireless providers. By declining to establish an up-front EHCT value, ConnectLA is therefore communicating that the state seeks active participation from all types of broadband providers and that an “all of the above” broadband technology strategy is in the best interests of the citizens of the state.

Accordingly, the EHCT in Louisiana will be determined via a process conducted after all Round 2 awards are received and initially reviewed on a provisional basis, as described above in sections 2.4.1, 2.4.2, and 2.4.6.

Specifically, as part of Round 2’s final scoring, de-confliction and selection steps, ConnectLA will identify both the provisional winning FTTH application for each SPA as well as the next-best non-FTTH option. ConnectLA will then calculate the per-location funding requirement of each. After the completion of all provisional award determinations in Round 2, the office will then assess whether all unserved locations have received either (1) access to FTTH, or if not, (2) access to HFC or licensed fixed wireless service (including licensed by rule).

If any eligible locations remain without access to FTTH, HFC or licensed fixed wireless broadband (including licensed by rule), the state will then review all FTTH awards in order of most expensive to least expensive per location. If at any potential EHCT level (defined as \$1 less than the cost per location of a given FTTH application) non-FTTH applications could instead be selected that would result in more unserved locations receiving at least Reliable service than otherwise would, that value will be selected as the EHCT, and certain provisional FTTH awards above the selected EHCT level may be de-selected in favor of a non-FTTH award if that result would be to materially expand the number of unserved locations receiving higher quality service.

In selecting among non-FTTH applications that may be selected in lieu of an FTTH application above the EHCT level, ConnectLA will consider objective scores as the most important factor. However, in order to advance the BEAD goal of 100% coverage of eligible locations, the state will also evaluate whether in any given case the selection of the highest scoring alternative would have the effect of providing Reliable service to fewer eligible locations. If any such selection decision does justify departure from reliance on relative scores, ConnectLA will provide documentation to NTIA in the Final Proposal to justify the departure from the scoring framework for a given final award.¹⁶ This documentation will include (a) the scores of each

¹⁶ For example, if application of the EHCT creates a scenario in which a higher-cost FTTH application has been de-selected and two alternative Reliable applications therefore could be selected, and the first such application achieves a 5 points higher score

application; (b) the number of eligible locations included in each application; and (c) attestation that no other alternative Reliable applications were available to the locations in question.

In other words, the EHCT will be determined based on funding requirements for actual subgrant proposals received in the state of Louisiana. The GUMBO 2.0 EHCT mechanism therefore will function as an *ex post* tool to permit ConnectLA, pursuant to BEAD rules, to select certain non-FTTH applications instead of FTTH if the overall result is to expand the number of eligible locations receiving access to at least Reliable broadband service to the extent doing so fully with Priority Service Projects proves impossible based on actual subgrant proposals received.

To be clear, ConnectLA will always prefer a priority FTTH project unless the decision not to select a given FTTH project results in more eligible locations receiving service from the best available technology given the total pool of subgrant proposals. ConnectLA also emphasizes that a selection of an EHCT value at a certain level merely permits the state to select a non-FTTH application in a given overlap scenario, meaning that other FTTH projects even with a cost-per-location higher than such an EHCT in many cases still would be selected.

Importantly, this EHCT process will seek to optimize for 100% coverage of eligible locations in two ways: (1) allowing the selection of lower-cost alternative technologies if the BEAD budget is exhausted prior to reaching 100% of locations, and (2) bringing back for consideration any non-FTTH applications that were provisionally eliminated due to overlap with a higher-cost FTTH application, including potentially in SPAs not included in a preferenced FTTH application but that were eliminated due to application overlap.

Finally, it is also fully possible that ConnectLA will not opt to select any EHCT value as a practical matter. For example, if after the completion of Round 2 all or almost all eligible locations have received either all FTTH applications, or a mix of FTTH and Reliable service applications, no EHCT will be required. In this scenario ConnectLA would simply set the final EHCT value at a level above the per-location cost of all awarded FTTH applications for purposes of Final Proposal submission.

2.4.10 Use of Extremely High Cost Per Location Threshold

Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

Sections 2.4.10.A, 2.4.10.B, and 2.4.10.C below all incorporate by reference the EHCT process description in section 2.4.9 above.

A. *Process for Declining Proposals above the High Cost Per Location Threshold*

The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.

In Round 2 of GUMBO 2.0, the initial scoring and de-confliction steps outlined above in sections 2.4.1, 2.4.2, 2.4.3, and 2.4.6 will be conducted initially on a “provisional” basis, for internal ConnectLA purposes only. In other words, ConnectLA first will score, rank, de-conflict and provisionally select all Round 2

but serves 500 fewer locations with no other Reliable alternatives available to those locations, the state proposes to reserve the right to select the lower scoring alternative in order to maximize the goal of 100% coverage.

applications, and then assess the overall results in terms of BEAD budget expenditure and coverage of eligible locations. However, no subgrant applicant will receive any notification of this internal-only “provisional” award status.

If gaps in coverage of eligible locations remain, ConnectLA will then execute the EHCT process described above in section 2.4.9. If in any specific case ConnectLA identifies an opportunity to expand coverage of at least Reliable broadband service via the establishment of an EHCT value at certain level, the state will first offer the FTTH proposal at issue (with a per-location funding request above the EHCT level) the opportunity to reduce its requested funds (without sacrificing coverage of eligible locations) to the EHCT level and/or, if applicable, to remove from its application all locations within any SPAs that create a conflict with another application that would result in expanded coverage.¹⁷ For example, if the initial two-round GUMBO 2.0 process is unable to select subgrant awards providing service to all eligible locations, FTTH proposals above the EHCT may be offered the opportunity to adjust their proposals in two potential ways: (1) to reduce requested funds, the applicant will be permitted to shift certain costly locations from FTTH to an alternative lower-cost Reliable broadband technology, or to remove those locations from its application if an alternative lower-cost Reliable application is available for all such locations, and/or (2) to remove certain SPAs from an application, with a corresponding reduction in subgrant funding level, in order to eliminate conflict with a non-FTTH proposal that would deliver Reliable service to otherwise non-covered locations.¹⁸

If this curing opportunity is not accepted by the FTTH proposal at issue, the state will withdraw the “provisional” award and instead select the alternative non-FTTH proposal that includes some or all of the same SPAs in order to maximize coverage of unserved locations with the best available technology, following the approach detailed in section 2.4.9.

ConnectLA has crafted this approach to best balance the important twin goals of minimizing the risk of arbitrary outcomes (or the appearance thereof) and achieving the overarching BEAD goal of 100% coverage with the best available technology, including a preference for Priority broadband projects. Given that the affirmative policy design choice by the state in GUMBO 2.0 is in to maximize the number of competing applications, this EHCT approach addresses the concomitant risk that the resulting complex nature of overlapping applications could lead to sub-optimal coverage outcomes due either to the exhaustion of the BEAD budget by costly FTTH awards or due to conflicts between partially overlapping FTTH and non-FTTH applications.

Connect LA will then continue this process until the final FTTH provisional award is reviewed, with the final EHCT level being established at the lowest applicable level given the actual FTTH applications reviewed. In

¹⁷ For example, this rule would operate in a scenario in which an FTTH application has been provisionally selected but partially overlaps an additional non-FTTH application that also includes other SPAs for which there is no other option. In other words, this rule creates a fall-back solution to maximizing coverage if the standard approach to Priority project selection and deconfliction would have the effect of blocking a viable Reliable application for locations with no other options.

¹⁸ Such per-BSL adjustments to proposals are expressly permitted by the NOFO rules for the EHCT. “An Eligible Entity may decline to select a proposal that requires a BEAD subsidy that exceeds the Extremely High Cost Per Location Threshold *for any location to be served in the proposal* if use of an alternative Reliable Broadband Service technology meeting the BEAD Program’s technical requirements would be less expensive. Subject to the overarching requirement to run a fair, open, and competitive process, the Eligible Entity has discretion to design a selection process that allows it to engage with a prospective subgrantee to revise the proposal to ensure that *no location* requires a subsidy that exceeds the Extremely High Cost Per Location Threshold.” NOFO IV.B.7.a.ii.11 (page 38) (emphasis added).

other words, ConnectLA will review provisionally selected FTTH applications in declining order of cost, selecting a descending level of EHCT values each time a new re-prioritization opportunity that would expand coverage is identified, and either requesting certain adjustments or simply changing the provisional selection status of any specific proposals as needed to achieve maximum coverage of the best available technology.

At the end of this process, the final EHCT value will be announced, along with all final selections as reflected by any final changes made during this step. As described above in section 2.4.9, it is fully possible that certain FTTH proposals will still be selected even with cost higher than the final EHCT value. In other words, the selection of an alternative technology to FTTH will only be made if the specific result for a given selection decision would be expanded coverage of at least Reliable broadband.

B. Process for Application Revisions above the High Cost Per Location

The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.

After defining a final EHCT value based on the process in 2.4.9 and 2.4.10.A above, ConnectLA will review any provisionally awarded project with an average per-location cost above that threshold value to assess the cost-reasonableness of the award considering the NTIA-provided per-location cost data for Greenfield NPV and Total Investment, as provided by NTIA in the Eligible Entity Planning Tool. However, ConnectLA specifically anticipates that it is possible that certain priority projects with a per-location value above the EHCT will still be funded if it is the best priority project in the area and sufficient BEAD funding remains available.

In addition, in a post-Round 2 scenario in which the available BEAD budget has proven insufficient for all unserved locations – meaning that the EHCT will be applied simply to reduce funding requirements rather than to assist locations that are “stranded due to overlap” – provisionally successful FTTH applications at risk of being de-selected due to being above the selected EHCT value will be given the opportunity to revise their funding requests to a level below that dictated by the EHCT, because in that case the simple reduction of required funding will address the state’s need.

In other words, ConnectLA plans to use the EHCT value, if selected, in the narrowest possible way to ensure the best available technology to the greatest number of unserved locations while still preferring priority projects whenever possible. It is fully possible that some priority projects with per-location costs above the threshold may still be selected to advance this goal.

C. Process for Selecting Applications with Less Costly Technology

The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

GUMBO 2.0 will allow application from unlicensed fixed wireless proposals, which although not consistent with the definition of Reliable Broadband, also could serve as a valuable solution in certain areas to ensure coverage of all eligible locations. As described above in sections 2.4.1, 2.4.2, 2.4.3, and 2.4.6, 2.4.7, and 2.4.9, the review and provisional selections of applications will strictly follow the prioritization framework specified in the BEAD NOFO, with Priority (FTTH) projects always receiving preference, Reliable projects next, and non-Reliable projects such as unlicensed fixed wireless always receiving lower priority.

However, as part of the EHCT process described above in section 2.4.9, non-Reliable proposals also will be considered as another route to expanding service to any not-covered eligible locations, but always as a lower-priority option in the event no Reliable proposals are available.

Finally, as part of the final direct engagement/negotiation step with proximate providers and/or BEAD subgrantees to extend coverage to specific unserved locations still without coverage commitments, as described in section 2.4.3 above, non-Reliable solutions will be permitted if that is the best available solution given the remaining BEAD budget available. In this scenario, by definition FTTH will not be an option (as if it was, it would have been previously covered by a funded GUMBO 2.0 subgrant); therefore, an unlicensed fixed wireless solution or other alternate technology may be an attractive option for a willing provider that does not satisfy the requirements for Reliable broadband service provision.

Deployment Subgrantee Qualifications

2.4.11 Ensuring Minimum Financial Capability

Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72 – 73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

ConnectLA is committed to comprehensive vetting of prospective subgrantees throughout the selection process to ensure that the prospective subgrantees seeking to deploy network facilities meet the qualifications for financial capability as defined in the BEAD NOFO. The office will formulate specific intake questions as referenced in [Exhibit D](#) as a prequalification measure that will allow ConnectLA to evaluate the viability and compliance of any proposed applications the potential subgrantee may submit. To submit a grant application, prospective subgrantees will be required to provide details to complete a review of financial capability, including but not limited to:

- Obtain the five years of financial statements, pro forma statements or financial audits submitted by each applicant or the financial statements for each year that the applicant has been in business if less than five years. Ensure that the complete financial statements were submitted. If financial statements are not available, search for the applicant’s SEC Form 10-K filing. Using the audited financial statements, reviewed the unaudited financial statements for reasonableness. Review the financial statements, if audited, to determine if there is a *Going Concern* disclosure in the audit report.
- Review the Louisiana Secretary of State website to determine if the applicant’s business status is *Active* in Louisiana. Determine whether the applicant has filed for bankruptcy, by contacting the district court for where the applicant is in business or is incorporated. Determine if company is involved in any lawsuits. Review the JUSTIA website for additional detail.
- Determine the funding sources for the project. If loans are being used, how is the applicant making payments on those loans (from cash reserves, sale of assets, etc.)? Is there a large amount of debt? Is there a significant decrease in revenues?
- Review the balance sheet, statement of operations and statement of cash flows to determine if the applicant is steady and/or growing. Use EBITDA margin to assist in this analysis. Calculate the Current Ratio (Current Assets/Current Liabilities). Calculate the Debt to Assets Ratio (Total Debts/Total Assets)

Documentation related to the requirements above will be collected and reviewed by qualified personnel

to ensure a clear plan for determination of participation is in place.

If necessary, ConnectLA will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the financial capability of the prospective subgrantee.

ConnectLA will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

A. Required Qualifications for Financial Obligations

Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.

The Office will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a project, that the prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all requirements, including service milestones. Disbursement of funding to subgrantees after the initial 10% draw as described below in section 2.16 is only done upon completion of a technical and compliance audit at specific established thresholds of the number of locations served out of the total number to be served by a project (10%, 35%, 65%, 85%, 100%). It will be required that each subgrantee certifies that it has and will continue to have sufficient financial resources to cover its eligible costs for the project until such time as the Office authorizes additional disbursements.

B. Required Model Letter of Credit

Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund.

ConnectLA will make available to applicants all of the options provided by NTIA's Limited Waiver to the NOFO's Letter of Credit requirements applicable to fixed award subgrants, as well as any future additional options made available by subsequent additional waiver or guidance.

For applicants obtaining a Letter of Credit, the form of that Letter of Credit shall be similar to the model letter of credit established with the Rural Digital Opportunity Fund (RDOF), ConnectLA will require prospective subgrantees to submit a letter from an eligible bank (see 47 C.F.R. § 54.804(c)(2)) or credit union, as specified by the Limited Waiver. The letter must include the dollar amount of the letter of credit, including adjustments in the amount over time based on the completion of deployment milestones following the requirements of the Limited Waiver, and the issuing bank's agreement to adhere to GUMBO 2.0's model letter of credit terms and conditions. Specifically, before executing any subgrantee agreements,

each prospective subgrantee must obtain an irrevocable standby letter of credit, which ConnectLA deems acceptable as required under the Limited Waiver, and amounts to no less than so required including provisions for the adjustment of amounts according to the schedule of fixed award disbursements based on certified build-out milestones. An opinion letter from its legal counsel must be included with the letter of credit stating, subject only to customary assumptions, limitations and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code.

For applicants obtaining a performance bond, ConnectLA will require applicants to follow all requirements and related guidance from NTIA including those specified in the Limited Waiver.

C. Required Audited Financial Statements

Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.

The Office will require that each prospective subgrantee submit financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant. ConnectLA will not approve any grant for the deployment or upgrading of network facilities unless it is determined that the documents submitted to it demonstrate the prospective subgrantee’s financial capability with respect to the proposed project.

D. Required Business Plans and Financial Analysis

Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

The Office will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project. This can be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project. Additionally, prospective subgrantees should provide pertinent resumes of key staff assigned to a proposed project and a matrix illustrating how the skills of lead staff with business plan deliverables. Evaluation of business plans and related analyses will be completed by qualified personnel to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the prospective subgrantee. Reviews could include, but not be limited to the following:

- Executive Summary Assessment
- Project Description Review
- Market Analysis Review
- Competitive Analysis Review
- Technical and Operational Plan Review
- Risk Assessment Review
- Legal and Regulatory Compliance
- Management Team Review
- Sustainability and Environmental Impact Review

2.4.11.1 Supporting Documentation for BEAD Subgrantee Selection Process

Submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.

[Exhibit D](#)

2.4.12 Ensuring Managerial Capability

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.

ConnectLA will ensure that all prospective subgrantees seeking to deploy network facilities comply with the managerial capability requirements outlined in the BEAD NOFO. The Office will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to managerial capability.

Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the managerial capability of the prospective subgrantee.

The Office will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

A. Resumes for Key Personnel Requirement

Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.

To submit a grant application, prospective subgrantees will be required to provide resumes for all key management personnel, documentation will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the managerial capability of the prospective subgrantee.

B. Readiness to Manage Proposed Project Requirement

Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.

To submit a grant application, prospective subgrantees will be required to provide the details listed below

related to managerial capability:

- Project organizational chart(s) and corporate relationships detailing all parents, subsidiaries, and affiliates.
- A narrative describing the prospective subgrantee's readiness to manage a broadband services network. This narrative should include at a minimum the experience and qualifications of key management set to undertake this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies.
- A matrix illustrating how the skills of lead staff align with business plan deliverables.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the managerial capability of the prospective subgrantee.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

2.4.13 Ensuring Technical Capability

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

ConnectLA is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for technical capabilities as outlined in the BEAD NOFO. The Office will formulate specific application questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to technical capability.

Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the technical capability of the prospective subgrantee.

The Office will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements. As needed, the Office will develop predetermined standards of technical capabilities that correspond to industry standards, the BEAD NOFO and best practices.

A. Technical Qualification for Implementation and Credentialed Workforce

Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

Prospective subgrantees must submit certification to ConnectLA that they are technically qualified to complete and operate the Project and that they can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce (see Section IV.C.1.e of the BEAD NOFO). Documentation to be provided by the prospective subgrantee includes, but is not limited to the following:

- Documentation of current licensing with governing bodies to operate in Louisiana.
- Attestation of current Louisiana licensing for any engineers who certify design, diagrams, project costs, etc.
- Demonstration of experience designing and delivering similar projects of size, complexity and timeline.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the technical capability of the prospective subgrantee.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements. As needed, the Office will develop predetermined standards of technical capabilities that correspond to industry standards, the BEAD NOFO and best practices. The Office may source the assistance of the Louisiana Professional Engineering and Land Surveying Board and the National Society of Professional Engineers to ensure outreach methods and overview of requirements are adequately provided to all prospective subgrantees.

B. Proposed Project Workplan Requirement

Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Prospective subgrantees must submit certification to ConnectLA that they are technically qualified to complete and operate the Project and that they can carry out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce (see Section IV.C.1.e of the BEAD NOFO). Documentation to be provided by the prospective subgrantee includes, but is not limited to the following:

- Project plan description that clearly identifies the steps (including but not limited to planning, design, implementation and operation) of the capital investment schedule. Project planning should also include at a minimum network design, diagrams, project costs, timelines, evidence of build-out within the timeline identified.
- Attestation that the proposed network can deliver broadband service that meets the requisite

performance requirements to all locations served by the Project. Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the technical capability of the prospective subgrantee.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements. As needed, the Office will develop predetermined standards of technical capabilities that correspond to industry standards, the BEAD NOFO and best practices. The Office may source the assistance of the Louisiana Professional Engineering and Land Surveying Board and the National Society of Professional Engineers to ensure outreach methods and overview of requirements are adequately provided to all prospective subgrantees.

2.4.14 Ensuring Compliance with Applicable Laws

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section.

ConnectLA is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications regarding compliance with applicable laws as outlined in the BEAD NOFO. The Office will formulate specific intake questions as linked in 2.4.11.1 to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to compliance with applicable laws.

The Office will ensure that critical components related to federal and state procurement practices are accounted for with the development of the subgrant program. A review of legally binding regulations and agency-specific policies will assist in creating a competitive selection process for prospective subgrantees to participate in. The Office will work to recognize existing federal, state or and local requirements, document relevant procedures and develop new policies, where needed. The Office will use existing relationships with state and federal partners to ensure proper engagement is attained and accounted for. Additionally, the Office will review and implement guidance from NTIA's Subgrantee Selection Primer as necessary.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

A. Compliance with Federal, State, and Local Laws

Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable Federal, State, Territorial, and local laws.

ConnectLA is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications regarding compliance with applicable laws as outlined in the BEAD NOFO. The Office will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to compliance with applicable laws:

- Detailed history of compliance with all applicable Federal, State of Louisiana and local laws for previous broadband projects funded by federal and state programs, including disclosure of any default on any federal or state obligation associated with grants for broadband deployment.

Because locations already subject to another enforceable deployment obligation are not eligible for GUMBO 2.0, the state of Louisiana has particular concern that all other such obligations are honored. Simply put, the state is concerned that other federal obligations may block a location from GUMBO 2.0 eligibility in the near term and then be defaulted by the provider after the end of the GUMBO 2.0 subgrant process, leaving the locations in question without funding to receive service. Therefore, as a separate step from any federal enforcement penalties, as part of its subgranting authority under the BEAD program the state seeks to create a disincentive for any provider to subsequently abandon a deployment obligation that as part of the BEAD de-duplication process excludes locations in Louisiana from GUMBO 2.0 eligibility. Any GUMBO 2.0 subgrantee also subject to deployment obligations elsewhere in Louisiana – including from programs such as RDOF, Enhanced-ACAM, ReConnect or any other similar program included in the BEAD de-duplication process – must make an enforceable commitment as part of its GUMBO 2.0 subgrant agreement not to default or otherwise fail to fulfill any such deployment obligation in the state of Louisiana. The penalty for breach of this commitment shall be, as reimbursement for funding that could have been awarded but for other federal program funding, payment to the state in the amount equal to the Total Investment cost of all defaulted locations, as measured by the Eligible Entity tool provided to the state by NTIA.

The Office will ensure that critical components related to federal and state procurement practices are accounted for with the development of the subgrant program. A review of legally binding regulations and agency-specific policies will assist in creating a competitive selection process for prospective subgrantees to participate in. The Office will work to recognize existing federal, state and local requirements, document relevant procedures and develop new policies, where needed. The Office will use existing relationships with state and federal partners to ensure proper engagement is attained and accounted for. Additionally, the Office will review and implement guidance from NTIA's Subgrantee Selection Primer as necessary.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

B. Worker-led Health and Safety Committees

Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

ConnectLA is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications regarding compliance with applicable laws as outlined in the BEAD NOFO. The Office will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to compliance with applicable laws:

- Policies and procedures to ensure compliance with occupational safety and health requirements including worker-led health and safety committees that management will meet with upon reasonable request. (The Office may utilize details or suggestions from NTIA’s Workforce Planning Guide to assist with specific requirements for prospective subgrantees).

The Office will ensure that critical components related to federal and state procurement practices are accounted for with the development of the subgrant program. A review of legally binding regulations and agency-specific policies will assist in creating a competitive selection process for prospective subgrantees to participate in. The Office will work to recognize existing federal, state or and local requirements, document relevant procedures and develop new policies, where needed. The Office will use existing relationships with state and federal partners to ensure proper engagement is attained and accounted for. Additionally, the Office will review and implement guidance from NTIA’s Subgrantee Selection Primer as necessary.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. The Office will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

2.4.15 Ensuring Operational Capabilities

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

A. Required Operational Qualifications

Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

- A prospective subgrantee will provide operational details including but not limited to the following:
 - Years providing internet service;
 - Current subscribers (households, businesses and community anchor institutions)
 - Completed federally funded deployment projects, with their source of funding and timeframe for completion or non-completion;
 - Penalties paid by the prospective subgrantee, a subsidiary or affiliate of the prospective subgrantee or the holding company of the prospective subgrantee relative to deployment projects; and
 - The number of times prospective subgrantee has ever been a defendant in a state of Louisiana criminal proceeding or civil litigation relevant to qualifications to deployment broadband infrastructure.
 - Whether the prospective subgrantee has ever defaulted on a federal or state obligation to deploy broadband infrastructure and if so, to provide a summary.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

B. Required Number of Years in Operation

Detail how the Eligible Entity will require prospective subgrantees to submit a certification that have provided a voice, broadband, and/or electric transmission or distribution service for at least the two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

- A prospective subgrantee that has provided a voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, must submit a certification that attests to these facts and specifies the number of years the prospective subgrantee or its parent company has been operating.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring

program requirements.

C. Required Compliance with FCC Form 477, Rules, and Regulation

Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

- If the prospective subgrantee has provided a voice and/or broadband service, it must certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this period, and otherwise has complied with the Commission's rules and regulations. Alternatively, a prospective subgrantee should explain any Notice of Funding Opportunity – 75 pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with commission rules or regulations.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements.

D. Required Operating and Financial Reports for Electric Transmission or Distribution Services

Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

- If the prospective subgrantee has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including

the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements.

E. Required Operational Capabilities for New Entrants

In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

To submit a grant application, prospective subgrantee will be required to provide the details listed below related to operational capability:

- For a new entrant to the broadband market, a prospective subgrantee must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities. Such evidence may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors or other partners with relevant operational experience or other comparable evidence.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

2.4.16 Ensuring Ownership

Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

ConnectLA will ensure that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on ownership as outlined in the BEAD NOFO and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements. Terms and conditions will be specific and clearly defined, measurable in whether they are achieved or not, notate a specific timeframe and note the reviewing party and specific responsibilities.

A. Required Supporting Ownership Information

Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

ConnectLA will ensure that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on ownership as outlined in the BEAD NOFO and consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

The Code of Federal Regulations regarding ownership information requires the following:

1. List the real party or parties in interest in the prospective subgrantee or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the prospective subgrantee;
2. List the name, address, and citizenship of any party holding 10 percent or more of stock in the prospective subgrantee, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;
3. List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the prospective subgrantee is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
4. List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
5. List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the prospective subgrantee is 10 percent or greater;
6. List all parties holding indirect ownership interests in the prospective subgrantee as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the prospective subgrantee, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
7. List any FCC-regulated entity or prospective subgrantee for an FCC license, in which the prospective subgrantee or any of the parties identified in paragraphs:
 - a. (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective subgrantee (e.g., Company A owns 10 percent of Company B (the prospective subgrantee) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license prospective subgrantee).
 - b. Designated entity status. In addition to the information required under paragraph (a) of this section, each prospective subgrantee claiming eligibility for small business provisions, or a rural service provider bidding credit shall disclose the following:
 - c. On its application to participate in competitive bidding (i.e., short-form application (see 47 CFR 1.2105)):
 - i. List the names, addresses and citizenship of all officers, directors, affiliates and other controlling interests of the prospective subgrantee, as described in § 1.2110, and, if a consortium of small businesses or consortium of very small businesses, the members of the conglomerate organization;

- ii. List any FCC-regulated entity or prospective subgrantee for an FCC license, in which any controlling interest of the prospective subgrantee owns a 10% or greater interest or a total of 10% or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective subgrantee;
 - iii. List all parties with which the prospective subgrantee has entered into agreements or arrangements for the use of any of the spectrum capacity of any of the prospective subgrantee's spectrum; (iv) List separately and in the aggregate the gross revenues, computed in accordance with §1.2110, for each of the following: The prospective subgrantee, its affiliates, its controlling interests, and the affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;
 - iv. If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the prospective subgrantee meets the criteria for such credit as set forth in §1.2110(f)(4); and (vi) If applying as a consortium of designated entities, provide the information in paragraphs (b)(1)(i) through (v) of this section separately for each member of the consortium.
- d. As an exhibit to its application for a license, authorization, assignment, or transfer of control:
- i. List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the prospective subgrantee, as described in §1.2110;
 - ii. List any FCC-regulated entity or prospective subgrantee for an FCC license, in which any controlling interest of the prospective subgrantee owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the prospective subgrantee;
 - iii. List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the prospective subgrantee's eligibility as a small business under the applicable designated entity provisions, including the establishment of de facto or de jure control. Such agreements and instruments include articles of incorporation and by-laws, partnership agreements, shareholder agreements, voting or other trust agreements, management agreements, franchise agreements, spectrum leasing arrangements, spectrum resale (including wholesale) arrangements, and any other relevant agreements (including initial applications), oral or written;
 - iv. List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights and rights to hire and fire employees and to appoint members to boards of directors or management committees;
 - v. List separately and in the aggregate the gross revenues, computed in accordance with §1.2110, for each of the following: the prospective subgrantee, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;
 - vi. List and summarize, if seeking the exemption for rural telephone cooperatives pursuant to §1.2110, all documentation to establish eligibility pursuant to the factors listed under §1.2110(b)(4)(iii)(A).
 - vii. List and summarize any agreements in which the prospective subgrantee has entered into

- arrangements for the use of any of the spectrum capacity of the license that is the subject of the application; and
- viii. If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the prospective subgrantee meets the criteria for such credit as set forth in §1.2110(f)(4).

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements. Terms and conditions will be specific and clearly defined, measurable in whether they are achieved or not, notate a specific timeframe and note the reviewing party and specific responsibilities.

[2.4.17 Disclosure of Other Publicly Funded Projects](#)

Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

ConnectLA is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for operational capability as outlined in the BEAD NOFO. The Office will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to operational capability.

ConnectLA will ensure that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on other public funding as outlined in the BEAD NOFO. The Office will formulate specific intake questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to public funding.

Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website, and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements.

[A. Disclosure of Existing or Future Publicly-Funded Projects](#)

Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.

To submit a grant application, prospective subgrantees will be required to provide the details listed below related to public funding:

- ConnectLA will require each prospective subgrantee to disclose, for itself and for its affiliates, any application the prospective subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the prospective subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds, including but not limited to funds provided under:
 - Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178)
 - CARES Act (Public Law 116-136; 134 Stat. 281)
 - Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182)
 - American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4)
 - Federal Universal Service Fund high-cost program (e.g., RDOF, CAF)
 - Any Eligible Entity or local universal service or broadband deployment funding program
- ConnectLA will require that the prospective subgrantee disclose if any details as noted above change or adjusts in any way after the submission of an application.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

B. Detailed Information for Existing or Future Publicly-Funded Projects

At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

To submit a grant application, prospective subgrantees will be required to provide the details listed below related to public funding:

- ConnectLA will require the disclosure, for each broadband deployment project, of:
 - the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules);
 - the geographic area to be covered;

- the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage);
- the amount of public funding to be used;
- the cost of service to the consumer; and
- the matching commitment, if any, provided by the prospective subgrantee or its affiliates.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. If necessary, the Office will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods of implementation.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

SECTION 2.5 Non-Deployment Subgrantee Selection

(Requirement 9)

Non-Deployment Projects

2.5.1 Fair, Open and Competitive Non-Deployment Selection Process

Describe a fair, open and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

The objective of the subgrantee selection process for eligible non-deployment activities in the federal program is to ensure fairness, openness and competitiveness. Louisiana will prioritize two main items:

Priority 1 (20% of funds available for non-deployment) – Creation of the Louisiana CASH Program to be administered by a state agency with experience executing federal programs, such as the Department of Children and Family Services, Office of Community Development, Department of Health or Louisiana Board of Regents or other. The program will offer a monthly subsidy for service at an established rate to internet service providers for qualifying households for fixed wireline service. The program will work in tandem with the Affordable Connectivity Program or any future federal program offered for internet service subsidy. ConnectLA will ensure any legislative or administrative steps are taken in an appropriate manner to ensure the successful launch of the program. More detail will be provided post deployment, when the Office determines there would be sufficient funding to address needs outlined.

Priority 2 (80% of funds available for non-deployment) – Pending continued implementation of the Louisiana Digital Equity Plan and continued investment in successful pilot programs identified in Requirement 3, Section 1.1.1 of the Initial Proposal, to be administered by ConnectLA. Some programs mentioned that pertain to this section are as follows:

Grant Name	Recipients	Purpose	Total	Expended
NTIA Tribal Broadband Connectivity Program	Tunica-Biloxi Tribe of Louisiana Coushatta Tribe of Louisiana	Planning, Digital Skills	\$2.5m \$366k	\$2.5m \$366k
NTIA Connecting Minority Communities Pilot	Grambling State University Southern University Law Center Southern University at New Orleans Southern University and A&M College	Access, Affordability, Devices, Digital Skills, Workforce Development	\$2.2m \$3.0m \$3.0m \$6.2m	\$2.2m \$3.0m \$3.0m \$6.2m
FCC Affordable Connectivity Outreach Grant Program	Calcasieu Regional Planning Commission City of Natchitoches City of New Orleans St. Landry Parish Government	Affordability	\$946k	\$946k

Grant Name	Recipients	Purpose	Total	Expended
FCC Connected Care Pilot Program	Primary Care Providers for a Healthy Feliciana	Access	\$80k	\$80k
FCC COVID-19 Telehealth Program Award	Access Health Louisiana Odyssey House Louisiana University of Louisiana at Lafayette Louisiana Primary Care Association Louisiana Independent Hospital Network Coalition	Access	\$930k \$143k \$272k \$891k \$453k	\$930k \$143k \$272k \$891k \$453k
Louisiana LCTCS Broadband Curriculum Expansion Program	Statewide *State supplemental budget 2022	Workforce Development	\$10.3m	\$10.3m

In line with the BEAD Notice of Funding Opportunity, ConnectLA will consider supporting additional non-deployment activities related to the following:

1. User training with respect to cybersecurity, privacy and other digital safety matters.
2. Remote learning or telehealth services/facilities.
3. Digital literacy/upskilling (from beginner level to advanced).
4. Computer science, coding and cybersecurity education programs.
5. Implementation of Eligible Entity digital equity plans (to supplement, but not to duplicate or supplant, planning grant funds received by the Eligible Entity in connection with the Digital Equity Act of 2021).
6. Broadband sign-up assistance and programs that provide technology support.
7. Multi-lingual outreach to support adoption and digital literacy.
8. Prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills, etc.
9. Digital navigators.
10. Direct subsidies for use toward broadband subscription, where the Eligible Entity shows the subsidies will improve affordability for the end user population (and to supplement, but not to duplicate or supplant, the subsidies provided by the Affordable Connectivity Program).
11. Costs associated with stakeholder engagement, including travel, capacity-building or contract support.
12. Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described in Section V.H.2 of the NOFO.
13. Activities related to the incorporation of “smart” technologies and capabilities into farming practices, due to Louisiana being a heavy agriculture-producing state and the unique competitive advantage of spearheading specific smart technologies in this sector.

Below is a description of Louisiana’s proposed process that adheres to these principles:

- **Announcement and Public Notice:** Louisiana will announce the availability of funding for eligible non-deployment activities through various channels, such as the program website, press releases and public notices. This announcement will include detailed information about the application process, eligibility criteria and evaluation criteria. Notice will be made available for at least a 60-day period.
- **Eligibility Screening:** Louisiana will conduct an initial screening of the applications to determine

their eligibility based on the criteria outlined in the program guidelines. This screening will ensure that the applicants meet the basic requirements for participation.

- **Evaluation Criteria:** Louisiana will develop a set of objective evaluation criteria that will be used to assess the applications. These criteria will be established in advance and communicated to all potential applicants. Examples of evaluation criteria may include the project's potential effect on broadband availability, the feasibility of the proposed activities, the strength of the project management plan and the applicant's capacity to implement the project successfully. Where needed, traditional and non-traditional state procurement processes will be followed. Priority will be considered for the following:
 - Louisiana will prioritize applicants with effective models for addressing the existing skill gaps in our labor force as well as other workforce training and readiness initiatives, including those that provide equitable instruction and outreach to all working-age individuals.
- **Review Panel:** Louisiana will convene a review panel comprising subject matter experts, industry professionals and other relevant stakeholders, including “lived experts” such as affected residents, representatives from community anchor institutions or community leaders from faith-based, business based and non-profit organizations. The panel members will have the necessary expertise to evaluate the applications based on the predetermined evaluation criteria. Panel members will be required to disclose any conflicts of interest that may arise from their participation in the process. ConnectLA will ensure that appropriate steps are taken to prevent bias, collusion, arbitrary decisions and any other factors that could undermine the process. If any impropriety is identified, ConnectLA will work with state attorneys to ensure appropriate actions are taken, the issue is mitigated and any awarded funds are rescinded or clawed-back.
- **Evaluation Process:** The review panel will individually review and evaluate each application based on the established criteria. They may use a scoring system or a qualitative assessment to ensure consistency and objectivity in the evaluation process. Appropriate steps will be taken to ensure a fair and transparent evaluation process with objective scoring criteria. The scoring criteria and evaluation process will be documented through a variety of methods in advance of utilization.
- **Transparency and Public Input:** The subgrantee selection process will be transparent, with clear communication throughout. Louisiana will publish the list of selected subgrantees on their website, along with a summary of the evaluation process.
- **Appeals/Protest Process:** Louisiana will establish an appeals process that allows applicants to seek a review of the selection decision if they believe there were procedural errors or inconsistencies in the evaluation process. The protest process, official decisions and provider appeals shall be conducted in accordance with La. R.S. 51:2370.27(F) and 2370.28(see [Exhibit F](#)). The period for protesting an award shall not exceed seven days from the announcement of awards. The appeals process will provide a fair opportunity for applicants to present their case, and a separate review panel or independent entity may be involved in the appeal evaluation.

By following this process, Louisiana can ensure a fair, open and competitive subgrantee selection process for eligible non-deployment activities in the BEAD program. To ensure the maximum benefit to the residents of Louisiana, it's important to ensure timely notice is made to announce the availability of funding for eligible non-deployment activities through various channels such as the program website, press releases and public notices. Detailed announcements that include information about the application process, eligibility criteria and evaluation criteria will ensure that numerous stakeholder groups or potential applicants are aware of the availability of funds and the steps necessary to apply.

ConnectLA will also rely on community anchor institutions, state-wide planning commissions, higher education institutions and other key stakeholders to publicize the availability of funding to all Louisianians and ensure that historically marginalized/excluded communities and tribal representatives are included in outreach methods. The use of objective evaluation criteria, a diverse review panel, transparency and an appeals process contribute to the integrity and credibility of the selection process. By establishing a 60-day timeframe for the public notice of availability of funds, this will allow all potential participants time to create a plan for participation.

While not final, below is a proposed scoring system that may be used as part of the subgrantee selection process for eligible non-deployment activities in the BEAD program:

1. **Effect on Broadband Availability (30 points):** Evaluate the potential effect of the proposed activities on improving broadband availability and access in underserved areas. Consider factors such as the number of households or businesses that will benefit, location within economically disadvantaged areas, the expected increase in broadband speeds and the overall significance of the project in addressing the digital divide.
2. **Feasibility and Viability (25 points):** Assess the feasibility and viability of the project. Consider the technical and operational aspects, including the proposed timeline, budget and resources required for successful implementation. Evaluate the applicant's capacity to carry out the project effectively, including their track record, partnerships and relevant experience. Specifically, Louisiana will ensure that prospective subgrantees have the competence, managerial and financial capacity to meet the commitments of the subgrant and any requirements of the program, as well as the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award. Specific requirements, at a minimum, included in the BEAD NOFO, page 73, include the following:
 - a. Financial capability including certification applicant is financially qualified, letter of credit or performance bond (as consistent with NTIA's Limited Waiver requirements) as applicable to non-deployment subgrant awards, audited financial statements, sustainability/business plan.
 - b. Managerial capability including resumes for key individuals and narrative describing experience and readiness to carry out the project.
 - c. Technical capability including certification applicant is technically qualified to complete and operate the project and detailed project plan.
 - d. Compliance with laws including demonstrating ability to comply with all applicable laws.
 - e. Operational capability including appropriate certifications or attestations to operational experience.
 - f. Ownership information as described.
 - g. Other public funding including disclosure of other broadband deployment projects.
3. **Project Management Plan (20 points):** Evaluate the quality of the project management plan presented by the applicant. Consider the clarity and comprehensiveness of the plan, including objectives, milestones, deliverables and risk mitigation strategies. Assess the applicant's ability to execute the project efficiently and effectively.
4. **Partnerships and Collaboration (15 points):** Assess the strength and relevance of the applicant's partnerships and collaborations. Consider the involvement of local community organizations, government entities, educational institutions and other stakeholders. Evaluate how these partnerships contribute to the success and sustainability of the project.
5. **Budget and Cost-Effectiveness (10 points):** Evaluate the proposed budget and cost-effectiveness of the project. Assess the reasonableness of the budget in relation to the proposed activities and

expected outcomes. Consider the cost-effectiveness of the project in terms of the number of beneficiaries and the expected impact on broadband access.

The total score for each application will be calculated by summing up the scores from each criterion. The applicants with the highest overall scores will be selected as subgrantees for eligible non-deployment activities in the BEAD program.

It's important to note that the specific weights assigned to each criterion may change before the application cycle is initiated. The scoring system will be developed and communicated to all applicants in advance to ensure transparency and fairness in the evaluation process.

2.5.2 Non-Deployment Project Plans

Describe the Eligible Entity's plan for the following:

A. Selection Process

How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD program funds.

ConnectLA will employ the following in selecting the type of non-deployment initiatives it intends to support using its BEAD allocation:

1. Return on investment for the state and its residents: the initiative will have a generational effect on residents of the state and will address the digital divide sustainably and permanently.
2. Addresses identified component of the digital divide: the non-deployment initiative addresses a component of the digital divide beyond access to broadband infrastructure that is supported by data from the Louisiana Digital Equity Plan.
3. Innovative solutions: the non-deployment initiative addresses an aspect of the digital divide without a current solution or supplements an existing solution in an innovative manner.
4. Capacity and experience: organizations in the prospective pool of subgrantees generally have the experience and organizational capacity necessary to administer a potentially significant program.

B. Addressing Residents' Needs

How the non-deployment initiatives will address the needs of residents within the jurisdiction.

Louisiana can address the needs of its residents by improving access to healthcare, education, employment and essential services. Office data reveals roughly 460,000 residents lack the digital skills to utilize technology. This is critical because embracing technology and digital resources, such as the NorthStar Digital Literacy program through the Louisiana Board of Regents and telehealth adoption pilot with Blue Cross and Blue Shield of Louisiana, can help create a more connected and inclusive community in Louisiana. Additionally, according to research by the nonprofit Education SuperHighway, 904,000 households in Louisiana are eligible for the FCC Affordable Connectivity Program, but only 51% are enrolled. Ensuring that broadband services are affordable for all residents is crucial in bridging the digital divide. By lowering costs and providing subsidies through the Louisiana CASH Program, ConnectLA will make broadband more accessible to low-income individuals and families, empowering them to fully participate in the digital

world. Louisiana is committed to providing access to reliable and high-speed broadband that is essential for many aspects of modern living, including education, business, communication, and access to information. As identified in Requirement 3 of the Initial Proposal, ConnectLA is committed to continued investment in successful pilot programs that have and will continue to expand broadband infrastructure across Louisiana, allowing residents to benefit from improved internet connectivity, enabling them to access resources, participate in online education, telehealth services and connect with others more effectively.

C. Stakeholder Engagement Alignment

The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities.

Meaningful stakeholder engagement is critical to the success of any state broadband office. Fortunately, ConnectLA has long conducted robust stakeholder engagement since inception with a variety of stakeholder groups, parish leaders, non-profits, industry representatives and the general public. During its public engagement, ConnectLA has educated residents on the significance of participating in today's digital world but has actively listened and applied resident feedback. To satisfy diverse engagement metrics and reach covered populations—individuals who live in covered households, aging individuals, incarcerated individuals excluding those in a federal correction facility, veterans, individuals with a language barrier, individuals in a racial or ethnic minority group and individuals who live in a rural area— throughout the state, ConnectLA and the outreach team implemented a multi-faceted approach to engagement where the needs of individuals were met. Strategies included in-person stakeholder meetings (which were recorded and livestreamed), tribal consultations, a stand-alone online digital form, a paper form at meetings and left at libraries and in-person and virtual focus groups. All recordings were shared with attendees via an email list as well as shared on social media platforms and newsletters. Engagement included four official tribal consultations, eight regional stakeholder meetings, online and paper input forms and 29 focus groups. Regional stakeholder meetings and the input forms were facilitated to capture broader feedback from the public. Tribal consultation and focus group meetings were aimed at collecting a more in-depth understanding of the needs associated with covered populations. A scaffolding approach was used to build on answers, ask more questions and try to better understand why is there disparity and for what reason. At each meeting notes were taken and compiled. ConnectLA would then meet with each of the groups to get their feedback on whether everything that was discussed was captured. This feedback was used to propose implementation strategies such as broadband affordability and non-deployment activities.

D. Effectiveness of Non-Deployment Activities to Meet Bead Goals

How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD program's equity, access and deployment goals.

ConnectLA will apply non-deployment funds to the activities identified in the BEAD NOFO as applicable. Our priority is to ensure implementation and execution of the state's first digital equity plan, and to also support other previously identified pilot programs (defined earlier in 2.5.1) that are either starting or in progress throughout the state. As we move into the implementation and execution phase of our Digital Equity Plan, ConnectLA will continue to review the success of the pilot programs as defined by their key performance indicators and any required federal reporting criteria. Once understood, ConnectLA can

continue evaluation and refinement for the use of non-deployment funds, understand where key gaps exist across state and local resources and offer more specificity to NTIA if implementation plans adjust or change.

2.5.2 Ensuring the Priority of Universal Coverage

Describe the Eligible Entity’s plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

Louisiana’s priority for BEAD funding is to reach the unserved and underserved areas without a funded solution for broadband access.

While the goal is to eliminate the digital divide, estimated cost associated with universal service depends on:

1. The final number of locations to be prioritized, including how many previously funded federal awards go through as planned.
2. The cost to serve those locations, considering factors such as greenfield versus brownfield fiber build costs; provider bids and match rates; labor, material and/or general inflation adjustments; the cost to bury fiber to reduce climate risk; and more.

Preliminary estimates from the state’s most recent analysis are listed in the table below, where total costs to build all unserved, underserved and community anchor institutions are around \$645 million. Due to the evolving nature of the factors above, the numbers put forth in this document are estimates and are expected to change, particularly with the near-term deployment of the FCC’s new fabric and cost model updates, at a minimum. Additionally, inflation costs, defaults for other federally funded broadband programs and the challenge process for service availability could also change the preliminary estimates.

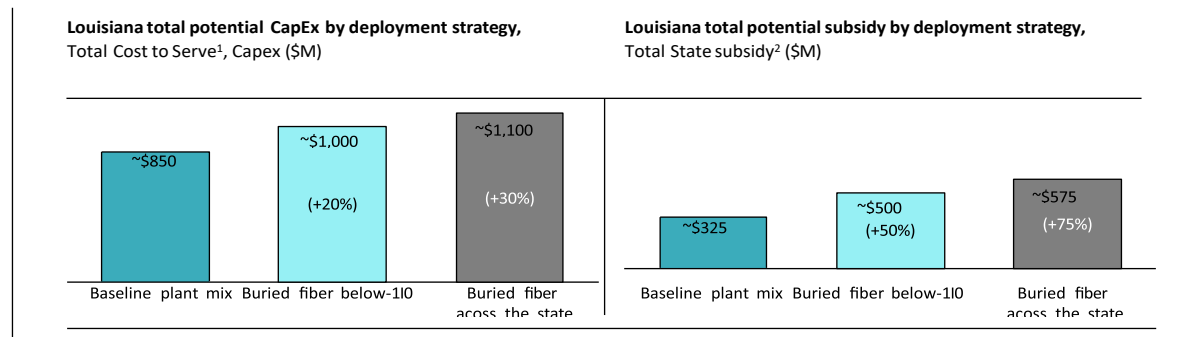


Figure 5: Cost Distribution of Infrastructure by Census Blocks (in Millions)

Louisiana is looking at varying factors that will affect the number of locations prioritized for deployment, as listed in the table below. As stated above, the numbers are estimates and likely to change.

Table 3: Universal Service Cost Scenarios

Scenario	Unserviced locations	Underserved locations	CAIs	Total Unserviced, Underserved, CAI locations	Estimated CapEx Baseline \$m
A: Base scenario	296,777	78,938	2,619	378,334	\$1,538
	1. FCC Broadband Data Collection (pulled June 15, 2023) 2. Excludes unlicensed fixed wireless and satellite 3. Locations without service availabilities counted as unserved 4. CAIs assumed to be unserved – service availability to be finalized				
B: Locations served via other federal funds (RDOF, CAFII, USDA)	137,613	13,617	-	151,230	\$832
C: State-run CPF program (GUMBO)	17,708	15,064	-	32,772	\$63
D: DSL-only served locations (Discretionary)	-	958	-	958	\$2
	1. FCC Broadband Data Collection (pulled June 15, 2023) 2. Assumes all copper served locations are DSL and underserved				
E: Adjusted Base Scenario—excludes federally funded & GUMBO locations, read RDOF defaults (A-B-C+D)	141,456	51,215	2,619	Base: 195,290 Higher: 245,290	Base: \$645 Higher: \$1,330

Source: CostQuest Analysis Dataset

For the purposes of this estimate, location data in **Scenario E** is considered. The above cost estimates represent Capex required (does not yet include expected provider matches), greenfield fiber network build-out and various assumptions (federal funds, material costs, fixed network costs, service costs, etc.) provided through CQA’s November 2022 cost model and state data set.

Louisiana is considering three additional scenarios that address varying levels of climate risk and associated deployment costs. The southern and coastal region of the state is frequently affected by hurricanes, and in recent years, they occur more frequently and intensely. To provide high-speed, climate-resilient internet with reasonable and affordable rates to all Louisianians, the state is exploring options to bury its fiber network. As of May 2, 2023, the scenarios under consideration are:

- **Baseline:** A mix of underground and aerial construction statewide, based on historical deployment patterns of wireline networks in the state
- **Bury in Coastal Parishes:** Total underground construction south of Interstate 10, baseline mix in other parishes
- **Bury Across State:** Total underground construction statewide

Based on an initial analysis, the anticipated the total costs for these three scenarios to be:

- **Baseline:** \$850M Total CapEx | \$325M estimated State Subsidy
- **Bury in Coastal Parishes:** \$1,000M | \$500M estimated State Subsidy
- **Bury Across State:** \$1,100M | \$575M estimated State Subsidy

The above numbers assume greenfield fiber network build out and various costing assumptions (potential provider match rates, material costs, fixed network costs, service costs, etc.) provided through CQA's November 2022 cost model and state data set.

Based on these figures, Louisiana currently believes it can provide high-speed internet (100:20 Mbps) to every broadband serviceable location and address in the state. ConnectLA will continue to monitor and evolve cost estimations in preparation for the bid process.

2.5.3 Ensuring General Qualifications

Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.

Prior to entering into any subgrantee agreement, ConnectLA will ensure that any prospective subgrantee:

- Is capable of carrying out activities funded by the subgrant in a competent manner in compliance with all applicable federal, state and local laws.
- Has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the program and such other requirements as have been prescribed by the assistant secretary or ConnectLA.
- Has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

ConnectLA is committed to comprehensive vetting of prospective subgrantees throughout the selection process to ensure that the prospective subgrantees seeking to participate in a grant program meet the qualifications for the capabilities defined above. ConnectLA will formulate specific questions to evaluate the viability and compliance of a proposed application. To submit a grant application, prospective subgrantees will be required to provide the details listed below related to the items defined above.

Documentation related to the requirements for each grant application will be collected and reviewed by qualified personnel. If necessary, ConnectLA will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the capabilities documented above of the prospective subgrantee.

The Office will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA website and including the requirements in grant application instructions and grant agreement terms, conditions, and monitoring program requirements.

To participate, prospective subgrantees must demonstrate suitable organizational and management capabilities. To determine whether applicants meet this criterion, prospective subgrantees and private sector partners must meet requirements defined by the assistant secretary and/or ConnectLA. Minimum

compliance standards, methodology for review of standards and evidence/documentation required to make a determination of award are documented as part of the proposed scoring and review criteria listed in section 2.5.1. As needed, the office will design and implement detailed evaluation questions and documentation to ensure feasibility and viability of proposed applications.

SECTION 2.6 Eligible Entity Implementation Activities

(Requirement 10)

2.6.1 State Initiatives without Subgrants

Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

Based on analysis detailed in the Initial Proposal, the Office is estimating a Program Outlay need of \$645 million to conduct last-mile connections to all unserved, underserved, and CAIs within Louisiana. This will leave a significant amount of funds available for non-deployment initiatives. The first non-deployment initiative to implement is workforce development, in anticipation and preparation of timely speed to deployment for statewide broadband infrastructure construction. This workforce development will be administered via a subrecipient relationship with the Louisiana Technical and Community College System (LCTCS), a public agency within the State of Louisiana with experience in federal-state programs. Per the BEAD NOFO, the State of Louisiana can work with itself on non-deployment initiatives without a competitive process. For workforce development, it will do so. According to forecasts from LCTCS, with \$30 million in BEAD funding for training, Louisiana's workforce certifications are set to scale up. It is estimated that by 2025 3,000 individuals will have completed these programs and obtained Broadband Certification. By 2027 an additional 2,000 will achieve certification, totaling 5,000. To promote its broadband curriculum, LCTCS launched a marketing campaign to increase awareness of its programs. Their marketing strategy included social media post, search engine optimization, YouTube as well as persona targeting/retargeting. After 30 days the campaign generated 456 new leads and reached a total of 606,646 individuals. Per 2 CFR 200.331, we will consider LCTCS a state partner contract/subrecipient because of their financial and programmatic work previously with the US Department of Education, where they've been evaluated and engage in decision-making. Furthermore, because LCTCS is not a business and doesn't operate in a competitive environment, it should not be considered a contractor. These costs are allocable and reasonable. More comprehensive basis of cost and detail on our planned endeavors can be found in the Workforce Readiness portion of our Initial Proposal and a further detailed spreadsheet attached with our IPFR.

ConnectLA will also require funds for key grant application processing, subgrant implementation and nondeployment award implementation . The office has budgeted \$10 million in funding to support these areas, with exact amounts to be finalized within this total via the completion of internal and external support arrangements. The exact amount will be determined over the fall of 2023 and will include the following items:

- Subgrant application documentation and review process
- Subgrant proposal selection process implementation
- Support for development of subproject areas
- Nondeployment implementation

ConnectLA will ensure that administrative and programmatic costs are applied appropriately. A combination of internal staff, staff augmentation and contractor support may be utilized.

Moving into the future, ConnectLA's firmly believes that leveraging broadband as an asset, enabler and platform is critical toward driving downstream economic, workforce and societal effects on the people of Louisiana. ConnectLA understands the benefits of harnessing the potential of broadband connectivity

throughout the state and how it can extend to a multitude of industries that are poised for transformative growth in Louisiana. The state is in a unique position to take advantage of what we consider the “future of work” and offer plans to proactively address workforce gaps and usher in a new era of economic vitality.

Consider the realm of cybersecurity, an industry of paramount importance in today's digital landscape. Through strategic initiatives, we aim to empower individuals with the skills needed to safeguard sensitive information and digital infrastructure. By partnering with key stakeholders, we can continue the work being done in Louisiana related to ethical hacking, threat detection and data privacy, we can position Louisiana's workforce to play an integral role in fortifying cyber defenses not only locally but on a broader scale.

Software development and coding is another area of focus, resonating deeply with the evolving demands of a technology-driven world. ConnectLA envisions a future where our citizens possess the prowess to develop innovative software solutions, create captivating user experiences and drive technological progress. Our collaboration with key stakeholders will pave the way for certifications in full-stack development, mobile app design and AI programming, unlocking a myriad of career opportunities in the tech sector.

It's of the utmost importance to partner with key state and local agencies, higher education institutions as well as private industry. There are vast resources available to us ranging from our lucrative digital media and software development tax incentives and programming offered by the Louisiana Workforce Commission to the Cyber Innovation Center and future Louisiana State University Cybersecurity programs that aid small businesses. We want others to imagine a Louisiana where professionals can seamlessly work from home, contributing to diverse functions in the tech space, data analysis, customer support and beyond. By bridging gaps in remote work readiness and providing certifications in remote collaboration tools, project management and virtual communication, we empower individuals to excel in a hybrid work environment, driving productivity and innovation.

SECTION 2.7 Labor Standards and Protection

(Requirement 11)

2.7.1 Prospective Subgrantee Labor Requirements

Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following:

A. Past Compliance with Federal Labor and Employment Laws

Prospective subgrantees' record of past compliance with federal labor and employment laws;

ConnectLA will require information on the prospective subgrantees' record of compliance with federal labor and employment laws, as well as the records of any other entities participating in the project, including contractors and subcontractors. This information must include, at a minimum, information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last five years. For example, the applicant should provide data on its historical use of contracting and subcontracting arrangements, including staffing plans and at least one example of each contractor and subcontractor's past performance in the context of a similar project. In addition, a certification from an officer/director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as contractors and subcontractors will be required and a written disclosure of any instances in which the applicant, contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act or any other applicable labor and employment laws for the preceding three years. These compliance records and plans will be scored as a primary criteria as provided above in section 2.4.2.1.

B. Ensuring Compliance with Federal Labor and Employment Laws

Prospective subgrantees' plans for ensuring compliance with Federal labor and employment laws; and

In working with LCTCS, LWC and unions, ConnectLA is working to prioritize the buildup of a workforce to construct and maintain broadband networks. ConnectLA will require prospective subgrantees to submit a written plan for ensuring compliance with federal labor and employment laws. These plans must address, as a baseline requirement, how the applicant will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including (1) information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network and (2) how the applicant will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects. An effective plan for compliance with federal labor and employment laws can include an applicant's commitment to strong labor standards and protections for the project workforce (including contractors and subcontractors), which may include additional elements including:

1. Using a directly employed workforce, as opposed to a subcontracted workforce.
2. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Related Acts requirements, where applicable, and collecting the required certified payrolls.
3. Use of local hire provisions.

4. Commitments to union neutrality.
5. Use of labor peace agreements.
6. Use of an appropriately skilled workforce (e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded).
7. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification and licensure).
8. Taking steps to prevent the misclassification of workers.

C. *Commitment Plans for Federal Labor and Employment Laws*

Prospective subgrantees' plans for committing to strong labor standards and protections for the project workforce (including contractors and subcontractors) and how these plans will be incorporated into binding legal commitments.

ConnectLA expects potential subgrantees to incorporate these items into their applications as dictated by the BEAD NOFO and as directed in Louisiana's Initial Proposal. These items will not be included in legally binding commitments, but instead utilized as criteria in the selection process.

To ensure subgrantees plans to commit to strong labor standards and protections for the project workforce ConnectLA will require the applicant to submit.

- A description of how it will incorporate strong labor standards, including but not limited to: offering wages at or above the prevailing wage and adhering to local hiring provisions.
- A description of how it will ensure that its work provides quality jobs, as defined by the Economic Development Administration's Good Jobs Challenge.
- A description of any prior legal determination by any court, administrative body or other adjudicator that the applicant has failed to satisfy governing wage or labor mandates.
- A description of how, if at all, it expects to rely on subcontracting arrangements in completing the project.

2.7.2 *Compliance with Federal Labor and Employment Laws*

Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

ConnectLA does not plan to incorporate any of the following items into legally binding commitments for subgrantees (including contractors and subcontractors) outside of what is explicitly required in the BEAD NOFO. Items in the NOFO include:

- Using a directly employed workforce, as opposed to a subcontracted workforce.
- Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Related Acts requirements, where applicable, and collecting the required certified payrolls.
- Use of local hire provisions.
- Commitments to union neutrality.
- Use of labor peace agreements.
- Use of an appropriately skilled workforce (e.g., through registered apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded).
- Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and

- relevant pre-existing occupational training, certification and licensure).
- Taking steps to prevent the misclassification of workers.

ConnectLA expects potential subgrantees to incorporate these items into their applications as dictated by the BEAD NOFO and as directed in ConnectLA's Initial Proposal. These items will not be included in legally binding commitments, but instead utilized as criteria in the selection process. ConnectLA will make it abundantly clear where to elaborate on each item and how subgrantees descriptions are weighted in the scoring process.

ConnectLA will ensure subgrantees are aware of these regulations prior to and throughout the selection process by conducting regulations information webinars, posting a list of regulations on the ConnectLA's website, and including the requirements in grant applications/instructions as well as grant agreement terms/conditions and subrecipient grant monitoring program requirements.

SECTION 2.8 Workforce Readiness

(Requirement 12)

2.8.1 Objectives for a Skilled and Diverse Workforce

Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

A. Safe and Effective Environment for Skilled Workforce

A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective.

In 2019 through 2020, Gov. Edwards created the Broadband for Everyone in Louisiana Commission and the Rural Revitalization Task Force. It is the BEL Commission's mission to facilitate private sector providers, public entities and other broadband stakeholders to improve both the adoption and availability of broadband service for Louisiana residents by providing universal access to broadband service for all Louisianians by 2029. The Revitalization Task Force was tasked with identifying the needs and issues facing Louisiana's vital rural communities as well as solutions to removing any barriers that prohibit them from being more productive, healthy and attractive places to live and work. Both the BEL Commission and the Rural Revitalization Task Force have highlighted needs and solutions to address both workforce development challenges and broadband.

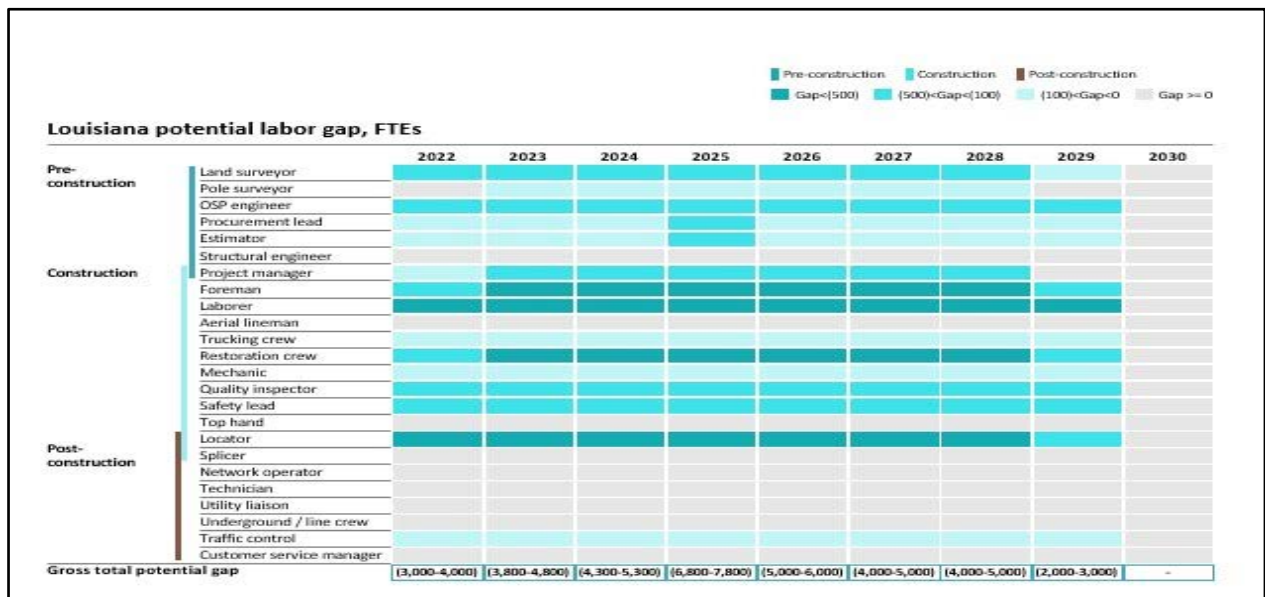
In 2021, the GUMBO grant program was launched and through early feedback on what would delay projects, strongly encouraged eligible applicants to partner with community colleges to develop workforce plans and more importantly to build relationships with community college leaders. Given the proactive approach that the GUMBO applicants took to building these critical partnerships, the Office of the Governor awarded Louisiana Community and Technical College System \$10 million in the summer 2022 to launch fiber optics training programs throughout its system. Currently all community colleges within the LCTCS system have launched fiber optics training programs developed in partnership with a variety of national, mid-size and local ISPs with the Fiber Optic Association as part of this funding. For example, South Louisiana Community College, an MSI, offers a 20-week course to students, providing them with 700 hours of training towards industry certification. Bossier Parish Community College, through a first-of-its-kind program, offers the Louisiana Department of Corrections inmates who participate in the Northwest Regional Re-entry Program at Caddo Correctional Center two fiber optics certifications. The certifications include the Certified Premises Cabling Technician curriculum and the Certified Fiber Optic Technician curriculum; the industry-based certifications are awarded by the Fiber Optic Association. The two two-week curricula are adapted from BPCC courses and use a combination of classroom lectures and hands-on lab exercises to demonstrate applications, installations and communication systems related to fiber optics. According to the Fiber Optic Association, the Caddo Correctional program is the first program of its kind in the country. With courses offered each month, the program serves to lay a solid foundation for fiber optics skills. Upon release, graduates will have an upper hand to get a job in fiber optics. Over the past 12 months and as a result of sustained outreach from ConnectLA in partnership with the Office of the Governor and LCTCS, there have been nearly 700 individuals that have completed and obtained a variety of fiber optic certifications. The certifications include the Certified Premises Cabling Technician curriculum and the Certified Fiber Optic Technician curriculum. These industry-based certifications are awarded by the Fiber Optic Association. According to forecasts from the Louisiana Community and Technical College System, with \$30 million in BEAD funding for training, Louisiana's workforce certifications are set to scale up. It is

estimated that by 2025 3,000 individuals will have completed these programs and obtained Broadband Certification. By 2027 an additional 2,000 will achieve certification, totaling 5,000. To promote its broadband curriculum, LCTCS launched a marketing campaign to increase awareness of its programs. Their marketing strategy included social media post, search engine optimization, YouTube as well as persona targeting/retargeting. After 30 days the campaign generated 456 new leads and reached a total of 606,646 individuals.

Despite the strong start and through the learning from GUMBO 1.0, a workforce gap still exists. Considering the subgrantee’s short-term workforce efforts related to the physical construction of the broadband network in anticipation of BEAD, Louisiana anticipates permanent workforce needs that include network engineers, field technicians, outside plant maintenance personnel and retail and sales representatives. Subgrantee’s permanent staffing requirements will need to expand to support growing networks and increased subscribership that may be limited by the subgrantee’s experience and competence in managing ongoing broadband operations.

As shown in table below, Louisiana faces a shortage of skilled broadband labor. Ensuring that Louisiana has a highly skilled workforce beyond initial construction for broadband maintenance is crucial and enables the state to continue to compete in the digital world.

Table 4: Analysis of Potential LA shortages through 2030



Source: CostQuest, LightCast (EMSI), Private sector expert interviews (internet service providers, E&C firms)

To ensure we meet the workforce needs ConnectLA will require applicants develop a plan for a highly skilled workforce which will include the following:

1. The ways in which the applicant will ensure the use of an appropriately skilled workforce, e.g., through required registered apprenticeships or other joint labor-management training programs that serve all workers.
2. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure.

3. Incentivizing projects, through scoring rubric, based on apprenticeship utilization percentages in Economic Disadvantaged Areas. As part of the state subgrant program, “Economically Disadvantaged” Sub Project Areas (ED-SPAs) will be designated for increased scrutiny, with the possibility for higher funding or higher points for applications that include them. More information related to process and scoring can be found in Section 2.4.2.1
4. LA Workforce Commission in partnership with the local community colleges will hold job fairs where ConnectLA will send a representative. The goal is to host the job fairs every 6 months to align with academic calendars.
5. Marketing and Engagement plan to inform, communicate and reach out to covered populations as prioritized in the state’s Digital Equity Plan.

Required participation in quarterly industry/ConnectLA meetings to discuss workforce efforts, barriers and tactics to drive participation in the industry – to include secondary education representatives – meetings will be led by the ConnectLA executive director in partnership with LCTCS and LWC. In an effort to monitor and measure the success of the programs LCTCS has created a dashboard, ConnectLA will work with LCTCS to incorporate new metrics as determined feasible.

Subgrantees will be required to carry out the proposed work (including contractors and subcontractors) a description by job title of safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard. To ensure that an applicant complies with occupational safety and health requirements, applicants will be required to allow workers to create worker-led health and safety committees with which management will meet upon reasonable request.

To meet these standards, ConnectLA will partner with the Louisiana Workforce Commission and The Louisiana Community and Technical College System to develop workforce training and apprenticeship programs. Apprenticeships are a federally regulated program and LWC is the state-administrator. LWC’s role is to match state apprentice seekers and participants to help support them. Apprenticeships typically last one or more years and require individuals to have at least 2,000 working hours for completion. Upon completion of the program, the worker receives a certificate of completion that is transferable to other states.

Other methods to meet workforce training standards include partnerships with the Louisiana Workforce Commission, Louisiana Economic Development’s FastStart® program and the Louisiana Community and Technical College System, detailed throughout our Initial Proposal. Additional insight into workforce development needs will be supplemented through increased outreach to potential populations through engagement efforts related to the Digital Equity Plan. By including these potential workforce needs through outreach efforts, Louisiana will ensure that opportunities are made available to those who are most in need. To support locally owned service providers with their growth and expansion, where practical, ConnectLA will also work with and leverage Louisiana Economic Development’s award-winning FastStart program for workforce development. Recognized for its innovation, effectiveness, flexibility and efficiency, LED FastStart® is the nation’s best state workforce training program, according to Business Facilities magazine. FastStart® provides customized employee recruitment, screening, training development and training delivery for eligible, new or expanding companies — all at no cost. Based on a company’s immediate and long-term workforce needs, the FastStart team crafts unique programs that

ensure high- quality, flexible workers are prepared on day one and beyond. To date, no ISPs have registered to participate in an apprenticeship program; however, ConnectLA is working with LWC to market the benefits of such a program. If a company has an apprenticeship in another state, ConnectLA will work with LWC and the ISP so that it can be quickly adapted to be used in Louisiana. LED's FastStart program will also be leveraged to create an additional pathway to develop potential apprenticeships. Working to address the digital divide will take all ISPs', big and small to ensure universal coverage. In a survey conducted by BCG with 17 ISP responses it was discovered that there is a contract and direct-hire labor shortage. Operators are faced with uncertainty regarding their long-term labor strategies due to the tightening of the local labor market and price increases, currently they are relying heavily on contractors to satisfy their staffing needs. It is anticipated that the market will tighten further as a result of the buildout driven labor demand growth.

LWC is partnering with Coursera to launch Tech Ready Louisiana, a statewide workforce development initiative providing free career training to thousands of Louisianians. About 4,000 residents have enrolled in more than 12,000 courses or projects and received industry standard certifications. The program includes Career Academy from Coursera, which prepares workers – even those without a college degree or prior work experience – for over 30 in-demand digital careers in roughly six to eight months when studying part-time. Louisianians can explore careers, develop key skills and competencies, build a portfolio of hands-on projects using actual workplace tools and earn industry-recognized credentials from Google, IBM, Meta, Salesforce, Hubspot and Intuit to help them land good jobs. Many of these credentials have ACE Credit Recommendation, which makes it easier for learners to earn credit toward a local degree program for the eligible certificates they complete.

In addition, LWC also offers its American Job Centers for people to access the online training if reliable internet access at home is an issue. There are almost 60 American Job Centers and affiliate sites throughout the state available for people to come in and use reliable internet to complete these courses. With the pace of digital transformation, many traditional university degree and workforce development programs often lack a strong connection to today's in-demand jobs, the fast-changing skills landscape and evolving employer expectations. This program will assist residents in building stronger relationships between their college and career development programs and top companies, higher education and government systems can unlock new career opportunities for students and workers, diversify and expand talent pipelines for employers and build a competitive state workforce to support the local economy.

It is anticipated that expansion of broadband networks and increased broadband adoption through the BEAD program will create permanent, long-term positions to operate, maintain and serve customers over the new networks. To address and support future program needs LCTCS estimates that it will need \$30 million in BEAD funds to support not only program delivery and instruction but also to purchase necessary equipment for training.

B. Supporting Wrap-Around Services for Workforce

A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain or transition to meet local workforce needs and increase high-quality job opportunities;

As part of the apprenticeship program, LWC will assist by utilizing one of its jobs on the Mobile Workforce Center. Each center is equipped with 13 computer stations and internet access, making it the perfect tools for not only employers but colleges to help with onsite recruitment and hiring events. LWC is able to spend up to \$50,000 per program for support services. As part of these support services, they can provide up to \$1,000 per apprentice per year on items such as uniforms, laptops, training software, and other essential elements to ensure timely completion of the apprenticeship program.

The Louisiana Department of Education provides the Child Care Assistance Program to low-income families while they are working or attending school. This program will be marketed to individuals who are participating in an apprenticeship program with LWC, attending one of the fiber optic training programs that was launched within the LCTCS system, or any other programs related to broadband workforce development. To support all families in accessing high quality childcare, CCAP provides financial assistance to low-income families while they are working or attending school. Families are eligible for CCAP if:

- The child needing care is a US citizen or an eligible alien residing in the state of Louisiana.
- Parents or legal guardians meet one of the following requirements:
 - Works at least 20 hours a week
 - OR attends an accredited school or a training program as a full-time student
 - OR attends an accredited school or a training program at least 20 hours a week
 - OR attends a combination of work and school
 - OR is actively seeking work
 - OR participates in a transitional living program
 - OR receives disability income
 - OR is experiencing homelessness

The Louisiana Department of Health provides mental health resources for citizens and workers, while the Board of Regents provides critical skills such as digital literacy, skilling and financial literacy education.

The Department of Children and Family Services administers the Strategies to Empower People program. The STEP Program helps work-eligible families receiving cash assistance through the Family Independence Temporary Assistance Program move toward obtaining employment through job training, skills development and support services. STEP coaches help participants develop a job readiness plan that looks at basic skills, needs and interests to help them get a job. ConnectLA anticipates working with the DCFS to leverage this program to direct these at-risk families toward training opportunities and wraparound services so that they have greater access to these high-paying jobs. Participants in the STEP Program are provided supportive services to enable them to participate in various work activities and to progress toward self-sufficiency. Wrap-around services include:

Service Provided	Source of Service
Job fairs, resume, and application assistance	Louisiana Workforce Commission
Mental health resources	Louisiana Department of Health
Digital skills and adoption training	Louisiana Board of Regents
Financial literacy education	Louisiana Board of Regents
Child care	Louisiana Department of Children and Family Services; Louisiana Department of Education
Transportation	Louisiana Department of Children and Family Services

Eyeglasses	Louisiana Department of Children and Family Services; Louisiana Department of Health
Hearing aids	Louisiana Department of Health
Medical exams	Louisiana Department of Children and Family Services; Louisiana Department of Health
Uniforms, clothing, safety equipment, training materials	Louisiana Department of Children and Family Services; Louisiana Workforce Commission
Grocery and food assistance	Louisiana Department Children and Family Services

To build a relationship with organized labor, ConnectLA collaborated with CWA Local 3411 and had their president speak at the inaugural Broadband Solutions Summit. The office is also working to incentivize fair labor practices by scoring on past legal compliance, future compliance commitments, and detailed plans to follow the BEAD NOFO.

Continuous engagement between internet service providers, telecommunication companies and contractors will continue to inform the instructional design of the broadband training programs, which leads to a highly skilled workforce. ConnectLA will use advisory boards to facilitate engagement between relevant stakeholders. Advisory boards will serve as the sounding board to validate skills required for employment now and into the future.

LCTCS recently started a broadband marketing campaign to increase awareness about the broadband programs its campuses offer across the state. Their marketing strategy includes social media posts, search engine optimization, YouTube and Persona Targeting/Retargeting. Some of the objectives of the marketing campaign is to generate new leads, gain more website/microsite traffic and develop a social media presence around broadband. After the marketing campaign was in place for 30 days, they evaluated to see how well it was working and discovered that they had generated 456 leads (37% of these leads are women) and reached 606,646 individuals. As part of their strategic plan, they have identified both short- and long-term goals to further broadband awareness. The goal over the next year is to:

- Establish a regional advisory board to scale out apprenticeships, all women cohort trainings and joint labor management partnerships.
- Create credentials or identify credentials to add to the State IBC list to create opportunities for dual enrollment and jumpstart summer camps gear toward on-ramp credentials for telecommunications careers.
- Have colleges present new programs to WIOA boards for the creation of on-the-job training to re- skill the unemployed and underemployed populations.

C. Maintaining Worker Voice in Project Planning and Implementation

A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process;

ConnectLA’s work with entities such as LWC, LCTCS, and Communications Workers of America has assisted the office in determining how to ensure fair labor standards and protections in grant agreements and audit

service providers in maintaining these standards. To implement GUMBO 2.0, the Office will continue to ensure fair labor standards and protections are ensured and practiced by award winners. Additionally, the BEL (Broadband for Everyone in Louisiana) Commission, a statewide advisory group created by gubernatorial executive order which meets quarterly, provides feedback on fair labor practices and can assist with any escalated issues that may need additional insight.

Training and education play a significant role in recruiting diverse populations using educational promotions, apprenticeships, classroom environment (diverse instructors) and flexibility in training for adult learners with jobs, childcare demands, or elderly care responsibilities. Providing access to these support services is critical to providing access to training programs that serve as a bridge into broadband careers. Currently, LCTCS plans to offer sixteen training programs related to broadband jobs, including telecommunications programs for those students seeking less labor-intensive jobs and broadband infrastructure programs for those students seeking more skilled craftsmanship jobs. To create equitable on-ramps into broadband-related jobs for at-risk populations, ConnectLA will work with LCTCS to develop earn-while-you-learn models that provide financial support through stipends for adult learners with real-world responsibilities such as working single parents who need income to support their families while they seek to re-skill or upskill for better paying jobs. Additionally, ConnectLA will partner with employers for job placement, as well as partner with government and community organizations that work with underrepresented populations such as WIOA Title IV providers. Throughout the process of workforce development implementation strategies, the state will continue to identify mechanisms and partnerships that will ensure the overall goals stated within the plan.

To maintain worker training and continuing education, ConnectLA will work with previously identified stakeholders and state partners to engage internet service providers, contractors and other interested parties. This engagement and coordination will continue to inform the instructional design of the broadband training programs, leading to continued development and expansion of Louisiana's highly skilled workforce. As part of this initiative, ConnectLA will continue to use advisory boards to convene and facilitate the engagement between relevant stakeholders to ensure validation of the skills required for employment now and into the future. Moving forward ConnectLA plans to conduct job fairs in partnership with local community colleges and Louisiana Workforce Commission every 6 months.

D. Ensuring Availability of Jobs and Funding to Diverse Pool of Workers

A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD program and other broadband funding programs are available to a diverse pool of workers.

ConnectLA will conduct outreach to, and recruitment through job fairs in partnership with local community colleges and LWC of, populations that have traditionally been underrepresented in broadband and information technology jobs. As part of these recruitment efforts, ConnectLA will work with broadband service providers, LCTCS, LWC, Regional Planning and Development Districts, LED and other community non-profits and stakeholders to coordinate both in-person and virtual regional broadband job fairs and Informational sessions. A major thrust of these recruitment and engagement efforts will include a targeted marketing campaign to recruit women, persons of color, persons with disabilities and persons for whom English is not a first language.

ConnectLA will work with LCTCS' two minority-serving institutions to develop and expand their broadband workforce development programs. Both of these MSI's are located in large metropolitan areas of the state. Additionally, more than half of LCTCS's colleges serve a population of students who are majority low to

moderate income students. These institutions have strong community partnerships and TRIO programs that support recruiting and retaining low-income, first-generation college students and students with disabilities. LCTCS diversity dashboard contains real-time enrollment demographic information for all programs. This dashboard will allow both ConnectLA and other stakeholders to track and monitor progress in building a diverse broadband workforce. We will reflect efforts around this engagement in requirement 3 found on page 2.

Through the award process, ConnectLA will prioritize applicants that hire local workers, implement robust and specific plans to recruit historically underrepresented populations facing labor market barriers, and are committed to ensuring reasonable access to job opportunities created by the applicant. ConnectLA will actively encourage applicants who actively recruit communities of color, women, persons with disabilities, LGBTQI+ people, disconnected youth, individuals in recovery, individuals with past criminal records, justice impacted and reentry participants and trainees participating receiving public assistance, and veterans and military spouses. To verify, the hiring of underrepresented populations, ConnectLA may require applicants to provide detailed plans on specific locations of where they will hire that affects underrepresented populations, or to provide statistics on where such hiring events were held, how many prospective job seekers attended, and how many were hired. This would maintain job seekers privacy, while also fulfilling the goal of measuring population data.

2.8.2 Objectives for a Skilled and Credentialed Workforce

Describe the specific information that will be required from prospective subgrantees to demonstrate their plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce and the information required if the prospective subgrantees', contractors' or subcontractors' workforce is not unionized.

To ensure that applicants and each of its contractors and subcontractors have the technical and operational capacity to carry out the project, applicants must submit to ConnectLA a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce. ConnectLA will analyze these plans and weigh them for level of detail and execution applicability. Within the scope of a funded project, Project Workforce includes those employees of the applicant, its contractors or subcontractors directly engaged in the physical construction of the middle mile infrastructure, but it does not include support staff of senior management. The required workforce plan should certify and address the following information:

- The ways in which the applicant will ensure the use of an appropriately skilled workforce, *e.g.*, through registered apprenticeships or other joint labor-management training programs that serve all workers;
- The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, *e.g.*, appropriate and relevant pre-existing occupational training, certification and licensure;
- Whether the workforce is unionized;
- Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- The entities that the applicant plans to contract and subcontract with in carrying out the proposed work.

If an awarded project's workforce or any contractor's or subcontractor's workforce is not unionized, the project applicant must also provide with respect to the non-union workforce:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce.
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification and/or licensure requirements (*e.g.*, OSHA 10, OSHA 30, confined space, traffic control or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

Section 2.9 MBE/ WBE/ Labor Surplus Firms Inclusion

(Requirement 13)

2.9.1 Data Tracking Methods for small business, DBE and WBE

Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises, and labor surplus area firms are recruited, used, and retained when possible.

ConnectLA will leverage Louisiana’s economic development and community-based advocacy ecosystems to increase awareness and accessibility to contracting opportunities related to the construction and maintenance of Louisiana’s expanded broadband network. This ecosystem includes:

- Local, state and federal agencies (e.g., Small Business Administration, Minority Business Development Agency, LA Department of Transportation and Development, Various Municipalities)
- Small business technical assistance providers (Urban League of Louisiana, Louisiana Small Business Development Centers, Propeller, Thrive, SJB Group)
- Local, state, and regional economic development organizations (Louisiana Economic Development, GNO, Inc., North Louisiana Economic Partnership, New Orleans Business Alliance)
- Minority-serving institutions (Southern University - Baton Rouge, Southern University at Shreveport, Xavier University, Grambling State University)
- Other local colleges and universities (Tulane University, Louisiana State University, University of Louisiana at Monroe)
- Chambers of Commerce (Hispanic Chamber of Commerce of Louisiana, Louisiana Black Chamber Foundation, Greater Shreveport Chamber of Commerce)
- Faith-based organizations (Baptist Community Ministries, North Louisiana Jewish Federation, Franklin Avenue Baptist Church)
- Other business and industry-based organizations (Alliance for Economic Inclusion, Louisiana Associated General Contractors, Associated Builders & Contractors of Louisiana, Southern Region Minority Supplier Development Council)
- Other significant communities (including but not limited to Vietnamese groups, Filipino groups, impoverished Creole communities, LGBTQ+ organizations and businesses, etc.)

For example, ConnectLA will leverage the resources of Louisiana’s robust entrepreneurial and small business development ecosystem to provide training, counseling and access to capacity-building resources for qualified women-owned, minority-owned, disadvantaged-owned and labor surplus area- owned businesses who seek to participate on broadband construction and maintenance contracting opportunities. ConnectLA proposes working with historically marginalized populations through organizations like the Black Chamber, and other faith-based community organizations.

To illustrate, the Urban League of Louisiana has a robust history in supporting African American and other under-served communities across Louisiana. As a part of its work to support equitable economic development in these communities, ULLA’s Center for Entrepreneurship & Innovation is dedicated to ensuring the success of small businesses across the state with specific efforts to support women-owned, minority-owned and disadvantaged-owned firms. The work of the center is built upon the documented need for increased access to contracting opportunities, business development services and capacity-building resources for these diverse groups.

The CEI provides business education workshops, one-on-one and small group counseling, hands-on technical assistance and access to resources relevant to aspiring and existing entrepreneurs across various industries. The CEI includes the Women’s Business Resource Center, the Contractor’s Resource Center and the Small Business Support Services Center.

The Contractor’s Resource Center was established in 2014 as an expansion of the Urban League’s work in economic development and inclusion. The CRC works to provide resources to small, disadvantaged business enterprise certified, minority and women-owned contracting firms. Clients of the center have access to contractor-specific trainings and other support services, including bid prep, electronic scheduling and estimating, project management, contract management and compliance, back-office administration, commercial licensing preparation, financing and bonding, etc.

To support ConnectLA’s Contractor Diversity Program, ULLA is well positioned to expand its Contractor’s Resource Center services to qualified women-owned, minority-owned, disadvantaged-owned and labor surplus area-owned businesses who seek to increase their operational and financial capacity to bid on state projects. In addition to the measures that ensure MBEs, WBEs and LSAs have a level playing field in applying for contract awards, ConnectLA will also develop a system to track key metrics on the inclusion of underrepresented enterprises throughout the process, including recruitment, grant applications, utilization and retainment.

2.9.2 Certification for Affirmative Action

Louisiana State Office of Broadband Development and Connectivity Certifies that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises and labor surplus area firms are used when possible

A. *Incorporation on Solicitation Lists*

Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;

ConnectLA will conduct outreach events throughout Louisiana, both virtually and in-person, targeting women, minority, disadvantaged and labor surplus area-owned businesses. These events will promote the Contractor Diversity Program, share bid opportunities and provide information on doing business with ConnectLA. At these events, qualified small and minority businesses and women’s business enterprises seeking to do business with ConnectLA can request to be included on the solicitation list.

B. *Ensuring Potential Source Solicitation*

Assuring that small and minority businesses and women’s business enterprises are solicited whenever they are potential sources.

To ensure that qualified women, minority, disadvantaged and labor surplus area-owned businesses are placed on solicitation lists, the state of Louisiana will utilize its current Louisiana Procurement and Contract Network portal to post open solicitations for projects related to the construction and maintenance of Louisiana’s expanded broadband network. In addition, ConnectLA, through training and outreach, will encourage qualified businesses to register for the LaGov vendor portal to market their products or services. Once the vendor completes and submits the New Supplier Registration form, they will then be instructed on how to update their profile, including managing the product categories related to their business.

In order to ensure vendor to solicitation matching, ConnectLA will prescribe the United Nations Standard Products and Services Codes® that best reflect the types of projects solicited. For example:

UNSPSC Family or Class 81112100 Internet Services

72150000 Specialized trade construction and maintenance services 72151500 Electrical system services

72151600 Specialized communication system services 72151700 Safety and security system installation services 72153900 Building site preparation services

72154000 Specialty building and trades services 26121600 Electrical cable and accessories 26121650 Fiber optic cable assembly

Once the ConnectLA procurement agent has identified the UNSPSC, they can now search the Vendor Portal for businesses that have included this code in their profile. A solicitation list will be generated based on the output of this search.

In addition, ConnectLA will use multiple forms of communication to market the LaGov vendor portal and distribute bid information to matched vendors and to the general public. Using texting, email campaigns and list-serv communications via small business technical assistance providers, chambers of commerce, economic development organizations and others will increase the reach, effectiveness and timeliness of bid solicitation communications.

C. Dividing Total Requirements to Permit Maximum Participation

Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises.

Contract bundling is the practice of consolidating procurements for goods or services into a single contract. For decades, government agencies have bundled contracts to simplify the buying process and facilitate large-scale projects, where the government wants a single contractor to be in charge and accountable for the results. Because smaller companies typically do not have the capacity to bid on these larger projects, the bundling of contracts tends to limit their prime contracting opportunities.

To support maximum participation by qualified women, minority, disadvantaged and labor surplus area-owned businesses, ConnectLA will utilize the strategy of “contract de-bundling” (also known as unbundling) for its large contracts where possible. When bundling is justified, ConnectLA will include standard contract terms that require prime vendors to strengthen their subcontracting goals for small and diverse businesses. This includes enforcing a tier 2 tracking and reporting plan for prime vendors.

To ensure the effectiveness of contract de-bundling, ConnectLA will conduct regular assessments to monitor and mitigate unjustified contract bundling. ConnectLA will also deploy a contractor compliance plan for prime vendors that includes subcontracting plans as an evaluation factor for future contract awards. ConnectLA, in collaboration with the state’s small business technical assistance providers, will also encourage the development of teams of small businesses to compete for bundled contracts.

D. Establishing Delivery Schedules

Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.

ConnectLA will assure that all qualified women, minority, disadvantaged and labor surplus area-owned businesses will have an equitable opportunity to compete in bid solicitations by requiring contracting officers to arrange solicitations, time for the preparation of quotes, scope of work and delivery schedules so as to facilitate the participation of each business. ConnectLA will also ensure organizational compliance to FAR Part 11.401-404, which in part states:

11.401 General

1. The time of delivery or performance is an essential contract element and shall be clearly stated in solicitations. Contracting officers shall ensure that delivery or performance schedules are realistic and meet the requirements of the acquisition. Schedules that are unnecessarily short or difficult to attain tend to restrict competition, are inconsistent with small business policies and may result in higher contract prices.
2. Solicitations shall, except when clearly unnecessary, inform bidders of the basis on which their bids or proposals will be evaluated with respect to time of delivery or performance.
3. If timely delivery or performance is unusually important to Louisiana, liquidated damages clauses may be used (see subpart 11.5).

11.402 Factors to consider in establishing schedules.

1. Supplies or services. When establishing a contract delivery or performance schedule, consideration shall be given to applicable factors such as the following:
 - a. Urgency of need
 - b. Industry practices
 - c. Market conditions
 - d. Transportation time
 - e. Production time
 - f. Capabilities of small business concerns
 - g. Administrative time for obtaining and evaluating offers and for awarding contracts
 - h. Time for contractors to comply with any condition precedent to contract performance
 - i. Time for the Government to perform its obligations under the contract, e.g., furnishing Government property
2. Construction. When scheduling the time for completion of a construction contract, the contracting officer shall consider applicable factors such as the following:
 - a. Nature and complexity of the project
 - b. Construction seasons involved
 - c. Required completion date
 - d. Availability of materials and equipment
 - e. Capacity of the contractor to perform
 - f. Use of multiple completion dates (in any given contract, separate completion dates may be established for separable items of work. When multiple completion dates are used, requests

for extension of time must be evaluated with respect to each item, and the affected completion dates may be modified when appropriate.)

E. Other Organizations Services' and Assistance

Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

ConnectLA will partner with a statewide small business technical assistance organization specializing in contractor-specific support services. This partnership will provide training, counseling, mentoring and access to capital resources for potential and existing diverse contractors. The training will cover various aspects of contracting, such as bid preparation, administration, scheduling, estimating, contract management, compliance and more.

F. Affirmative Action for Subcontracting

Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.

ConnectLA will require all subgrantees to take affirmative steps that support its approach to ensuring that qualified women, minority, disadvantaged and labor surplus area-owned businesses gain access to contracting opportunities related to the construction and maintenance of Louisiana's expanded broadband network. ConnectLA will include terms in all subgrantee Notices of Award that require a plan of action that may include, but it is not limited to:

- A formal commitment letter from subgrantee leadership confirming the organization's commitment to supplier diversity, equity and inclusion.
- An outreach plan that creates awareness and provides relevant information and contacts related to the ConnectLA Contractor Diversity Program; this may include virtual or in-person information sessions, email campaigns, social media posts and other activities.
- Deployment or enhancement of an internal supplier diversity program that demonstrates the subgrantees commitment to supplier inclusion and equitable procurement practices.
- Others as recommended by ConnectLA and the subgrantee

SECTION 2.10 Cost and Barrier Reduction

(Requirement 14)

Adoption rates are contingent on the ability to connect to broadband infrastructure and many remote areas in Louisiana have been neglected due to the prohibitive cost of building out broadband there. ConnectLA has taken a multi-faceted approach to reduce costs and barriers for deployment across local jurisdictions.

2.10.1 Steps for Reducing Costs and Barriers

Identify steps that the Eligible Entity has taken or will take to reduce costs and barriers to deployment. Responses may include but not be limited to the following:

In coordination with the Louisiana Department of Transportation and Development, ConnectLA is working to leverage existing assets and to streamline governmental processes. It is anticipated that the state roadway system will encompass the majority of the installations in public rights-of-way, while it is anticipated that most last-mile installations will occur along the right-of-way on local roadways as illustrated in table 5 below. Facilitating the expediency of installations on locally owned rights of way will be addressed through coordination with the ConnectLA team and local government on potential issues of deployment and ways they can streamline their internal process for permitting.

A. Promoting Use of Existing Infrastructure

To promote the use of existing infrastructure, DOTD will allow only one conduit or single-multi-strand fiber optic cable per location in its right-of-way, depending on width availability. The conduit or cable will be expected to be large enough to facilitate multiple providers. The company installing the conduit will be required to allow competitors access, ensuring future growth and competition.

B. Promoting and Adoption Dig-Once Policies

Although the state does not have a dig-once policy, other mechanisms across state government ensure coordination and work to remove the duplication of efforts of utilities and other infrastructure co-locating in the right-of-way. For example, broadband providers are required to coordinate with DOTD to place telecommunications infrastructure within the public right of way. These efforts may lead to coordinated and streamlined deployment, across multiple sectors requiring right-of-way-based infrastructure. Based on the Federal Mobile Now Act, DOTD implemented a Broadband Infrastructure Deployment Policy that allows broadband providers to receive information about publicly funded state roadway construction. A list of projects can be found on DOTD's Broadband page⁹. Broadband providers are required to coordinate with DOTD to place telecommunications infrastructure within the public right of way. This aids in the planning and deployment of broadband facilities. Another strategy to be employed includes the quarterly permitting council. Its members include individuals from the telecommunications industry, municipal and police jury associations and the Office of the Governor. The aim of these meetings is to increase interagency coordination and communication for construction projects.

C. Streamlining Permitting Processes

ConnectLA also intends on hosting quarterly state permitting meetings involving agencies like DOTD and Louisiana 811¹⁰ to streamline the permitting process on the state-owned rights of way. ConnectLA will work with state agencies and stakeholders to ensure that common forms and processes, resources for

local permitting and standardized project descriptions are made know to all involved parties. On the local level, ConnectLA will work with local governments to establish procedures to streamline the local permitting process for BEAD-funded projects, as well as ensuring all NEPA and Section 106 requirements are followed on the federal side, Louisiana strongly encourages NTIA to work with other relevant federal agencies and issue coordinated requirements and guidelines to all relevant permitting offices to ensure that any federal permits needed for BEAD-funded projects are expedited and streamlined and that reasonable maximum periods be set, after which permits will be deemed automatically granted if an office has not yet acted.

D. Streamlining Cost-Effective Access to Poles, Conduits and Easements

The current fee structure for use of highway rights-of-way for utility operators used by DOTD is derived from the Louisiana Administrative Code and charges permit fees based on the number of customers served or the number of parishes in which facilities are located, rather than on a permit-by-permit basis. The fees are designed to recoup the cost incurred by DOTD in reviewing, processing, approving and monitoring permits. To address the issue of reducing costs and barriers to deployment, DOTD will review and update its permit fees to ensure they are reasonable and cover the cost of reviewing, processing, approving and issuing permits. DOTD will strive to process permit applications efficiently, particularly for standard installations that meet industry standards so as not impact the long-term operation or maintenance of roadways.

E. Streamlining Rights of Way

Roadways are accompanied by Rights of Way which can be advantageous to broadband expansion efforts. Instead of securing land easements for every property, efforts are streamlined by building in the public ROW. Louisiana’s local roadways make up the majority of the total miles as depicted in Table 8. DOTD manages the remaining roadway miles and is a significant partner in broadband deployment. In order to streamline the process, House Resolution 155 was passed during the 2023 Regular Session of the Louisiana Legislature to create a committee to study the barriers to deploying broadband across public and private property. The committee is to report its findings, along with proposed legislation to remove barriers to deployment across public and private property to the House of Representatives no later than forty-five days prior to the convening of the 2024 Regular Session of the Louisiana Legislature.

Table 5: Public Roadway Miles

Interstate Mile	U.S. Hwy Miles	LA Hwy Miles	Local Miles	Total Miles
943.69	2,284.83	13,243.58	44,681.61	61,153.71

⁹ LADOTD’s, Broadband Page, State Transportation Improvement Program, <http://wwwsp.dotd.la.gov/Business/Pages/BroadBand.aspx>, Assessed 18, August 2023.

¹⁰ Louisiana 811, <https://www.louisiana811.com/>, Assessed 18, August 2023.

SECTION 2.11 Climate Assessment

(Requirement 15)

2.11.1 Assessment of Climate Threats and Proposed Mitigation Methods

Describe the Eligible Entity’s assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:

Louisiana’s human and physical geography makes it one of the earliest and hardest hit areas of the U.S. when it comes to experiencing the negative impacts of climate change. While the manifestation of these physical risks are important considerations for the proper siting and design of broadband infrastructure, providing access to affordable, high-speed internet is also a critical component of enhancing the resilience of communities. Deploying this infrastructure to more communities in a manner that ensures that service can be maintained will assist with emergency communications during climactic weather events and enhance and preserve the economic opportunities available to communities and individual households and residents. This accounting for climate resilience will detail current and future climate- related risks to broadband infrastructure investments and how the state plans to mitigate or avoid those risks while also maximizing the improvements to community resilience that broadband deployment can provide.

A. Initial Hazard Screening of Vulnerable Areas

Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings.

Louisiana has developed an initial hazard screening and the following parishes listed below have been identified as vulnerable to current and projected future weather and climate-related risks. The analysis will be reviewed for the inclusion of updated information on an annual basis, and a full screening analysis will be completed every five years.

Acadia	Lafayette	St. Landry
Bossier	Livingston	St. Martin
Caddo	Natchitoches	St. Mary
Calcasieu	Orleans	St. Tammany
East Baton Rouge	Ouachita	Tangipahoa
Franklin	Plaquemines	Terrebonne
Grant	Rapides	Tensas
Jefferson	Richland	Vermilion

CURRENT AND FUTURE ENVIRONMENTAL RISK TO INFRASTRUCTURE

The state's hot and humid climate and location at the mouth of the Mississippi River and the edge of the Gulf of Mexico carry environmental challenges that have direct and indirect impacts on communities and the infrastructure on which they depend. Louisiana's climate threats include those specific to coastal portions of the state, but also spread inland and across and to every one of our borders. These risks have already produced major effects to the state's people and economy with risks projected to increase as the effects of climate change progress. According to NOAA, Louisiana experienced the second highest cumulative damage in the country from billion-dollar disasters between 1980 and 2021. At approximately \$270 billion, Louisiana's disaster losses are carried by a population and an economy that is relatively small compared to Texas and Florida, the country's number one, and number three ranked states for disaster losses. Damages from Hurricane Ida alone accounted for 15-20 percent of the state's total 2021 economic output. The Fourth National Climate Assessment produced four key messages for the southeastern region of the U.S., and each resonates deeply with Louisiana.

1. **Urban Infrastructure and Health Risks.** Compared to cities in other regions of the country, cities in the southeast are particularly vulnerable to climate change effects to infrastructure and human health specifically from increasing heat, flooding and vector-borne diseases. This category of risk also makes reliable, accessible and functional broadband connections essential for emergency services and sheltering and for the efficient functioning of the healthcare system that is likely to see increased demand for services.
2. **Increasing Flood Risks in Coastal and Low-Lying Regions.** Home to people, critical industries, cultural resources and tourism economies, the coastal plain and low-lying regions of the southeast are extremely vulnerable to climate change effects. The frequency and intensity of tropical weather events, extreme rainfall, habitat change and sea level rise will affect property values and the viability of infrastructure and communities across Louisiana's coast.
3. **Natural Ecosystems Will Be Transformed.** Diverse natural ecosystems that provide multiple social benefits will be transformed by climate change through changing winter temperature extremes, wildfire patterns, sea levels, hurricanes, floods, droughts and warming oceans that will redistribute species and greatly modify ecosystems. According to the National Climate Assessment, "Future generations can expect to experience and interact with natural systems that are much different than those that we see today." The implications for broadband infrastructure relate primarily to the frequency and severity of extreme weather events like heat waves, wildfires, tropical storm events, floods and freezes which can directly affect broadband infrastructure through physical damages and indirectly affect broadband infrastructure through damage to the electrical grid.
4. **Economic and Health Risks for Rural Communities.** More regular, extreme heat and changing seasonal climates are projected to have effects on exposure-linked health and economic vulnerabilities in agricultural, timber and manufacturing sectors. Reduced labor hours from extreme heat can also compound existing social stresses. While the specific effects identified here by the National Climate Assessment may not implicate broadband infrastructure directly, the fact that rural areas are facing multiple economic and environmental challenges does reinforce the need for enhanced broadband services and connectivity for those regions of the state.

Despite the commonality of risk experienced across Louisiana, it is also true that some communities are feeling more pain, greater disruption and more severe effects to their health, quality of life and economic stability than others. This reality is observed by both the Intergovernmental Panel on Climate Change and the National Climate Assessment and manifests in Louisiana along racial, income, ethnic and

age categories. Broadband equity, access and deployment is a valuable component of building a more equitable and resilient Louisiana.

B. Most Impactful Weather and Climate Hazards

Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons.

As part of the initial hazard screening, Louisiana has identified and characterized the projected weather and climate hazards that are the most important to account for and provide responses to in the areas that will be affected over the relevant time horizons.

SPECIFIC THREATS TO LOUISIANA'S INFRASTRUCTURE FROM EXTREME WEATHER

Flooding Threats. According to the Pew Charitable Trusts, flooding is the most common and costly natural disaster in the U.S, and Louisiana is among the most frequent victims. FEMA has designated 26,826 square miles, or 51% of Louisiana, as Special Flood Hazard Areas; the map in figure 6 from the Louisiana’s Hazard Mitigation Plan depicts the state’s 100-year flood inundation area as of 2017.



FIGURE 6 100-YEAR FLOOD INUNDATION AREA IN LOUISIANA

Flood risk in the state’s coastal area is exacerbated by an ongoing land loss crisis fueled primarily by subsidence and sea level rise. Since the 1930s, the state has lost approximately 2,000 square miles of land, and as sea levels rise and other persistent factors continue to work against our coast, an additional 2,200 to 4,100 square miles of land could be lost over the next 50 years. While subsidence is the primary driver for land loss today, sea level rise will overtake subsidence as the primary cause of land loss in future decades. According to the National Climate Assessment, the western Gulf of Mexico is likely to experience

Other Climate Threats to Broadband Infrastructure: Louisiana’s State Hazard Mitigation Plan categorizes the state’s hazards into four categories: temperature, wind, flood and geologic. Temperature hazards such as extreme heat and winter storms can pose problems for broadband infrastructure and for the electrical grid upon which it depends, a risk also identified by the 2022 NOAA State Climate Summary for Louisiana. Wind hazards from strong thunderstorms, tornadoes and tropical weather also pose risks throughout the state to overhead lines and wooden utility poles that may carry those lines. An additional change to coastal ecosystems is saltwater intrusion that can also pose its own risks for broadband infrastructure.

Compounding climate impacts also take a toll on the state’s electrical power grid. In 2020, Hurricane Laura caused more than 600,000 outages that impacted more than 900,000 customers. Some outages lasted one month or longer. In 2021, the average customer in Louisiana experienced more than 80 hours of power outages during the year as a result of extreme weather, by far the highest number in the country, where the national average for hours of power outages is seven hours.

C. Weather and Climate Risks to New Infrastructure

Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment.

Louisiana has characterized the weather and climate risks to new infrastructure deployments using BEAD program funds for the 20 years following deployment.

GEOGRAPHIC AND TIME SCALE SCREENING FOR CLIMATE IMPACTS ON BROADBAND INFRASTRUCTURE

STATEWIDE RISK

As described above and detailed in Louisiana’s Hazard Mitigation Plan, statewide physical climate risks that implicate broadband infrastructure include:

1. Flooding from rainfall events and resulting backwater flooding from overwhelmed storm water drainage systems.
2. Wind driven events like tornadoes, heavy thunderstorms and the remnants of tropical weather events.
3. Wildfire (driven by drought conditions and increased heat).
4. Severe freezes or ice storms (low probability but high impact); and
5. The indirect effects that extreme heat and the aforementioned other risks may bring to the electrical grid’s capacity to remain in service and/or keep up with demand.
6. Two other climate-related potential statewide impacts to broadband infrastructure are more social in nature and include:
 - a. Inadvertent damage to fiber infrastructure during cleanup and recovery efforts following natural disasters; and
 - b. The necessity of service providers to support their workers and maintain capacity during and after natural disaster events.

COASTAL RISK

In addition to the statewide risks mentioned above, other climate risks are relevant to broadband deployment in the coastal area of the state. These include:

1. Increasing vulnerability from hurricane storm surge (a phenomenon that is most severe along the coast but also threatens more inland areas).
2. Increasing coastal flood risk from sea level rise.
3. Increased flooding from rainfall associated with hurricanes.
4. Threats to the electrical grid from hurricane winds, rainfall flooding and storm surge.
5. Land loss and habitat change from sea level rise, subsidence and saltwater intrusion which transform wetland areas to open water (affecting the extent of storm surge flooding, heightening wave impacts and threatening even buried infrastructure in certain locations).

Hazard data related to coastal risks will primarily be derived from the Louisiana's 2023 Coastal Master Plan (see Figure 7), which includes an updated and granular understanding of current risk as well as projections for future risk at each decade for the next 50 years. Many of the most dramatic landscape changes in coastal Louisiana will manifest at years 30, 40 and 50. The coastal master plan is updated every six years in Louisiana to account for advances in our understanding of climate change (IPCC, NOAA and other studies) and changes that occur on the ground from hurricanes and from the positive benefits of constructed mitigation projects.

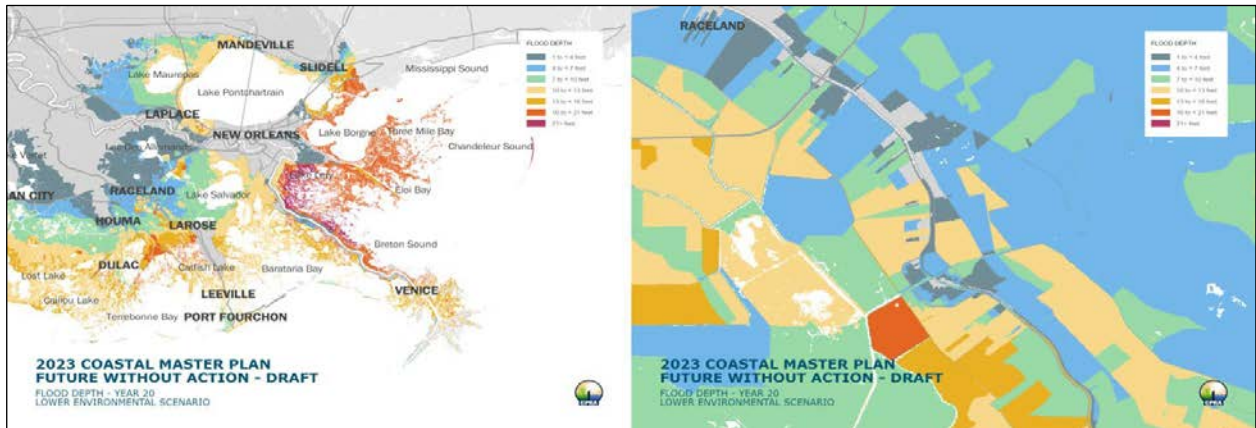
MITIGATING CLIMATE RISK TO LOUISIANA'S BROADBAND INFRASTRUCTURE

Relying on state data from the hazard mitigation plan and the coastal master plan and federal tools such as FEMA's National Risk Index and NOAA's Climate Explorer, Louisiana will employ strategies designed to avoid, minimize or mitigate the climate risks to broadband infrastructure deployment. The state will also rely on its disaster management and recovery experience to ensure that broadband service operability is integrated into community and electric utility resilience, response and recovery plans.

LEVERAGING DATA TO MAKE INFORMED DECISIONS

The first step to avoid, minimize or mitigate the climate exposure to broadband infrastructure investments in the state's approach will be to leverage risk data to evaluate existing and new fiber infrastructure to withstand current and future hazards. In the coastal area of the state, the 2023 Coastal Master Plan Viewer can be used to evaluate land change (from wetland to open water), flood depths and estimated economic damages at current levels of risk and every decade in the future for 50 years. Users can select lower or higher environmental scenarios, the annual exceedance probability of storms and overlays of proposed risk mitigation projects. Risk can be seen at the coast-wide, parish-wide or community level as seen in the screenshots below.

FIGURE 8 COASTAL MASTER PLAN VIEWER SCREENSHOT



Beginning in the summer of 2023, additional layers of data will become available that will allow users to identify risk levels at specific types of community assets. These data points will be used to make siting and design decisions for community anchor institutions and other broadband-related facilities including the following:

EPA Emergency Response ER Facility Response Plan facilities	Local emergency operations centers	Nursing homes and residential care facilities
Cellular/AM/FM/microwave transmission towers	Local law enforcement	Pharmacies
TV analog station transmitters	Electrical substations	Public health departments
Emergency medical service stations	National shelter system facilities	Veteran' health administration medical facilities
Fire stations	Prison boundaries	Libraries
Hospitals	Public schools	Mobile home parks
Kidney dialysis centers		

State-specific tools are not yet available to assess non-coastal risks to broadband infrastructure deployment to the same degree as is possible in the coastal area. Therefore, data assessments will rely on the NOAA Climate Explorer for temperature and precipitation risk levels twenty years in the future and the FEMA National Risk Index to identify overall risk from hurricanes (or remnants), ice storms, riverine flooding, strong winds, tornados and wildfire.

D. Climate Risk Mitigation Measures

Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified.

Infrastructure Hardening and Critical Resiliency Need Commitments for GUMBO 2.0 Subgrant Proposals.

Buried Fiber Commitments: Significantly improving the resiliency of communications infrastructure via the use of buried fiber is a top policy priority of the state. Given Louisiana's significant climate-driven disaster risk, the state has analyzed unserved and underserved funding requirements to assess whether the \$1.355 BEAD billion allocation is sufficient to fund necessary hardening steps without impairing the goal of ensuring 100% coverage to eligible locations. That analysis, based on data provided to the state by NTIA, indicates that such

hardening investments are within the state's BEAD budget capacity. The GUMBO 2.0 subgrant award plan therefore includes several steps to prioritize proposals that include infrastructure hardening steps such as the use of buried instead of aerial fiber.

First, any subgrant proposal for last-mile FTTH service to eligible locations that includes at least 90% buried fiber plant, measured as a percent of the total linear footage for the project, will receive 30 additional points in the GUMBO 2.0 subgrant process, as provided above in section 2.4.2.1.

In addition, any GUMBO 2.0 award anywhere in the state that includes one or more eligible community anchor institutions (CAIs) MUST provide 100% buried plant to those CAI locations; the state will only permit exceptions to this requirement based on a CAI-specific request demonstrating infeasibility as a matter of engineering feasibility, such as in an area with pervasive river, lake, bayou, or marine features that preclude meeting the 100% threshold for CAIs. Finally, for any non-buried fiber infrastructure, any subgrant application proposing the deployment of new poles in support of aerial plant must include steel poles and include access to backup power.

Wireless Tower Hardening Commitments: Any subgrant application proposing the deployment of new wireless towers in support of wireless services deployed pursuant to a subgrant award – including for Fixed Wireless deployment or for mobile broadband resiliency commitments as outlined below – will receive 20 additional points in the GUMBO 2.0 subgrant process, as provided above in section 2.4.2.1, if the following hardening and resiliency commitments are included:

- Structural Integrity – Towers to be constructed from galvanized steel poles anchored to structural concrete pads. Both tower and foundation must be designed for wind load standards of 40 Kips sq/in for the top attachment and 30 Kips sq/in for the lower three attachments.
- Backhaul – Towers to be outfitted with fiber for backhaul. Fiber connections must be survivable redundant deployments to support multiple tenant traffic. Survivable redundant fiber provides a durable connection to the tower site with at least two paths from the site to the local transit aggregation point. If the tower site does not initially use fiber backhaul, the tower must be located within 1000 feet of a fiber access node.
- Power – Sites shall be designed and installed with a 4-gang meter bank with an 800 amp single phase, equivalent to 200 amps for each carrier, and shall include support for the use of generator back-up power during periods of disruption to electrical supply.
- Tower siting – multi-use towers shall be coordinated with possible tenants to identify appropriate areas for the various users.
- Attachable Space/Tower Height – funded towers serving wireless deployments (including fixed wireless technologies) shall be designed to support multi-tenant attachments. The tower must provide at least 60 feet of vertical space to be used by additional tenants above the minimum tower height necessary for the funded service. The attachable tenant envelopes within the vertical space must be at least 10 feet. Best practice should provide 15 feet of vertical space for attachable tenant envelopes.

Commitments to Expanded Access to Baseline Mobile Broadband Services: A second top priority of the state is to expand access to mobile broadband service as a critical tool for residents in the time before, during, and after a natural disaster. In addition to the important role played by fixed broadband infrastructure, during climate-driven natural disasters, ubiquitous access a baseline level of mobile data communications is imperative for alerting communities to threats, providing public safety information during an event, and by

providing a fail-safe communications platform to enable recovery efforts in the event fixed infrastructure faces lengthy periods of disruption.

As described in section 2.4.2 above, the GUMBO 2.0 subgrant process therefore identifies certain areas of the state as “Critical Resiliency Need” Sub-project Areas (CRN-SPAs) that lack the minimal mobile broadband service needed to afford residents and businesses access to mobile communications in the critical times before, during, and after a natural disaster when access to fixed communications infrastructure may be disrupted. These targeted commitments to deploy new mobile broadband infrastructure as a resiliency solution in areas also benefiting from new BEAD-funded fixed infrastructure will advance both the BEAD goals of improved broadband access and climate resiliency.

Specifically, a CRN-SPA shall be an SPA in which any BSL lacks access to at least 3G mobile service from at least one facilities-based mobile provider, as reported via the most recent FCC Broadband Data Collection data as of the time of SPA designation.

The state finds that such lack of at least minimal 3G service— in other words, an area that has not only failed to benefit from the current 5G NR investment cycle but also has not yet received the benefits of baseline 4G LTE service more than a decade after deployment to most areas of the United States – poses an extreme risk to local communities from weather emergencies and other climate-driven natural disasters. For example, areas lacking even 3G service are unable to enjoy the full protections of the FCC’s Mandatory Disaster Response Initiative (MDRI). Adopted by the FCC in 2022, the MDRI codifies new “prompt and decisive measures to improve the reliability and resiliency of mobile wireless networks that are a significant lifeline for those in need during disasters and other emergencies.” As noted by the FCC in the 2022 order adopting the MDRI, “[t]he need to strengthen the nation’s networks has been further underscored . . . in the face of ongoing wildfires in New Mexico and other western states and the forecast that 2022 will bring another historically active hurricane season.” The devastating fire and hurricane events during of the summer of 2023 have only underscored this rationale for of providing 100% of residents access to the life-saving capabilities of mobile communications networks.

This initial set of CRN-SPA designations will be released as part of the overall initial set of proposed SPAs prior to the start of the application process. During the public comment period for that SPA list, the state shall consider input from the public or providers providing a rationale for any adjustments to CRN-SPA designations. The state shall retain sole discretion with respect to any such adjustments, and in making such final determination shall prioritize the principle of ensuring that all state residents and businesses have access to critical mobile communications capabilities during times of emergency. In particular, the state also will evaluate whether certain SPAs with only limited access to 4G LTE coverage even if 3G service is available should be designated as CRN-SPAs on the final list, taking into account input including from community stakeholders.

Required Elements of CRN Commitments

As defined in sections 2.4.2 and 2.4.2.1, any application that includes CRN-SPAs shall receive a higher score, as described above in section 2.4.2.1, if that application also includes an enforceable commitment to deploy new infrastructure required to deliver mobile data service to all BEAD-eligible locations within the SPA at or above the level specified for “4G LTE” in the Broadband DATA Act and applied by the FCC: “mobile wireless users should expect to receive minimum user speeds of 5/1 Mbps at the cell edge, with a cell edge probability of not less than 90% and a cell loading of not less than 50%. The speed thresholds must represent the expected

user experience, as measured at the application layer.” With major mobile carriers already moving to decommission 3G networks in many parts of the country, 4G LTE represents the minimal mobile service capability for the fulfillment of CRN-SPA commitments in order to ensure interoperability with consumer devices and deliver baseline high-speed mobile data speeds and mobile application support required before, during, and after emergency situations.

Applicants may fulfill a CRN-SPA commitment via the deployment of new infrastructure including but not limited to wireless towers or other vertical siting arrangements, installation of power and other necessary utilities, permitting costs, site planning and design, fiber backhaul, and Radio Access Network (RAN) equipment and installation. New infrastructure elements may be deployed in any location as required by the subgrantee’s engineering plans and need not necessarily be located within the boundaries of a given CRN-SPA awarded to the subgrantee.

The required timing for fulfillment of the CRN commitment shall mirror the 48-month timeline for the overall fixed award subgrant to BEAD-eligible locations. For example, in order to obtain the additional 10% funding release for reaching 10% of eligible fixed locations, the subgrantee must also have reached 10% of its total locations within awarded CRN-SPAs with the required 4G LTE level of mobile service. This approach shall apply to the remaining 35%, 60%, 85% and 100% fixed award funding release milestones, all of which must be completed within the 48-month BEAD deployment period of performance, or faster if the applicant committed to a more rapid timeline in order to obtain Speed of Deployment scoring benefits.

As an initial verification step for the satisfaction of CRN-SPA deployment commitments, the state shall consult the most recent FCC BDC mobile coverage availability data for the locations contained within the relevant SPAs. In other words, as a baseline the state will leverage the FCC’s broader BDC mobile coverage reporting process, including its challenge mechanisms. At minimum, in order to claim that a CRN-SPA commitment has been fulfilled, the subgrantee’s reported mobile coverage information the FCC must be consistent with its claimed CRN commitment fulfillment. In addition, the state shall conduct additional verification steps including visual inspection and mobile coverage testing prior to deeming CRN-SPA commitments fulfilled.

In addition, any subgrantee with CRN commitments must fulfill all elements of the MDRI regime as mandated by the FCC, including:

- Provide roaming to other wireless provider customers when a network is down, where technically feasible;
- Establish mutual aid agreements to share physical assets and to consult with one another before and during emergencies;
- Implement testing and reporting requirements related to regular coordination with other providers to implement emergency roaming and mutual aid practices;
- Support community engagement with residents, businesses, local governments, and first responders to enhance municipal preparedness; consumer readiness; and public awareness and stakeholder communications regarding restoration times in the aftermath of emergencies.

Finally, any wireless towers or other vertical siting infrastructure deployed in fulfillment of a CRN-SPA commitment shall provide commercially reasonable colocation rights and wholesale backhaul services to enable the provision of mobile services by other wireless providers.

Other Infrastructure Hardening Actions. In addition to federally defined community anchor institutions,

Louisiana will apply these hardening measures and ensure broadband access at all of the resilience hubs proposed under the state’s application to the Department of Energy’s Grid Resilience and Innovation Partnerships Program. Louisiana has proposed a \$400 million investment in integrated community energy planning, the deployment of community resilience hubs and enhanced state emergency response capabilities through its grant application. The project has utilized a targeted approach to community prioritization that supports residents most at risk from extreme weather events and corresponding grid outages who are also disadvantaged according to the CEJST (see Figure 9). To ensure the effectiveness of mitigation measures, Louisiana will regularly assess their performance over time and after each weather event. This assessment will help identify areas for improvement and refine mitigation measures by considering emerging technologies, best practices and lessons learned. These informed decisions aim to enhance resilience and minimize the impacts of future disasters.

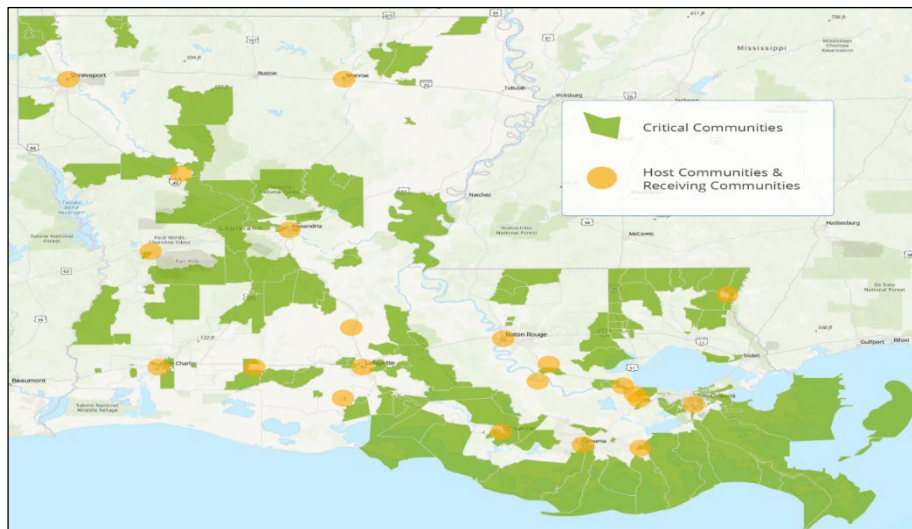


FIGURE 9 MAP OF HUB COMMUNITIES: CRITICAL, HOST AND RECEIVING COMMUNITIES

Post-Disaster Coordination. Louisiana recognizes the vital role of broadband infrastructure to communication during and immediately following an extreme weather event and intends to utilize best practices and lessons learned from prior disasters to better ensure the longevity and operability of broadband infrastructure investments.

Coordination with Electric Utilities. After hurricanes, tornadoes and other severe weather events aerial broadband lines that survived the storm can be cut to expedite the restoration of electrical service or the removal of trees and other debris. Coordination with electrical utilities at the local level is of paramount importance.

Develop Regional Response Teams and Plans. Broadband companies should develop regional response teams for managing the effects of extreme weather. These teams should help work with local leaders and emergency managers to pre-position deployable equipment, establish community internet access points during outages, and provide support services for the broadband company’s employees who were impacted by disasters. Alongside teams to activate post disaster, companies should prepare business continuity plans for hurricanes, floods, and extended power outages.

After the 2020 hurricane season, Entergy established a “communication deputy section” and assigned new

responsibilities to certain staff to emphasize the importance of maintaining the integrity of telecom equipment in the field, an adaptation that was fully in place for Hurricane Ida in 2021. Thanks to this coordination, representatives from telecoms took part alongside utility restoration efforts in the field and attended planning meetings. Contracted power restoration crews were also trained to not inadvertently cut fiber-optic wires without proper notification (barring an emergency). This training was reinforced during crew briefings. Another adaptation in response to the close coordination between power utilities and broadband providers was the use of hydrovac systems wherever possible to set new poles which, compared to auger installations, reduce the likelihood of damages to buried broadband or telecommunications infrastructure.

E. Periodic Plan Review

Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized and addressed and that the most up-to-date tools and information resources are utilized.

Coastal Protection and Restoration Authority (CPRA) is tasked with ensuring that Louisiana cost is resilient from climate threats. Louisiana's Coastal Master Plan aims to preserve coastal Louisiana's rich culture, ecosystems, and natural resources threatened by ongoing land loss and flood risk. It is part of a larger, ongoing effort led by CPRA to adapt Louisiana's coast in the face of future environmental change. CPRA does an annual review of the plan with a major strategic plan update every five years. The Governor's Office of Homeland Security and Emergency Preparedness began a comprehensive planning process in 2004 to improve hazard mitigation, which resulted in the Louisiana Hazard Mitigation Plan.

This plan is reviewed annually with a major update preformed every five years.

2.11.1 Supporting Documentation for Climate Assessment

Submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.

To view CPRA's 2023 Louisiana's Comprehensive Master Plan for a Sustainable Coast please go to <https://coastal.la.gov/our-plan/2023-coastal-master-plan/>

To view the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) 2019 Hazard Mitigation Plan go to <https://gohsep.la.gov/Portals/0/Documents/Mitigate/HMPlan/2019HM-plan-final.pdf>

SECTION 2.12 Low-Cost Broadband Service Option

(Requirement 16)

2.12.1 Required Subgrantee Low-Cost Broadband Service Option

Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

The twin challenges of lack of access and affordability must both be addressed to close the digital divide. In Louisiana, there are nearly 1.7 million households that struggle to access high-speed, affordable internet due to lack of access, affordability, digital skills and/or devices. ConnectLA, the Office of the Governor and Board of Regents have partnered with Education Superhighway to help promote the Affordable Connectivity Program, a long-term benefit to help lower-income families pay for high-speed internet. As evidence of Louisiana's unwavering commitment to improving affordability, ConnectLA wishes to emphasize that of Q4 2023 Louisiana leads the nation in ACP adoption.

"Internet access is essential for so many important areas of daily life including education, helping businesses, creating jobs as well as expanding access to healthcare and government services. We need to make sure everyone, everywhere, has a chance to connect, which is why we are committed to helping families cover the costs of high-speed internet through the Affordable Connectivity Program" Gov. Edwards said.

In partnership with internet service providers, nonprofits, academic organizations, economic development organizations, public safety entities, agriculture communities and others, ConnectLA has developed and implemented solutions to address the digital divide and affordability.

Importantly, these efforts have prioritized balancing the inherent tension between the goals of investing in financially sustainable infrastructure and mandating affordability; simply put, to the extent a low-cost service option has the effect of reducing available revenue to a deployment project, the broader goal of achieving universal access comes under pressure. Louisiana already faces substantial obstacles to attracting private investment in broadband due to relatively low household income levels the state, ranking 44th out of the 50 states and trailing other large southeastern states.

Therefore the state believes that it is critical that the federal statutorily mandated low-cost service option be carefully tailored to address the actual affordability policy objective of the low-cost service option – specifically, that households otherwise unable to afford a connection on new BEAD-funded infrastructure will be able to do so – and not to function as barrier to the long-term sustainability of newly deployed infrastructure by locking subgrantees into rate structures that unnecessarily harm the long-term financial viability of BEAD-funded projects and therefore deter participation by the widest range of providers in the GUMBO 2.0 process.

Accordingly, ConnectLA has analyzed household incomes in Louisiana in light of the FCC's finding that the most appropriate way to measure broadband affordability is against a goal of no more than 2% of disposable

income of low-income households being paid for monthly service.¹⁹ The Louisiana Department of Revenue’s benchmark definition of “low-income” households is an annual household income level of \$24,999,²⁰ or \$18,000 per year in disposable income using conservative estimates for effective tax rates.²¹ Applying the FCC’s 2% standard yields an “affordable” monthly out-of-pocket price to these low-income households of \$30. Accordingly, the objective of Louisiana’s low-cost service option is to achieve a target effective rate to qualifying households of \$30 for the 100/20 performance tier as described below.

However, while Louisiana cares deeply about advancing the goal of affordability and has been a leading advocate amongst the states for pro-affordability policy actions, the state is also concerned that even a well-intentioned approach to promoting affordability could undermine the equally important BEAD goals of ensuring the long-term financial sustainability of BEAD-funded projects and maximizing the efficient use of BEAD funds by ensuring widespread provider participation in the competitive GUMBO 2.0 process. For example, the state is concerned that an inflexible low-cost service option has the potential at minimum to deter smaller broadband providers with higher service delivery costs in remote rural areas from participating at all in the GUMBO 2.0 process. Even larger providers have noted the valid risk that introducing a very low rate immediately in a new market may significantly reduce available revenue for a project by incentivizing even households with the means and potential willingness to pay for a higher priced tier to instead down-select to a lower-priced BEAD-required low-cost service option.²²

Therefore, GUBMO 2.0 applicants and subgrantees may request a modification to their low-cost service option from the \$30 target effective rate as follows:

- In no case may the offered rate exceed the \$65 average rate for comparable service plans in Louisiana as reflected in the 2023 FCC Urban Rate Survey, as adjusted for annual inflation as described below.
- Modifications to offered rates to a level between \$30 and the \$65 Not to Exceed (NTE) level may be granted based on evidence supporting the newly proposed rate:
 - Per-subscriber costs in an area indicating that the target effective rate above would be financially unsustainable; and/or
 - The impact on average revenue per user (ARPU) and total project revenue of the target effective rate above would be financially unsustainable given actual or projected subscriber adoption patterns.
- If a modification request is granted, the new modified level shall remain the maximum Not to Exceed offered rate for the provider for the duration of the federal interest.

In summary, Louisiana’s proposed low-cost service option is for a rate based on a range between \$30 - \$65 per month, with flexibility to ensure financial viability and widespread participation in GUMBO 2.0 via modification requests based on concrete evidence.

¹⁹ *Federal Communications Commission, Lifeline Modernization, Third Report and Order*, at paragraph 408 and footnote 1012 (March 2016) (noting other governmental studies finding an even higher appropriate broadband affordability measure between 2.5-5% of income).

²⁰ See Louisiana Department of Revenue, *Demographic and Revenue Trends, Individual Income and Related Expenditure*, at 7.

²¹ Assuming federal income tax at 15%, FICA at 6%, Medicare at 2%, and state income tax at 4% at this income tier as a conservative baseline, noting that final taxable income that will vary across individual households for a range of reasons.

²² ConnectLA also emphasizes that the per-BSL financial modeling of Net Present Value for new FTTH deployment as made available by NTIA to state broadband offices via the Eligible Entity toolkit rely on the standard industry assumptions for Average Revenue per User and adoption rate that do not assume mandatory very low price plans available to all or almost all households in a market from day one.

For these reasons, ConnectLA will require all subgrantees to offer to eligible households at locations included in a subgrant award a low-cost broadband service option as follows:

1. An end-user effective rate of \$30 per month for a service offering of 100 Mbps downstream, 20 Mbps upstream, and a minimum latency of 100 milliseconds.
2. GUMBO 2.0 applicants and subgrantees may request modifications to this rate based on evidence of financial non-viability, but the rate must always be at or below the initial \$65 Not to Exceed level, subject to adjustment for inflation as provided below.
3. Is available to all households eligible for the Affordable Connectivity Program or a successor program as modified by Congress.
4. The rate specified or subsequently modified, as well as the other provisions identified in this section, for this service option will be a contractual requirement of awardees for the duration of the federal interest, as specified by NTIA.
5. In the event that the FCC during the period of this obligation revises the federal definition of broadband to a performance level that is higher than the 100/20 standard required currently for BEAD, that new federal definition shall become the required performance standard.
6. Allows the end user to apply the ACP benefit to the service price and encourages customers to participate in the ACP or successor program(s).
7. The specified price may be adjusted once per year based on the to the Consumer Price Index, up to a maximum annual upward adjustment of 3.0% or the prior year level, as defined by the U.S. Bureau of Labor Statistics, beginning with an adjustment in the first new calendar year after the date of approval of this Initial Proposal Volume 2 by NTIA.
8. Is not subject to data caps, installation or other non-recurring charges, surcharges or usage-based performance reductions, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.
9. In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.
10. To make households within subgrant service areas aware of the availability of the low-cost plan via public awareness campaign activities, as mandated by NOFO IV.C.2.c.iv.

ConnectLA proposes this definition for the statutorily required low-cost service option after full consideration of how to best advance the deployment and affordability aims of the BEAD program. The Office's priority in establishing affordability requirements for the BEAD program is to increase awareness of and enrollment in available broadband subsidy programs while maintaining a price/performance tier option for low-income households served by new BEAD projects that meets the FCC's definition of affordable broadband.

A. Service Initiation Cost

All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs)

Installation fees or any other non-recurring charge may not be assessed for households adopting the low-cost service option.

B. Basic Service Characteristics

The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices)

- Providers will be held to performance requirements as established by the BEAD program, with download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps.
- Provides typical latency measurements of no more than 100 milliseconds.
- Is not subject to data caps, surcharges or usage-based performance reductions, and is subject only to the same acceptable use policies to which subscribers to all other broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.

C. Affordable Connectivity Subsidy

Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate

Subscribers using the low-cost broadband service option must be ACP eligible or eligible for a successor program enacted by Congress, and must also be permitted to apply the prevailing ACP subsidy amount toward the plan's rate.

D. Ability to Upgrade to New Low-Cost Option

Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

- The rate specified, as well as the other provisions identified in this section, for this service option will be a contractual requirement of awardees for the duration of the federal interest, as specified by NTIA. In the event that the FCC during the period of this obligation revises the federal definition of broadband to a performance level that is higher than the 100/20 standard required currently for BEAD, that new federal definition shall be the required performance standard.
- In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no cost.
- If the provider voluntarily offers other low-cost plans elsewhere in the state of Louisiana, the provider must make the same offer(s) available on identical terms to households associated with all eligible locations included in the BEAD subgrant award.

2.12.2 Certification for Subgrantee Participation in ACP

ConnectLA certifies that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

SECTION 2.13 Middle-Class Affordability Plans

(Requirement 20)

2.13.1 Plan for Middle-Class Affordability of High-Quality Broadband

Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

The affordability of broadband services from BEAD-funded networks for middle-class households is a priority for ConnectLA. The state's primary strategy for advancing middle-class affordability is to implement a highly competitive subgrant program that will afford a wide range of providers the opportunity to access Louisiana's substantial BEAD funding allocation in order to deploy new high-quality networks that sustainably support reasonable pricing while also improving the competitive structure of the broadband market in the state. As a policy determination the state finds that affordability is best advanced via the promotion of a competitive provider market made up of financially strong operators of high-quality broadband infrastructure. GUMBO 2.0 contains many policy cuts and design elements intended to advance this overall goal.

As part of the GUBMO 2.0 design, affordability plays a central role in the scoring criteria the Office will use to evaluate proposals to serve a location under the BEAD program. Scoring criteria will ensure that lower price commitments receive higher point totals, while leaving necessary flexibility for the business case decisions of prospective subgrantees to balance tradeoffs between BEAD funds requested, pricing commitments, and the quality of deployed networks.

The affordability scoring provisions of section 2.4.2.1 above are hereby incorporated into this response to 2.13 as a core component of the state's Middle-Class Affordability Plan.

The Office strongly encourages that an affordable broadband service option be made available to all eligible prospective customers across the subgrantee's service territory; however, this service option must at least be available to locations within the awarded project areas under the BEAD program.

The Office will promote the use of consumer pricing benchmarks that will provide objective criterion to use in determining whether the rate offerings of broadband service providers are reasonable. Specifically, to address Middle Class Affordability, the Office proposes the following requirements as defined within our subgrant program in Requirement 8 of this document.

SECTION 2.14 Use of 20 Percent of Funding

(Requirement 17)

2.14.1 Planned Use of 20 Percent of Funding

Describe the Eligible Entity's planned use of any funds being requested, which must address the following: If the Eligible Entity is requesting more than 20% (up to 100%) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations and provide rationale for requesting funds greater than 20% of the funding allocation.

Louisiana's allocation is \$1,355,554,552.94, and 20% of this amount is about \$271.1 million. Per directives from the Gov. Edwards, the Louisiana Legislature, and residents, ConnectLA is requesting an allocation of 100% to swiftly eliminate the digital divide by 2029.

Further, our request is based on the following:

- The proposed funding gap needed to serve the balance of BEAD Eligible locations is at least 200,000 broadband serviceable locations.
- The state requests to run the grant process to obligate all BEAD funds. Specific details on subgrantee selection during the grant process can be found within Question 8 of the Initial Proposal. This will ensure we have greater certainty with respect to funding that is available for providers which will create a more expansive and competitive group of proposers.
- Louisiana is constantly faced with stronger hurricanes, tornadoes and other weather-related events. A strong policy consideration is to build resilient infrastructure, potentially building these networks underground (as feasible) construction areas south of Interstate 10, as well as throughout the state. This will naturally increase the funding gap required to build high-speed, affordable and reliable internet.
- The state faces significant digital skills, adoption and affordability challenges. As a result, non-deployment funds will be dedicated to increasing digital equity needs such as digital trainings and adoption outreach, per Question 9.
- Every industry in Louisiana faces workforce gaps. The state plans to provide BEAD funding to the Louisiana Community and Technical College System to begin scaling up the broadband workforce. Waiting until deployment grant awards are issued to use workforce development funds would be a mistake – workforce training needs to begin before the grants are awarded. More details on workforce development can be found in Questions 10 and 12.

With the request for 100% of our allocation, we have the following categories with funding amounts defined once budgetary amounts are finalized:

- Deployment costs
- Non-deployment costs
- Programmatic expenses
- Administrative costs

The State Broadband Office has utilized data from the NTIA Eligible Entity Toolkit and CostQuest analytics

to determine that the estimated Program Outlay cost of deployment projects to cover all last-mile unserved and underserved areas and CAIs is approximately \$645,000,000, with a supplemental 25% Minimum Outlay Match to be used. Accordingly, to initiate deployment activities in these areas as soon as possible, the State Broadband Office requests that the Assistant Secretary make approximately 100% of the total allocation (\$135,500,000,000) to be available at the Initial Proposal stage of the BEAD Program. Per the BEAD NOFO, “an ‘Unserved Service Project’ or ‘Underserved Service Project’ can be as small as a single unserved or underserved location, respectively” which will ensure universal coverage. After areas are defined, a subrecipient(s) to be determined will carry out eligible last-mile broadband deployment projects identified in the BEAD NOFO, Section IV.B.5.b. The subrecipient(s) will carry out these activities following the completion of the Challenge Process and Subgrantee Selection process, outlined in the Initial Proposal. These will be eligible uses of funding in connection with last-mile broadband deployment projects, subject to the limitations related to unserved locations and high poverty areas for deployment, prior to approval of the Final Proposal as outlined in the NOFO, Section IV.B.8. This will also be based on Act 383 of the Regular Session of the Louisiana Legislature. These competitive last-mile broadband awards will provide internet for all Louisianans by the year 2029. These costs will be allocable and reasonable. Detailed budgetary outcomes and basis of cost awards resulting from this competitive grant process will be included in our Final Proposal. The basis of the cost will be inclusive of staff, travel, supplies, and all other supplies necessary to meet the goals of the BEAD program. This will be considered a programmatic expense, critically needed at the beginning of the BEAD program to ensure an adequate workforce is ready and able to put shovels in the ground and move dirt immediately upon approval and signature of grant agreements. Furthermore, based on the BEAD NOFO, Section IV.B.8, the State Broadband Office requests that the Assistant Secretary make approximately 100% of the total allocation available at the Initial Proposal state of the BEAD Program. The State Broadband Office requests that the Assistant Secretary make the total allocation of funds to be obligated at the Initial Proposal stage of the BEAD Program due to Act 383 of the 2023 Regular Session of the Louisiana Legislature and to promote a robust, fair, and competitive Subgrantee Selection Process by giving industry confidence in the full allocation and availability of funds.

2.14.2 Initial Proposal Funding Request

Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter ‘\$0.00.’

ConnectLA will request \$1,355,554,552.94.

2.14.3 Certification to Adherence of BEAD Requirements

Louisiana Office of Broadband Development and Connectivity certifies that they will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

SECTION 2.15 Eligible Entity Regulatory Approach

(Requirement 18)

2.15.1 Waiver of Laws for Eligible Entities

During the initial implementation of the GUMBO 1.0 program, ConnectLA worked with providers to understand the barriers to deployment. Public sector providers and local governments in particular faced limitations in partnering with a provider and becoming a service provider.

A. Details for Waived Laws

Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.

To date, the law that restricts public sector participation in broadband deployment is the Local Government Fair Competition Act (LA R.S. 45, 844.41-56). The LGFCA predates the Infrastructure Investment and Jobs Act and expressly permits local governments to provide cable television, telecommunications and/or advanced services, but requires any local government seeking to do so to comply with certain requirements, such as conducting a feasibility study and engaging in a local referendum to ensure community buy-in. *See id.* 45:844.48-45:844.50. It also takes the approach of prohibiting a local government from taking regulatory measures that would show preference to its own network over private providers of the same services. *Id.* 45:844.53(3). The Act also states that when a local government provides such services, “the local government does not discriminate against the competing providers of the same services.” *Id.* 45:844.42(6). The Act provides that any such local government is not “precluded from engaging in ‘bundling’ [its] services or engaging in any other lawful business practice that its private-sector competitors are legally permitted to engage in.” *Id.* 45:844.42(7).

Louisiana has decided not to waive the Local Government Fair Competition Act as it does not exclude, as a class, any type of broadband provider from eligibility as a subgrantee, remaining consistent with the Infrastructure, Investment and Jobs Act. Though not restrictive, the IJA often deters local governments from becoming involved. To mitigate this, Louisiana recently passed HB 653 which creates the GUMBO 2.0 program, allowing the state to administer the federal Bipartisan Infrastructure Law. The new law provides the ConnectLA office the authority and responsibility to create state rules and scoring to administer funds, provided they comply with federal infrastructure law, state law and guidance. ConnectLA intends to add criteria that incentivizes public sector participation through government support letters. It allows for the identification of eligible locations and the utilization of the federal challenge process for the availability protest, as well as allowing for the completion of the process before a future grant round begins.

B. Details for Not Waiving Laws

If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will

be applied in connection with the competition for subgrants. If there are no applicable laws, note such.

As noted, Louisiana has decided not to waive the Local Government Fair Competition Act as it does not exclude, as a class, any type of broadband provider from eligibility as Louisiana proposes utilizing a subgrantee selection process that is competitive, inclusive of broadband providers of all types and based on the objective criteria established both by the IIJA and NTIA in the BEAD NOFO. Regardless of whether applicants are traditional or non-traditional broadband providers, they will be subject to the same subgrantee qualification requirements evaluating demonstrated experience, technical ability and financial wherewithal to meet the BEAD program requirements and deliver the services promised. Similarly, all applicants will be subject to the same selection criteria, which will prioritize applicants that propose affordable service, demonstrate a commitment to fair labor practices and commit to timely deployment of new networks.

[2.15.1 Supporting Documentation for Applicable Laws](#)

Provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the template provided.

[Exhibit F](#)

SECTION 2.16 Certification of Compliance with BEAD Requirements

(Requirement 19)

2.16.1 Certification for Intent to Comply with BEAD Program

Louisiana State Office of Broadband Development and Connectivity certifies that it intends to comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 Certification for Intent to Comply with BEAD Program

Describe subgrantee accountability procedures, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:

Louisiana has developed sufficient accountability procedures within its program to ensure subgrantee compliance with all applicable BEAD Program requirements and 2CFR200. Louisiana will utilize contractors with adequate knowledge and experience to assist with compliance of the program through two teams: Compliance Team and Technical Field Auditors. The Compliance Team will consist of contractors with extensive experience and knowledge of accounting and audit principles, Uniform Guidance and federal grant funding. Additionally, contractors with technical experience in broadband deployment (Technical Field Auditors) will be utilized to provide technical reviews of progress and document planned versus actual project progress. The Technical Field Auditors will be responsible for conducting field audits and other comparative and technical analysis to ensure the projects are being executed as agreed upon in the Grant Agreements between OBDC and ISPs. ConnectLA will provide ultimate programmatic and financial oversight and approval.

Additional Detail on GUBMO 2.0 Subgrant Accountability Procedures. GUMBO 2.0 builds on prior broadband funding programs in Louisiana by implementing a comprehensive approach to ensuring performance accountability by subgrantees. GUMBO 2.0 will build on these baseline requirements in several ways.

As detailed above in section 2.4, the deployment obligation for subgrantees includes all BEAD-eligible locations identified by the state in all SPAs included within the final subgrant award, as well as any future BEAD-eligible locations newly identified via the FCC's Broadband Data Collection process through the end of the BEAD subgrant performance term. In addition, during the course of the deployment period, if the subgrantee identifies BSLs that the state, in its sole discretion, agrees are non-deployable such locations may be removed from the deployment obligation.

GUMBO 2.0 awards will be made on a fixed award subgrant basis, following all requirements of NTIA's modifications to the Uniform Guidance as provided by final rule, with an initial 10% disbursement made upon final grant issuance; the next 10% of the subgrant award being provided based on provider certification and ConnectLA verification that 10% of the eligible locations have been reached; with remaining disbursements at the following thresholds of completion: 35%, 60%, 85% and the final 100% provided only after verification of 100% deployment to eligible locations, all within the mandatory 48 months maximum deployment timeline or another shorter timeline certified by the applicant. ConnectLA will only disburse funds for completed deployments that comply with the terms included in the successful application and will withhold funds for failure to do so.

GUMBO 2.0 also includes clear penalties for non-performance, including clawback provisions to recoup disbursed funds if a subgrantee fails to continue to adhere to the obligations established in the grant agreement. Subgrantees that fail to provide the minimum advertised connection speed and cost at the advertised rate shall forfeit any awarded funds, up to the entire amount received through the GUMBO program. The Office shall use its discretion to determine the amount forfeited. A subgrantee that forfeits amounts disbursed under this part is liable for up to the amount disbursed plus interest. If a subgrantee fails to perform and fails to return the full forfeited amount required, the state will coordinate with NTIA to follow the appropriate procedures on the revision, on the ownership, and use of the broadband infrastructure funded by the GUMBO program.

With respect to subgrantee reporting and monitoring, the Office will ensure that subgrantees shall submit a monthly report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of the office. Such reporting requirements, once selected, shall be consistently applied to all subgrantees of any grant program round and be effective for at least one program year. Monthly reporting may be revised from program year to program year, at the discretion of the office. At a minimum, subgrantees will provide project and expenditure reports, to include but not be limited to expenditures, project status, subawards, civil rights compliance, equity indicators, community engagement efforts, geospatial/mapping data, workforce plans and practices, information about subcontracted entities and performance reports, to include but not be limited to project outputs and outcomes.

The Office may request annual reports for each funded project for the duration of the agreement. The report shall include, but not be limited to, the following summary of the items contained in the grant agreement and the following details:

- the number of broadband serviceable locations that were previously considered unserved or underserved and now have broadband access as a result of the project;
- percentage of households and businesses served in the project area that have access to broadband service;
- percentage of households and businesses that are subscribers to the broadband service in the project area;
- average monthly subscription rate for residential and commercial broadband service in the project area;
- any right-of-way fees or permit fees paid to local government, state government, railroad, private entity or person during the fulfillment of the grant awarded.

Documentation related to the requirements above will be collected and reviewed by qualified personnel. The Office has engaged a third-party firm to ensure appropriate support, capacity and expertise to adequately review the documentation and maintain records accordingly.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the Office website, and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

A. Distribution of Funding for Subgrantees

Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize)

Distribution of funding to subgrantees under the GUMBO 2.0 program will occur on fixed award subgrant basis, following all requirements of NTIA's modifications to the Uniform Guidance as provided by final rule, with an initial 10 % of the subgrant award being provided upon final execution of the subgrant agreement, and the remaining distributions made based based on provider certification and ConnectLA verification at the following thresholds of completion: 10%, 35%, 60% and 85% with the final 100% provided only after verification of 100% deployment to eligible locations, all within the mandatory 48 months maximum deployment timeline (or another shorter timeline certified by the applicant). ConnectLA plans to make the initial 10% disbursement immediately upon grant execution in order to reduce the financing costs burden on applicant business cases and thereby advance the goal of minimizing the required BEAD outlay for projects. In support of this approach, ConnectLA notes both that such an initial 10% disbursement would always be effectively secured by the applicant's available match commitment funds, as verified pursuant to the processes outlined in section 2.4, as well as that pursuant to the Limited Waiver to the Letter of Credit requirements provided by NTIA as adopted for GUMBO 2.0 in section 2.4.11.B, under any of the available options such a 10% outlay will always be fully protected by a letter of credit or performance bond. In short, such an initial 10% disbursement would always remain a fully protected use BEAD funds, and providing such an initial funding tranche the investment economics for BEAD-funded projects can be significantly enhanced, leading to lower BEAD outlay requests and more efficient use of BEAD funds.

In short, ConnectLA will disburse funds tied to verified milestones for completed deployments that comply with the terms included in the successful application and will withhold funds for failure to do so. Both the Technical Field Audit and Compliance Team will provide feedback on the financial and programmatic progress, noting any discrepancies, and submit it to ConnectLA for review and ultimate approval.

B. Inclusion of Claw-Back Provisions

The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee

GUMBO 2.0 also includes clear penalties for non-performance, including claw-back provisions to recoup disbursed funds if a subgrantee fails to continue to adhere to the obligations established in the grant agreement. Subgrantees that fail to provide the minimum advertised connection speed and cost at the advertised rate shall forfeit any matching funds, up to the entire amount received through the GUMBO program. ConnectLA will use its discretion to determine the amount forfeited. A subgrantee that forfeits amounts disbursed under this part is liable for up to the amount disbursed plus interest. If a subgrantee fails to perform and fails to return the full forfeited amount required, the ownership and use of the broadband infrastructure funded by the GUMBO program shall revert to the Division of Administration.

C. Subgrantee Reporting

Timely subgrantee reporting mandates.

Subgrantees will be required to submit regular reports to monitor performance to ensure timely reporting data is available to Division of Administration and NTIA. Monitoring reports, ensuring alignment with the requirements for subgrantee reporting included in Section VII.E.2 of the BEAD NOFO, will be required to be submitted by the subgrantee to document progress of the work completed versus funds spent.

Reporting frequency will be determined by risk assessment but will be no less than semi- annually. Monitoring reports will be reviewed, as necessary, by a subject matter expert (e.g., Technical Field Audit providers) to determine progress. Each report will describe the various types of projects and/or other eligible activities carried out using the subgrant and the duration of the subgrant and the report will meet at least the minimum requirements as set forth in the BEAD NOFO, Reporting Requirements – Subgrantees, pg. 90, and all subgrantee reports will be available to NTIA upon request. Reports will be submitted through an electronic portal by the Subgrantee, and portal documentation retained will be maintained by Louisiana. Additionally, Subgrantees must maintain sufficient records to substantiate all information provided. See also Subgrantee Monitoring for additional monitoring and reporting procedures.

D. Subgrantee Monitoring

Robust subgrantee monitoring practices.

The state is responsible for monitoring the programmatic and financial activities of its subgrantees in order to ensure proper stewardship of sponsor funds. Subawards that are funded with federal dollars are subject to federal and/or agency-specific regulations established by the program. Louisiana will utilize the Compliance Team to perform risk assessments, develop and implement the monitoring plans and perform the ongoing monitoring procedures. The state will review and approve the monitoring plans and provide final review and approval of requests for funding release prior to disbursement of funding.

The following procedure for monitoring efforts is intended to ensure subgrantee compliance with all applicable program requirements.

- **Compliantly performing a risk assessment:** Prior to award, upon selection, a risk assessment will be performed by the state to assess the potential risk level of a subgrantee. A Subgrantee Profile Questionnaire Form relating to the organization’s financial and management strength will be completed by the subgrantee prior to execution of a subaward. This includes reviews of the subgrantee’s SAM.gov and FAPIIS records and requested policy, procedure and financial information, as applicable. The questionnaire review will be documented and scored to determine the level of risk.
- **Monitoring Plan:** The results of the risk assessment will be used to determine the frequency and scope of subgrantee monitoring. Subgrantees will be categorized by low, medium and high risk, and monitoring plans will be adjusted accordingly.
- **Required information in the subaward for monitoring includes those required under 2CRF200.331:**
 - All requirements imposed by the federal government on the recipient are imposed on the subgrantee.
 - The subgrantee will permit the awarding agency/recipient and auditors to have access to the subgrantee’s records and financial statements.
 - Appropriate terms and conditions concerning closeout of the subaward, including when final invoices must be received.
 - The frequency of submission of invoices and monitoring reports. The frequency will be determined based on the risk assessment performed by the state.

Ongoing monitoring performed by the Compliance Team includes activities undertaken to monitor the subgrantee’s administration, billing, and progress as well as on-going risk assessments (i.e., review of audit findings).

- **Monitoring Plan:** A monitoring plan will be developed for each subgrantee based on the risk rating. Monitoring plans will be drafted by the Compliance Team and approved by the state. Plans will be delivered to the subgrantees during a Subgrantee Monitoring Kickoff Meeting. Monitoring by the Compliance Team will include, at a minimum, the following elements:
 - **Communication with subgrantee:** Frequent communication between the reviewer and the subgrantee institution is essential to ensure a compliant and successful collaboration. Documentation of communication will be captured.
 - **Invoice Review:** To ensure proper use of sponsor funds, requests for funding release will be monitored for completeness, allowability, appropriateness and accuracy, as described in the subgrant agreement. Documentation of invoice review will be captured.
 - **Progress/Monitoring Report:** Monitoring reports will be required to be submitted by the subgrantee to document progress of the work completed versus funds spent. The frequency of reporting will be determined by risk assessment but will be no less than semi-annually. Monitoring reports will be reviewed, as necessary, by a subject matter expert (e.g., technical providers) to determine progress. Each report shall describe each type of project and/or other eligible activities carried out using the subgrant and the duration of the subgrant, and the report will meet at least the minimum requirements as set forth in the BEAD NOFO, Reporting Requirements – Subgrantees, pg. 90. Documentation of progress report review will be captured.
 - **Risk Assessments – Address Specific Items of Interest:** To assist subgrantees in adhering to federal and programmatic guidelines, specific high-risk items related to the risk assessment may also be included for awareness in the monitoring plan.
 - **Additional Reviews:** Additional monitoring may include desk reviews of staffing, policies and procedures that have changed; technical on-site visits to determine progress or verifying project completion.
 - **Closeout Process:** Award closeout includes activities related to ensuring that the work was performed and properly billed. At the end of the award, the subgrantee is responsible for ensuring that all documentation related to project performance and financial obligations are received. The state, utilizing the Compliance Team, will monitor for proper closeout procedures. Subrecipient monitoring activities that will be performed at award closeout include verifying that the final invoice is marked “final” and reviewing all technical/financial reports to ensure that the subrecipient provided all project deliverables and met project obligations. All required documentation will be stored in accordance with record retention requirements.

As part of the Subgrantee reporting and Monitoring Plan, ConnectLA will ensure that subgrantees shall submit a monthly report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of. Such reporting requirements, once selected, shall be consistently applied to all subgrantees of any grant program round and be effective for at least one program year. Monthly reporting may be revised from program year to program year, at the discretion of the Office. At a minimum, subgrantees will provide project and expenditure reports, to include, but not be limited to, expenditures, project status, subawards, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans and practices and information about subcontracted entities, as well as performance reports, to include, but not be limited to, project outputs and outcomes.

The Office may request annual reports for each funded project for the duration of the agreement. The report shall include, but not be limited to, the following summary of the items contained in the grant agreement and the following details:

- the number of residential and commercial locations that have broadband access as a result of the project
- percentage of households in the project area who have access to broadband service
- percentage of subscribers in the project area to the broadband service
- average monthly subscription rate for residential and commercial broadband service in the project area
- any right-of-way fees or permit fees paid to local government, state government, railroad, private entity or person during the fulfillment of the grant awarded

Documentation related to the requirements above will be collected and reviewed by qualified personnel. The Office has engaged a third-party firm to ensure appropriate support, capacity and expertise to adequately review the documentation and maintain records accordingly.

The Office will communicate requirements stipulated above to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach efforts to participating stakeholders (webinars, in-person meetings, etc.), posting a list of regulations on the ConnectLA [website](#) and including the requirements in grant application instructions and grant agreement terms, conditions and monitoring program requirements.

2.16.3 Certification for Subgrantee Civil Rights and Non-Discrimination

Louisiana State Office of Broadband Development and Connectivity certifies that they will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 Certification for Management of Cybersecurity and Supply Chain Risk

Louisiana State Office of Broadband Development and Connectivity certifies that they will ensure subgrantee compliance with the following cybersecurity and supply chain risk management requirements are met.

A. *Cybersecurity*

1. The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either:
 - a. Operational, if the prospective subgrantee is providing service prior to the award of the grant or
 - b. Ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award.
2. The plan reflects the latest version of the National Institute of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 specify the security and privacy controls being implemented.
3. The plan will be reevaluated and updated on a periodic basis and as events warrant.
4. The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.
5. Please see Exhibit G, "Cybersecurity Expectations for Internet Service Providers". This verbiage will be

included in the latest release of the Louisiana [State Information Security Policy](#).

B. Supply Chain Risk Management (SCRM)

6. The prospective subgrantee has a SCRM plan in place that is either:
 - a. Operational, if the prospective subgrantee is already providing service at the time of the grant or
 - b. Ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award.
7. The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented.
8. The plan will be reevaluated and updated on a periodic basis and as events warrant.
9. The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon request.
10. Please see Exhibit G, "Cybersecurity Expectations for Internet Service Providers". This verbiage will be included in the latest release of the Louisiana [State Information Security Policy](#).

SECTION 2.17 Volume II Public Comment

2.17.2 Public Comment Period Process

Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

A. Public Comment Period

The public comment period for Louisiana’s Initial Proposal Volume 2 lasted over 30 days from August 25, 2023 – September 25, 2023.

B. Outreach and Engagement for Public Comment Period

Louisiana’s Initial Proposal Volume 2 was published on our website with a clear and easy-to-access portal for submission of public comment. Upon publication, our office sent a newsletter to all stakeholders notifying them of the publication and request for public comment.

Public comments include commendations for Louisiana’s process, transparency, and commitment to expeditious deployment of broadband funds. Comments also included recommendations for approaching infrastructure construction with resilient planning, compliance with BEAD requirements, affordability concerns, clarification of subgrantee selection and scoring, focus on workforce development and readiness, labor standards and protection, details of MBE/WBE/Labor surplus firm inclusion and additional thoughts on climate resiliency and cybersecurity/supply chain risk management.

Louisiana takes these comments seriously and maintains its intent to follow federal guidelines while conducting a fair, transparent, expeditious and efficient challenge process. Once feedback was received, pertinent improvements, clarifying details and constructive feedback were incorporated into the latest version of the plan for submission to NTIA for approval.

2.17.1.3 Supplemental Materials to the Volume II Submission

Optional Attachment: As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

Exhibit A

Local Coordination Tracker

Local Coordination List of Organizations and Stakeholders				
Organization/Stakeholder Name	Type of Organization	Meeting/Engagement Purpose (Select the purpose that best matches. If you select "Other," please specify in the notes)	Notes (Include any notes or clarifications regarding your previous responses)	Link to the organization's website (if applicable)
Jefferson Parish Library	Community Anchor Institution			
Southern University New Orleans	Historically Black College or University			
Housing NOLA	Public Housing Authority			
University of New Orleans	Local Education Agency			
Nunez Community College	Institutions of Higher Education (if not listed above)			
New Orleans Regional Planning Commission	County or Municipal Government			
Delta Community College	Institutions of Higher Education (if not listed above)			
Xavier University of Louisiana- New Orleans	Historically Black College or University			
North Shore Community College	Institutions of Higher Education (if not listed above)			
City of New Orleans	County or Municipal Government			
New Orleans Business Alliance	Industry Representative or Association (501c6)			
Loyola University New Orleans	Institutions of Higher Education (if not listed above)			
Foundation for Louisiana	Foundation			
City of Covington	County or Municipal Government			
Jefferson Parish School System	Local Education Agency			
Ashé Cultural Arts Center	Community Anchor Institution			
Louisiana Community and Technical College System	Institutions of Higher Education (if not listed above)			
GNO Inc.	Industry Representative or Association (501c6)			
Ochsner Health System	Health or Telehealth Organization (Direct Service and Policy focus)			
New Orleans Library	Community Anchor Institution			
St. Tammany Parish Library	Community Anchor Institution			
Delgado Community College	Institutions of Higher Education (if not listed above)			
Southern University Agricultural Research & Extension Center	Historically Black College or University			
Capital Region Planning Commission	County or Municipal Government			
Iberville Parish Library	Community Anchor Institution			
Louisiana Board of Regents	Other			
LOUIS Library System	Other			
Louisiana Office of Planning and Budget	other			
Southern University	Historically Black College or University			
Washington Parish Library	Community Anchor Institution			
Orleans Parish	County or Municipal Government			
Capital Area Corporate Recycling Council	Nonprofit Organization (501c3)			
Livingston Parish Library	Community Anchor Institution			
Southern University Library	Community Anchor Institution			
Fletcher Community College	Institutions of Higher Education (if not listed above)			
Computer Sales and Services LA	other			
Terrebonne Parish Library	Community Anchor Institution			
Terrebonne Parish Council	County or Municipal Government			
Goodwill of SE Louisiana	other			
Lafourche Library	Community Anchor Institution			
Terrebonne Adult Education	Local Education Agency			
St. John Parish Library	Community Anchor Institution			
St. James Parish Hospital	Health or Telehealth Organization (Direct Service and Policy focus)			
Louisiana Universities Marine Consortium (LUMCON)				
Stratfly Grey				
CGI Federal	Other			

Local Coordination List of Organizations and Stakeholders

Organization/Stakeholder Name	Type of Organization	Meeting/Engagement Purpose (Select the purpose that best matches. If you select "Other," please specify in the notes)	Notes (Include any notes or clarifications regarding your previous responses)	Link to the organization's website (if applicable)
Vermilion Parish School District	Local Education Agency			
Schumacher Family Foundation	Foundation			
Senior Pastoral Alliance	Industry Representative or Association (501c6)			
Lafayette Consolidated Government	County or Municipal Government			
South Louisiana Community College	Institutions of Higher Education (if not listed above)			
Cajun Broadband	Industry Representative or Association (501c6)			
Evangeline Parish School System	Local Education Agency			
Reach 4 Communications	other			
Saint Martin Economic Development Association	economic development			
Louisiana Department of Public Safety and Corrections	other			
InfoLink USA				
Office of Public Health/Louisiana Department of Public Health				
C.H. Fenstermaker & Associates	other			
Workforce Development Board #40	Workforce Development Organization			
AT&T	other			
Louisiana Workforce Commission	Workforce Development Organization			
Louisiana Department of Health- Early Steps				
Acadiana Planning Commission	County or Municipal Government			
Louisiana State University at Eunice	Institutions of Higher Education (if not listed above)			
Pugh Family Foundation	Foundation			
Louisiana Board of Regents				
Boys and Girls Club of Acadiana	Nonprofit Organization (501c3)			
LUS Fiber	other			
New Media	other			
Athos Communications	other			
Blue Cross Blue Shield of Louisiana	Foundation			
NAACP	Civil Rights Organization			
Governor's Advisory Council on Disability Affairs				
Lafayette Public Library	Community Anchor Institution			
Community Foundation of Acadiana	Foundation			
University of Louisiana Lafayette	Institutions of Higher Education (if not listed above)			
SOWELA	Institutions of Higher Education (if not listed above)			
LCTCS	Institutions of Higher Education (if not listed above)			
Calcasieu Parish Public Library	Community Anchor Institution			
Jeff Davis Library	Community Anchor Institution			
Calcasieu Parish Schools	Local Education Agency			
West Calcasieu Cameron Hospital	Health or Telehealth Organization (Direct Service and Policy focus)			
First Federal Bank of Louisiana				
Big Brothers Big Sisters of SW Louisiana	Nonprofit Organization (501c3)			
IMCAL				
State of Louisiana				
Town of Vinton	County or Municipal Government			
Calcasieu Parish Police Jury	County or Municipal Government			
Beauregard Parish Library	Community Anchor Institution			
Beauregard Parish	County or Municipal Government			
Louisiana Delta Community College	Institutions of Higher Education (if not listed above)			
North Delta Planning and Development	economic development			

Local Coordination List of Organizations and Stakeholders

Organization/Stakeholder Name	Type of Organization	Meeting/Engagement Purpose (Select the purpose that best matches. If you select "Other," please specify in the notes)	Notes (Include any notes or clarifications regarding your previous responses)	Link to the organization's website (if applicable)
Workforce Development Board #83	Workforce Development Organization			
University of Louisiana Monroe	Institutions of Higher Education (if not listed above)			
City of West Monroe	County or Municipal Government			
United Way of Northeast Louisiana				
Jackson Parish Hospital	Health or Telehealth Organization (Direct Service and Policy focus)			
EC Parish Library	Community Anchor Institution			
Workforce Development Board #81	Workforce Development Organization			
Ouachita Parish Policy Jury	County or Municipal Government			
Office of U.S. Senator Bill Cassidy				
Office of U.S. Congresswoman Julia Letlow				
West Monroe Chamber of Commerce	Industry Representative or Association (501c6)			
Region 6 STEM Center				
Central Louisiana Community Foundation	Foundation			
United Way of Central Louisiana				
Webster Parish School Board	Local Education Agency			
Vernon Parish Libraries	Community Anchor Institution			
Grant Parish Chamber of Commerce	Industry Representative or Association (501c6)			
Catahoula Parish Libraries	Community Anchor Institution			
Louisiana State University at Alexandria	Institutions of Higher Education (if not listed above)			
CENLA Area Agency on Aging				
Central Louisiana Regional Port				
Rapides Parish Library	Community Anchor Institution			
Central Louisiana Technical Community College	Institutions of Higher Education (if not listed above)			
Kisatchie-Delta Regional Planning & Development District				
Boys & Girls Club of Shreveport				
Louisiana State University at Shreveport- Library	Institutions of Higher Education (if not listed above)			
Bossier Parish Library System				
Caddo Parish School System	Local Education Agency			
Metropolitan Planning Commission, Shreveport / Caddo Parish				
Shreveport Parish Government	County or Municipal Government			
Shreveport Parish Library	Community Anchor Institution			
Bossier Parish Community College	Institutions of Higher Education (if not listed above)			
Caddo Parish Broadband Committee				
Grambling State University	Historically Black College or University			

Local Plan Submission

Stakeholder Name	Locality/Region /City	Link to Existing Plan (If available online)	Point of Contact for Local Plan	Plan Title	Description	Program (BEAD or Digital Equity)	Notes / Strategy for Addressing Stakeholder Plan
Alexandria Community Development Department/City of Alexandria	Alexandria			Consolidated plan 2020-2024	"Economic development—pursue broadband infrastructure and adoption"		Ensure that applications and services are accessible — digital equity
LCG, Department of Community Development & Planning/ City of Lafayette	Lafayette			2022 Annual Action Plan	"The system strives to increase the opportunities for Louisiana's workforce to succeed through skills training programs."		Digital skills delivered in culturally competent context.
Jefferson Parish Planning Department	Jefferson Parish			Envision Jefferson Parish 2040	"Consider the broader transition from traditional businesses or institutions serving customers or clients in buildings, to online businesses approaches or near real-time service delivery from remote locations when adopting and administering regulations, programs and procedures or enabling 5G or similar networks."		Internet needs to be affordable and sufficient. Ensure libraries can continue to provide up-to-date digital resources. Provide greater access to internet for families. Position public hospitals and clinics to provide patient care with real-time remote care. Work with JEDCO and other orgs. to implement the Churchill technology and Business Park Master Plan. Maintain libraries' databases with updated information sources; develop and direct informational programs.
City of Kenner	Kenner			Kenner 2030	Support efforts to provide high-quality public education for Kenner residents.		Provide funding for an online tool which tracks quantitative indicators showing progress in Kenner. Begin a social media presence for Kenner and update the city's website to show the new online tool.
Department of Community Development & Planning / Lafayette Consolidated Government	Lafayette			2021-2022 Annual Report	Civic and Social engagement and delivery of other essential services		Improve public infrastructure like water, sewage and fiber to serve multifamily or attached housing units. Expand LUS Fiber access to reach more customers in Lafayette, including multifamily residential and office buildings.
New Orleans	New Orleans			New Orleans Community Families Plan	Monitor the performance of new library facilities.		Create computer labs at existing city facilities. Increase the share of electricity generated from renewable sources and promote the continued development of reliable and resilient energy transmission infrastructure. Use modern management and monitoring tools to deliver more stable and predictable city services over new telecommunications infrastructure.
New Orleans	New Orleans			New Orleans Economic Plan	Encourage smart city infrastructure		Expand internet fiber infrastructure, Wi-Fi and other technology innovations that attract millennials and digital media businesses.
New Orleans / Louisiana Technical College, Delgado Community College	New Orleans			Prosperity and Opportunity Expectations: Shreveport-	Expand technical education programs for adult workforce training at Delgado Community College.		Ensure programs are delivered in culturally competent context. Increase the number of sites for adult education and satellite Job 1 Career Centers.
City of Shreveport	Shreveport			Shreveport-	Strengthen communications tools targeted at young adults.		
Lt. Governor's Office	Statewide				Promote an online volunteer management system to coordinate event-specific spontaneous, unaffiliated volunteers.		
State Library System	Statewide				use statewide electronic resources as the foundation for building a true virtual library . Strengthen information delivery services with greater cooperation and/or technology use.		
State Library System	Statewide				Provide state library employees with the technology, training, and tools needed to excel at their jobs; upgrade existing state library facilities to increase functionality, convenience, and attractiveness; continue technology support for 340 libraries by State Library IT staff.		
State Library System	Statewide				Library hardware and software needs to be replaced. Outdated technology and "a lack of broadband access in Louisiana" stand in the way of the the library system's goals.		
Department of Health	Statewide			Business Plan	Increase access to crisis call services for individuals in suicidal crises or emotional distress. Maintain in-state answer rate of 90%. Expand the behavioral health system's capacity to meet the needs of people with mental illness.		
Louisiana Police	Statewide				Continue using TrafficStat program and Louisiana State Police's dispatch data to compile annual collision experience data (helps determine assignment of personnel). Increase use of modern technology to enhance criminal investigations. Continue developing LWIN Radio System to be used by emergency services by June 30, 2028.		
Office of Management and Finance	Statewide				Continue online verification of death certificates and implement verification of birth certificates with the Office of Public Health.		
Office of Motor Vehicles	Statewide				Establish web-based employee training on fraudulent document detection. Establish web-based inquiry and reporting of convictions and violations.		
Office of Technology Services	Statewide				Protect the state's IT network by ensuring all computers are provisioned using a secure base image and all data communications are filtered for malicious content following protocols defined by the InfoSec team. Ensure business systems are developed and supported in compliance with defined service level agreements.		
Louisiana City and Parish Courts	Statewide				Use technology such as websites, remote access to court records and remote payment access to make the court process more convenient for the public. Direct litigants to low cost legal service providers and websites that assist self-represented litigants; list resources and link on the court website. Provide court info on the court website and other public media. Develop or updated a policy to provide access to public records, and provide statistics on court performance on the website.		

Local Plan Submission

Stakeholder Name	Locality/Region /City	Link to Existing Plan (If available online)	Point of Contact for Local Plan	Plan Title	Description	Program (BEAD or Digital Equity)	Notes / Strategy for Addressing Stakeholder Plan
Louisiana Courts of Appeal	Statewide				Ensure staff access to the panel of judges on duty by adopting policies regarding facsimile machines, email and cell phones. Develop and implement court rules for alternate methods to affect prompt filings in time-sensitive cases through the use of modern technology.		
Louisiana District Courts	Statewide				Support and advocate for e-filing in courts. Use e-warrants and e-signatures where statutorily authorized. Institute video court proceedings where authorized. Adopt mobile applications and other online resources. Refer SRLs to LDJA tutorials and other resources. Implement online calendaring, docket management and case tracking systems. Enable litigants to present photos and other evidence from their smartphones during courtroom procedures. Develop video conferencing option for select pretrial procedures.		
Board of Regents	Statewide				Launch the laduelenrollment.com portal, mobile labs for community colleges and high schools, regional STEM Centers, regional cybersecurity education grants.		
Department of Children and Family Services	Statewide				Ensure timely training compliance from staff in the form of web-based trainings.		
Department of Agriculture and Forestry	Statewide				Use GPS technology to measure each wildfire location and size. Enhance the ability of the department to meet its goals through information systems management and technology use.		
Department of Environmental Quality	Statewide				Use the LDEQ website to provide information, real time environmental data, public records, online submissions, bill payment, forms and online reporting of incidents. Use social media to promote environmental awareness.		
Department of Insurance	Statewide				Communicate the department's message through the department's website and public email system. Put information online, in the mail, etc. to assist minority and disadvantaged persons obtain employment in the insurance industry or related fields. Use IT Division to provide maintenance and support of the department's IT systems, databases, and internet access to improve customer and industry service.		
Ethics Administration Program	Statewide				Disseminate information to candidates, political committees, lobbyists, the media, and the public on the availability, benefits, and legislative mandates regarding the electronic filing system. Annually increase the number of online presentations available and the number of government entities with ethics liaisons.		
Governor's Office of Elderly Affairs	Statewide				Provide training for the computerization of reporting financial data .Develop a Senior Center Program, a place where older persons could come together for services or activities that enhance their dignity, support their independence, and encourage their involvement in the community.		
Department of Transportation and Development	Statewide				Seek technological advances that can reduce administrative expenses. Use IT services to better manage congestion.		
Department of Education	Statewide				Create and nurture equitable access to high-quality, inclusive learning environments for parents and learners of all ages. Cultivate high-impact systems, structures, and partnerships to provide access and foster continuous learning including facilitating broadband access in every student and educator's home. Provide high-quality teaching and learning environments by ensuring continued availability of effective digital technology for every student, teacher, and educational leader and classroom in Louisiana. Implement programs that facilitate technology fluency so all students are on track to a professional career, college degree or workforce.		
Department of Revenue	Statewide				Partner with FAST Enterprises, OTS , and Business Services to improve self-service options offered by the agency, thus reducing the amount of calls and correspondence received.		
Louisiana Economic Development	Statewide				Evaluate state economic competitiveness in key areas (e.g. research and innovation attets) to assess Louisiana's position and potential opportunities. Leverage electronic tools/databases to gather information on existing companies and identify areas for improvement to create a product development agenda.		
State Civil Service	Statewide				Offer training courses utilizing various formats, including web-based training, blended learning, distance learning, and instructor-led training held at various key locations throughout the state to ensure the maximum opportunity for employees to complete minimum supervisory training requirements and develop professional and managerial skills.		

Local Plan Submission							
Stakeholder Name	Locality/Region /City	Link to Existing Plan (If available online)	Point of Contact for Local Plan	Plan Title	Description	Program (BEAD or Digital Equity)	Notes / Strategy for Addressing Stakeholder Plan
Louisiana Workforce Commission	Statewide				Encourage all entities that work with job seekers to use the HIRE (Helping Individuals Reach Employment) system to post resumes in search of academic and occupational paths. Implement enhanced technology measures to increase staff's time spent in the field. Provide technical assistance to staff statewide to assist them in effectively serving customers with disabilities. Optimize electronic communication between employer and agency.		
Office of the Attorney General	Statewide			High Technology Crime Unit (HTCU)	The HTCU is a specialized unit with attorneys, investigators, and computer forensic experts all trained in cyber-crime investigation and prosecution. The unit provides forensic examinations of digital evidence to the local, state and federal government agencies. It also includes the Louisiana Internet Crimes Against Children Task Force, which investigates crimes relating to child exploitation and abuse on the internet.		
Office of Juvenile Justice	Statewide				Use technology to keep youth and their families connected. Target all available resources to provide services to at-risk and delinquent youth..		
Office of the State Examiner	Statewide				Provide online testing for entry level firefighter or police officer jobs. Provide an interactive website for stakeholders to access updated information.		
Secretary of State	Statewide				Provide technical tools and expertise for data collection, information management, and decision support to aid the department in fulfilling its mission. Develop and disseminate educational programs to help educate the public about elections and the voting process. Increase staff knowledge of administrative services through continuing education opportunities from webinars, workshops, and conferences. Increase public access to vital records by scanning and microfilming.		

Exhibit B

Tribal Consultation Supporting Documents

February 28, 2023

Dear Honorable Chairwoman Melissa Darden:

On behalf of state of Louisiana, I am initiating Tribal Consultation on the Broadband, Equity, Access, and Deployment Program (BEAD). As I know you are aware, BEAD was created by the Infrastructure Investment and Jobs Act (IIJA) and provides new sources of funding to assist in closing the digital divide exacerbated during the COVID-19 pandemic.

Approximately \$1 billion is expected to be allocated to Louisiana through BEAD. Louisiana, the US Department of Commerce, and the National Telecommunications and Information Administration (NTIA), are coordinating the allocation, planning, and deployment of this funding to connect every Louisiana resident to high-speed, affordable, and reliable internet access. Louisiana, the Department of Commerce, and NTIA are dedicated to expanding broadband deployment in unserved and underserved areas and to promoting digital inclusion.

Louisiana is committed to continuing its cooperative relationship with the Chitimacha Tribe of Louisiana and will conduct consultations expeditiously to ensure that your input informs the use and timing of BEAD funding from the IIJA. In accordance with the Department of Commerce's Tribal Consultation policy, I invite you, and members of your Tribal Council at your discretion, to participate in a Tribal Consultation. It is my hope that you will provide your advice and insights as Louisiana works through the critical issues related to the program.

I respectfully request a Tribal Consultation session between you and Louisiana's Office of Broadband Development and Connectivity on a date between April 3-9 at a time and location of your choosing, in-person or virtual. Schedules permitting, it may be possible to meet sooner, if you prefer.

For your consideration, the current estimated \$1 billion in BEAD funding can be used for the following:

- Broadband infrastructure deployment
- Affordable broadband program subsidies
- Distance learning
- Telehealth
- Digital inclusion efforts
- Broadband adoption activities

During this first consultation, the State will seek your input and advice on the following:

- How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
- What technologies should be invested in and what are your concerns with internet service providers?
- Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

If you prefer, you may also submit input and advice on these issues in written form to connect@la.gov with the subject line: “Tribal Coordination BEAD” by March 31, 2023, at 5:00 pm Central Standard Time, or through U.S. Mail to:

Veneeth Iyengar
1201 N. 3rd St, 7th Floor
Baton Rouge, LA 70802

If you have any questions regarding the Broadband Equity, Access, and Deployment Program or these consultation sessions, please contact Veneeth Iyengar, the State’s Executive Director for Broadband Development and Connectivity at (202) 421-1297, or veneeth.iyengar@la.gov. I look forward to our consultation and government-to-government engagement with you to close the digital divide in your Tribal lands.

Sincerely,

John Bel
Edwards
Governor
State of Louisiana

February 28, 2023

Dear Honorable Chairman Jonathan Cernek:

On behalf of state of Louisiana, I am initiating Tribal Consultation on the Broadband, Equity, Access, and Deployment Program (BEAD). As I know you are aware, BEAD was created by the Infrastructure Investment and Jobs Act (IIJA) and provides new sources of funding to assist in closing the digital divide exacerbated during the COVID-19 pandemic.

Approximately \$1 billion is expected to be allocated to Louisiana through BEAD. Louisiana, the US Department of Commerce, and the National Telecommunications and Information Administration (NTIA), are coordinating the allocation, planning, and deployment of this funding to connect every Louisiana resident to high-speed, affordable, and reliable internet access. Louisiana, the Department of Commerce, and NTIA are dedicated to expanding broadband deployment in unserved and underserved areas and to promoting digital inclusion.

Louisiana is committed to continuing its cooperative relationship with the Coushatta Tribe of Louisiana and will conduct consultations expeditiously to ensure that your input informs the use and timing of BEAD funding from the IIJA. In accordance with the Department of Commerce's Tribal Consultation policy, I invite you, and members of your Tribal Council at your discretion, to participate in a Tribal Consultation. It is my hope that you will provide your advice and insights as Louisiana works through the critical issues related to the program.

I respectfully request a Tribal Consultation session between you and Louisiana's Office of Broadband Development and Connectivity on a date between April 3-9 at a time and location of your choosing, in-person or virtual. Schedules permitting, it may be possible to meet sooner, if you prefer.

For your consideration, the current estimated \$1 billion in BEAD funding can be used for the following:

- Broadband infrastructure deployment
- Affordable broadband program subsidies
- Distance learning
- Telehealth
- Digital inclusion efforts
- Broadband adoption activities

During this first consultation, the State will seek your input and advice on the following:

- How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?

- What technologies should be invested in and what are your concerns with internet service providers?
- Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
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Veneeth Iyengar
1201 N. 3rd St, 7th Floor
Baton Rouge, LA 70802

If you have any questions regarding the Broadband Equity, Access, and Deployment Program or these consultation sessions, please contact Veneeth Iyengar, the State’s Executive Director for Broadband Development and Connectivity at (202) 421-1297, or veneeth.iyengar@la.gov. I look forward to our consultation and government-to-government engagement with you to close the digital divide in your Tribal lands.

Sincerely,

John Bel
Edwards
Governor
State of Louisiana

February 28, 2023

Dear Honorable Chief Libby Rogers:

On behalf of state of Louisiana, I am initiating Tribal Consultation on the Broadband, Equity, Access, and Deployment Program (BEAD). As I know you are aware, BEAD was created by the Infrastructure Investment and Jobs Act (IIJA) and provides new sources of funding to assist in closing the digital divide exacerbated during the COVID-19 pandemic.

Approximately \$1 billion is expected to be allocated to Louisiana through BEAD. Louisiana, the US Department of Commerce, and the National Telecommunications and Information Administration (NTIA), are coordinating the allocation, planning, and deployment of this funding to connect every Louisiana resident to high-speed, affordable, and reliable internet access. Louisiana, the Department of Commerce, and NTIA are dedicated to expanding broadband deployment in unserved and underserved areas and to promoting digital inclusion.

Louisiana is committed to continuing its cooperative relationship with the Jena Band of Choctaw and will conduct consultations expeditiously to ensure that your input informs the use and timing of BEAD funding from the IIJA. In accordance with the Department of Commerce's Tribal Consultation policy, I invite you, and members of your Tribal Council at your discretion, to participate in a Tribal Consultation. It is my hope that you will provide your advice and insights as Louisiana works through the critical issues related to the program.

I respectfully request a Tribal Consultation session between you and Louisiana's Office of Broadband Development and Connectivity on a date between April 3-9 at a time and location of your choosing, in-person or virtual. Schedules permitting, it may be possible to meet sooner, if you prefer.

For your consideration, the current estimated \$1 billion in BEAD funding can be used for the following:

- Broadband infrastructure deployment
- Affordable broadband program subsidies
- Distance learning
- Telehealth
- Digital inclusion efforts
- Broadband adoption activities

During this first consultation, the State will seek your input and advice on the following:

- How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
- What technologies should be invested in and what are your concerns

with internet service providers?

- Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
- Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

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Veneeth Iyengar
1201 N. 3rd St, 7th Floor
Baton Rouge, LA 70802

If you have any questions regarding the Broadband Equity, Access, and Deployment Program or these consultation sessions, please contact Veneeth Iyengar, the State’s Executive Director for Broadband Development and Connectivity at (202) 421-1297, or veneeth.iyengar@la.gov. I look forward to our consultation and government-to-government engagement with you to close the digital divide in your Tribal lands.

Sincerely,

John Bel
Edwards
Governor
State of Louisiana

February 28, 2023

Dear Honorable Chairman Marshall Pierite:

On behalf of state of Louisiana, I am initiating Tribal Consultation on the Broadband, Equity, Access, and Deployment Program (BEAD). As I know you are aware, BEAD was created by the Infrastructure Investment and Jobs Act (IIJA) and provides new sources of funding to assist in closing the digital divide exacerbated during the COVID-19 pandemic.

Approximately \$1 billion is expected to be allocated to Louisiana through BEAD. Louisiana, the US Department of Commerce, and the National Telecommunications and Information Administration (NTIA), are coordinating the allocation, planning, and deployment of this funding to connect every Louisiana resident to high-speed, affordable, and reliable internet access. Louisiana, the Department of Commerce, and NTIA are dedicated to expanding broadband deployment in unserved and underserved areas and to promoting digital inclusion.

Louisiana is committed to continuing its cooperative relationship with the Tunica-Biloxi Tribe of Louisiana and will conduct consultations expeditiously to ensure that your input informs the use and timing of BEAD funding from the IIJA. In accordance with the Department of Commerce's Tribal Consultation policy, I invite you, and members of your Tribal Council at your discretion, to participate in a Tribal Consultation. It is my hope that you will provide your advice and insights as Louisiana works through the critical issues related to the program.

I respectfully request a Tribal Consultation session between you and Louisiana's Office of Broadband Development and Connectivity on a date between April 3-9 at a time and location of your choosing, in-person or virtual. Schedules permitting, it may be possible to meet sooner, if you prefer.

For your consideration, the current estimated \$1 billion in BEAD funding can be used for the following:

- Broadband infrastructure deployment
- Affordable broadband program subsidies
- Distance learning
- Telehealth
- Digital inclusion efforts
- Broadband adoption activities

During this first consultation, the State will seek your input and advice on the following:

- How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?

- What technologies should be invested in and what are your concerns with internet service providers?
- Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

If you prefer, you may also submit input and advice on these issues in written form to connect@la.gov with the subject line: “Tribal Coordination BEAD” by March 31, 2023, at 5:00 pm Central Standard Time, or through U.S. Mail to:

Veneeth Iyengar
1201 N. 3rd St, 7th Floor
Baton Rouge, LA 70802

If you have any questions regarding the Broadband Equity, Access, and Deployment Program or these consultation sessions, please contact Veneeth Iyengar, the State’s Executive Director for Broadband Development and Connectivity at (202) 421-1297, or veneeth.iyengar@la.gov. I look forward to our consultation and government-to-government engagement with you to close the digital divide in your Tribal lands.

Sincerely,

John Bel
Edwards
Governor
State of Louisiana

Office of Broadband Development and Connectivity
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR



JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

April 27, 2023
1:30 PM

Tribal Consultation with the Louisiana Governor's Office of Broadband,
in regard to U.S. Broadband, Equity, Access, and Deployment (BEAD) Program

Agenda:

- I. Formal Introduction between Chitimacha Tribe of Louisiana and Louisiana Governor's Office of Broadband
- II. Background into U.S. Bipartisan Infrastructure Law and Broadband Program
- III. Questions for Chitimacha Tribe of Louisiana
 - a. How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
 - b. What technologies should be invested in and what are your concerns with internet service providers?
 - c. Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
- IV. Any Other Business or Concerns
- V. Adjournment

Office of Broadband Development and Connectivity
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR



JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

March 16, 2023
9:00 AM

1940 C.C Bel Road
Elton, LA 70532

Tribal Consultation with the Louisiana Governor's Office of Broadband,
in regard to U.S. Broadband, Equity, Access, and Deployment (BEAD) Program

Agenda:

- I. Formal Introduction between Coshatta Tribe of Louisiana and Louisiana Governor's Office of Broadband
- II. Background into U.S. Bipartisan Infrastructure Law and Broadband Program
- III. Questions for Coshatta Tribe of Louisiana
 - a. How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
 - b. What technologies should be invested in and what are your concerns with internet service providers?
 - c. Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
- IV. Any Other Business or Concerns
- V. Adjournment

Tribal Consultation Participants from Louisiana

Name	Organization	Title
Veneeth Iyengar	Louisiana Governor's Office of Broadband	Executive Director
David Lehman	Louisiana Governor's Office of Broadband	Program Manager
Ryan Castellon	Louisiana Governor's Office of Broadband	Intern
Matthew Deslatte	Louisiana Governor's Office of Broadband	Intern
Anna Osland, PhD	University of Louisiana at Lafayette	Associate Director
State Sen. Gerald Long	US Senator Bill Cassidy's Office	Special Advisor
Jeffrey Kozdron (Videoconferencing in)	U.S. Department of Commerce	Federal Program Officer

Office of Broadband Development and Connectivity
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR



JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

March 17, 2023
9:00 AM

551 Tuska Hina
Trout, LA 71371

Tribal Consultation with the Louisiana Governor's Office of Broadband,
in regard to U.S. Broadband, Equity, Access, and Deployment (BEAD) Program

Agenda:

- I. Formal Introduction between Jena Band of Choctaw and Louisiana Governor's Office of Broadband
- II. Background into U.S. Bipartisan Infrastructure Law and Broadband Program
- III. Questions for Jena Band of Choctaw
 - a. How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
 - b. What technologies should be invested in and what are your concerns with internet service providers?
 - c. Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
- IV. Any Other Business or Concerns
- V. Adjournment

Tribal Consultation Participants from Louisiana

Name	Organization	Title
Veneeth Iyengar	Louisiana Governor's Office of Broadband	Executive Director
Thomas Tyler	Louisiana Governor's Office of Broadband	Deputy Director
David Lehman	Louisiana Governor's Office of Broadband	Program Manager
Ryan Castellon	Louisiana Governor's Office of Broadband	Intern
Matthew Deslatte	Louisiana Governor's Office of Broadband	Intern
Anna Osland, PhD	University of Louisiana at Lafayette	Associate Director
Jeffrey Kozdron (Videoconferencing in)	U.S. Department of Commerce	Federal Program Officer

Office of Broadband Development and Connectivity
State of Louisiana
Division of Administration

JOHN BEL EDWARDS
GOVERNOR



JAY DARDENNE
COMMISSIONER OF ADMINISTRATION

March 17, 2023
1:00 PM

150 Melancon Road
Marksville, LA 71351

Tribal Consultation with the Louisiana Governor's Office of Broadband,
in regard to U.S. Broadband, Equity, Access, and Deployment (BEAD) Program

Agenda:

- I. Formal Introduction between Tunica-Biloxi Tribe of Louisiana and Louisiana Governor's Office of Broadband
- II. Background into U.S. Bipartisan Infrastructure Law and Broadband Program
- III. Questions for Tunica-Biloxi Tribe of Louisiana
 - a. How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?
 - b. What technologies should be invested in and what are your concerns with internet service providers?
 - c. Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?
- IV. Any Other Business or Concerns
- V. Adjournment

Tribal Consultation Participants from Louisiana

Name	Organization	Title
Veneeth Iyengar	Louisiana Governor's Office of Broadband	Executive Director
Thomas Tyler	Louisiana Governor's Office of Broadband	Deputy Director
David Lehman	Louisiana Governor's Office of Broadband	Program Manager
Anna Osland, PhD	University of Louisiana at Lafayette	Associate Director
Jeffrey Kozdron (Videoconferencing in)	U.S. Department of Commerce	Federal Program Officer

Notes on Tribal Consultations

Coushatta Tribe of Louisiana, 3/16/23

~12 participants, including Office of Broadband, Blanco Center, and Sen. Cassidy's office

How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?

Three high-level issues of importance for the tribe:

- 1) High standard of quality for broadband
- 2) Local government or the state should retain full ownership of the middle mile
- 3) Coushatta would like control of their own digital equity program. They will seek federal funding.

Other thoughts-

- Would prefer a tribal "carve out" that isn't handled in the same format as the GUMBO grants. The time and the requirement to partner with an existing ISP was a challenge to them.
- Interested in owning the middle mile and renting it out to ISPs. Would be willing to work with providers to support the last mile.
- E-rate program
 - o CBRS has a long lead time to get started.
- They are willing to help Allen Parish, but funds can't be restricted
- Don't want to be tied to a private ISP
- Don't want to be an ISP, but do want to make sure their people have internet
- They feel the tribe can do better than Swift from a logistics standpoint. The tribe is better at planning and able to get the right-of-way access to build.
- Devices:
 - o Every tribal member at age 16 gets funding for a phone/computer
 - o Elders get a set amount at age 55 to buy a device
- Is there an income threshold for the federal support program? Most members live off of the reservation.
- Telehealth
 - o Oceans Behavioral Health received a grant and is getting set to help the tribe with mental health
 - o For regular health issues, most members prefer to see an in-person doctor rather than virtual

What technologies should be invested in and what are your concerns with internet service providers?

- Tribe investing in CBRS technology. Want to use it to see where it will work best. Still testing it.
 - o It's affordable, accessible, and there is a well-informed constituency that can use it.
 - o Want to bring internet to every tribal household and to school. It will support non-tribal students too.
 - o CBRS radios on casino, Elton, and the tribe admin building
 - o Used e-rate program. Most lines are above ground

Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

- Administration building, casino, tower in Elton
- Majority to the tribe lives to the south
- They are planning a school across the street from the admin building

Other notes

- Setting up an app for the tribe to communicate news, share information. Long-term would potentially be interested in adding a tribal language aspect to it.
- McNeese used to have a tribal language program, but discontinued it because there were not enough “educationally qualified” instructors to teach it.
- Digital archiving- would be potentially interested in having the ability to upload to the cloud
- Concern that the ISP (Swift) will have a monopoly and won’t be able to handle the service requirements needed for the area (very low up/down speeds)
- Concern about the definition of broadband that the state is using. There needs to be a certain level of service that is required. Right now they are not convinced that it is there.
- Resilient infrastructure

[Jena Band of Choctaw 3/17/23](#)

~9 participants, including Office of Broadband, Blanco Center, and Sen. Cassidy’s office

How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?

- They applied for a federal grant but did not get it. It was for ~\$21 million to act as an ISP for LaSalle, Grant, Rapides parishes. They worked with Luisa at Connect Sun (?). There was a change in tribal leadership while the grant was out and they missed a few deadlines due to email address changes.
- Members don’t live on the reservation. They wanted to provide coverage to a larger area where their members live.
- It’s a very small and patchwork reservation- 64 acres, but not contiguous
- Members can’t qualify for the larger federal discount on internet since they don’t live on tribal land
- ~424 members, but not all live in Louisiana
- Need an updated community needs assessment
 - o Previous (2015) showed that 90% of their population was in extreme poverty.
- In addition to internet, will need devices if they are going to use telehealth
-

What technologies should be invested in and what are your concerns with internet service providers?

- Members have a variety of providers- Swift, Century Link, Dish, a few others
- Some areas don’t have wireless capabilities for phones
- Concern about fiber being put in above ground with storms

-

Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

- Casino, restaurant, administration building

Other relevant notes

- Recently applied for and received a community development block grant for digital literacy
 - o Will offer trainings at the tribal admin building
 - o Want to teach elders to be able to access the tribal meetings via the livestream link
 - o Would like to teach cybersecurity information/best practices to members

[Tunica-Biloxi Tribe of Louisiana, 3/17/23](#)

~14 participants, including Office of Broadband, Blanco Center, and Sen. Cassidy's office

How can Louisiana support, plan, and coordinate with your government to leverage these resources and ensure connectivity for all tribal residents?

- Telehealth- are interested in doing more of it but need more internal capacity. Their grant should help get it started.
 - o Issue of building confidence in telehealth as an option. There is also a long-term learning curve that goes with it
- About 180 people live on the reservation, about 450 people if those living nearby are considered. If employees and their family are included, it's about 2,000 people that the tribe considers in need of high-quality broadband. The agricultural component of the reservation would increase the total to about 4,000 people.
- Would like to see all tribes, state and federally recognized, considered for tribal allocations and broadband discussions. This is not a consensus idea for among all of Louisiana's federally recognized tribes, but Chairman Pierite feels it's important to include the state tribes
- The Chairman would like to set up a joint meeting with the parish governments in Central Louisiana to see how they can work together to be more effective.

What technologies should be invested in and what are your concerns with internet service providers?

- Have Swift for households, AT&T in the tribal buildings, a few homes have satellite internet
- Swift has the GUMBO grant for the area.
- Tribe is not happy that Swift will be using above ground infrastructure. The company has been hard to get in touch with. The Tunica-Biloxi Tribe requires that all infrastructure be placed underground. They expect that the work Swift does on the reservation will follow those guidelines.

Within your land, what are specific community anchor institutions, and important gathering places, where high-speed internet access could maximize digital benefits to the most residents?

- Workforce development and job training

- Housing
- Mental health and wrap around services

Other relevant notes

- They received 12-month \$2.5m grant from NTIA and recently added a 12-month extension. The main goal of the grant is to serve tribal members.
 - o Will hire techs to set up a call center to help tribal members on/off the reservation
 - o Digital literacy classes. The Elder Council is taking the lead on digital literacy for tribal members. They would like to include information on financial literacy and telehealth as part of that training.
 - o They are opening a clinic with a telehealth option. They are also considering adding a clinic for non-tribal employees and their families.
 - o Assistance for low-income tribal families to get broadband
- Education
 - o Trying to get into training and development. Tribe is working to open a postsecondary school that would train people in areas needed for infrastructure construction and support.
 - o Also working on a staffing company to provide outsourced services. They want to support their members to get technology support jobs. They are interested in positioning Avoyelles Parish in a way that it can support the rest of the state's infrastructure development needs.
- Tunica-Biloxi pays a minimum wage of \$15/hour with 24 hour access to health care and mental health services for employees
- Elders and youth have a stipend for purchasing a tablet/computer
- Working on succession plans where there is a reoccurring younger generation (through Youth Council) who helps train and educate older adults on technology
- Would like to create a co-op plan to help improve the purchasing power for people in the tribe and region- especially as it has to do with agriculture technology and issues related to climate change.

Exhibit C

Memo from the Louisiana Board of Ethics

GIFTS

A summary of the gift restrictions contained in
Louisiana's Code of Governmental Ethics



Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821



Revised: February 2009

Information Sheet #2

The provisions restricting the receipt of gifts by public servants are found in §1115 of Louisiana's Code of Governmental Ethics. (LSA-R.S. 42:1115) In addition to these restrictions, §1111A of the Code also applies to restrict the receipt of gifts in certain situations. (LSA-R.S. 42:1111A). Section §1115.1 contains specific limitations concerning public servants receiving food and drink. The purpose of this information sheet is to outline these restrictions and to highlight some common misconceptions and related issues regarding each of these provisions.

GENERAL PROVISIONS OF §1115

- No **PUBLIC SERVANT** shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who has or is seeking a contractual, business, or financial relationship with the public servant's agency.
 - **Who is a "public servant?"** A public employee or an elected official.
 - **What is a "thing of economic value?"** Money or any other thing having economic value. The exceptions to the definition of "thing of economic value" include:
 - (1) promotional items having no substantial resale value such as calendars, pens, hats, and t-shirts which bear a company's name or logo, and
 - (2) food and drink consumed while the personal guest of the giver. In order for this second exception to apply, the giver or a representative of the giver must be present when the food and drink are consumed. Reasonable transportation and entertainment which are incidental to the food and drink are also allowed. (Section 1115.1, below, limits the value of the food and drink to \$50)
 - (3) complimentary admission to a civic, non-profit, educational or political event. This exception applies only when the public servant is giving a speech at the event, is on a panel for discussion during the event, or is a program honoree. Tickets to collegiate, professional, and semi-professional sporting events are not included within the exception.
 - (4) flowers or a donation in connection with the death of an immediate family member of the public servant, if the value does not exceed \$100.
 - (5)

Example #1: You are an employee for the Louisiana State Employees' Retirement System (LASERS). A vendor of LASERS invites you and your co-workers to a pre-game tailgate party hosted by the vendor. May you and your co-workers attend?

Answer: Yes, as long as a representative of the vendor is present at the pre-game



party. In contrast, you could not accept a gift certificate to a restaurant for dinner.

Example #2: At the pre-game party, the vendor offers you tickets to the LSU game. May you accept the tickets?

Answer: No. The vendor has a business relationship with your agency; therefore you may not solicit or accept any thing of economic value from them.

- No **PUBLIC SERVANT** shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

- **What is "legislation?"** Any laws, rules, ordinances, etc. which are considered by the public servant's agency.



Example #3: You are a member of the metro council. A friend of yours offers you the use of his condominium in Colorado. He is also the attorney who represents a business that wishes to have an area in your district re-zoned for commercial use.

This item is on the agenda for the next metro council meeting, and your friend is appearing on the business' behalf. May you accept the invitation to use the condo?

Answer: No. Even though this attorney is a friend, he is seeking, for compensation, to influence the passage of an ordinance before your agency, and use of the condo is a thing of economic value.

- No **PUBLIC EMPLOYEE** shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person who conducts operations or activities which are regulated by the public employee's agency.

This restriction applies **only** to public employees and pertains to regulatory relationships such as permits or licenses.

Example #4: You are an inspector for the Department of Health and Hospitals. You inspect restaurants within a certain area to make sure they comply with certain health requirements. A restaurant owner in your area sends you concert tickets. May you accept the tickets?

Answer: No. A concert ticket is a thing of economic value and does not fall under one of the exceptions. Since the restaurant is regulated by your agency, you are prohibited from receiving such a gift from the owner. You would also be prohibited from receiving concert tickets or any other thing of economic value from the restaurant owner's employees.

- No **PUBLIC EMPLOYEE** shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from a person who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official job duty(ies).

Again, this restriction applies **only** to public employees. It is intended to cover situations which are not covered by the other restrictions above. In other words, although the public employee does not regulate the gift giver, nor does the giver have any type of contractual, business, or financial relationship with the public employee's agency, the public employee is still in a position to affect the economic interest of the giver, and the gift is prohibited.



Example #5: You are employed with the Department of Revenue and Taxation. One of your official duties is to determine whether individual taxpayers are entitled to certain deductions. An issue comes before you in which a taxpayer may be entitled to a substantial deduction. After meeting with the individual to collect pertinent information, he sends a potted plant to your office. May you keep the plant?

Answer: No. Since one of your official duties at the department is to determine whether the taxpayer is entitled to a deduction, the taxpayer has a substantial economic interest which may be affected by the performance of one of your official duties.

GENERAL PROVISIONS OF §1115.1

- **No person from whom PUBLIC SERVANT or a PUBLIC EMPLOYEE is prohibited by §1115 or §1111A from receiving any thing of economic value shall provide the public servant with more than fifty dollars (\$50) in food, drink, or refreshment at single event. The amount given at a single event shall not exceed \$50, regardless of the number of persons providing the food, drink, or refreshments.**
 - **What is an “event?”** A single activity, occasion, reception, meal or meeting at a given time and place.
- **Where a group of PUBLIC SERVANTS is invited to an event, the \$50 limit is calculated by dividing the total cost of the food, drink, and refreshments by the number of persons invited to the event.**
- **The limitation of \$50 does not apply to a gathering held in conjunction with a meeting related to a national or regional organization, or to a meeting of a statewide organization of governmental officials or employees.**

Example #6: Several contractors and vendors of the Department of Transportation and Development (DOTD) volunteer to provide food and beverages for an employee appreciation day. Representatives from the participating companies will be in attendance. 50 employees of DOTD are invited to the event. The total cost of the food and drink is \$1250. Is this permissible?

Answer: Yes. Dividing the total value of the food and drink (\$1250) by the number of persons invited (50), the amount of food and drink does not exceed \$50 at the event.

GENERAL PROVISIONS OF §1111A

- **No PUBLIC SERVANT shall receive any thing of economic value, other than the compensation and benefits to which he is entitled from his governmental employer, for the performance of the duties and responsibilities of his office or position.**

If a public servant is given an item because of the office he holds, then it is probably prohibited by §1111A. The most common violation of this section occurs with the payment of travel expenses. (See attached information on Travel Expenses) However, there are other instances where this situation arises.

Example #6: You are a Workers' Compensation judge. During the month of December, many law firms and attorneys who appeared before you during the year send turkeys, hams and other baked goods to your agency in the spirit of the holiday season. May you accept these items?

Answer: No. The firms and attorneys are sending you these items because of your position as a workers' compensation judge and the performance of your duties as a judge. The hams and cookies are all considered things of economic value, even if they are homemade. The exception for food and drink only applies when the giver is present.

COMMON MISCONCEPTIONS AND RELATED ISSUES

- **I can receive the gift or gratuity if it is worth less than \$25.**

A common misconception concerning §1115 is that the dollar value of the gift determines whether or not a public servant can receive it. **However, the law does not set a monetary threshold.** If the gift does not fall under one of the exceptions, then it is a prohibited gift regardless of its price. Where the exception for food and drink applies, it is limited to \$50.

- **I can receive this gift or gratuity because it came from a friend of mine.**

Another misconception is that a public servant may receive gifts from friends even if they fall into one of the categories of prohibited sources listed above or that gifts for special occasions are allowed. Such is not the case.

Example #7: A school food service supervisor has a neighbor who sells food products to her school. The supervisor receives a wedding gift from the neighbor. May she accept the gift?

Answer: No. The gift must be returned because the neighbor has a business relationship with the public servant's agency by virtue of the neighbor selling food products to the school.

The application of the "directly or indirectly" language of §1115 presents another tricky issue. If a public servant is prohibited from directly accepting a gift from a person, then the public servant is also prohibited from indirectly accepting any gift from this person. How does a public servant indirectly receive a gift? The most common way is through his spouse or minor child.

Example #9: An employee in the Department of Transportation and Development has a minor son who participates in high school rodeos. A trucking company which is regulated by the employee's agency wants to sponsor the employee's son in one of these rodeos. Is the sponsorship permitted



under §1115?

Answer: No. Since the son is a minor, the mother would be indirectly receiving the benefit of the company sponsoring her son, she would have to pay for his participation. Therefore, the sponsorship is prohibited.

- **No PUBLIC SERVANT or OTHER PERSON shall give, pay, loan, transfer, or deliver or offer to give, pay, loan, transfer, or deliver, directly or indirectly, to any public servant or other person any thing of economic value which such public servant or other person would be prohibited from receiving by any provision of the Ethics**

Code.

Persons who **give** prohibited gifts to public servants violate §1117 of the Code and are subject to the enforcement proceedings and penalties for their violation.

The Board encourages public servants to seek advice from the Board as to how the law applies to their own situations by writing for an advisory opinion. Advisory opinions are not issued as to past conduct, but can provide crucial advice on how to avoid problems in the future. If you wish to obtain an advisory opinion, please send your request to the above address. In addition, our staff is available for informal advice at (225) 219-5600 or toll free 1-800-842-6630.

The Board has a web site located at: www.ethics.state.la.us



This information sheet is only a summary of the gift provisions contained in §1115, §1111A and §1117 of the Code of Governmental Ethics. If interpretations of this information sheet conflict with the provisions of the Code, the Code will control.

Exhibit D GUMBO 2.0 Pre-Qualification Questions

1) Additional

Do you attest and certify that you are able and will 1) commit to the grant application and that, 2) if granted a grant award, any inconsistency or failure to follow-through on application details shall be considered a violation of the grant agreement and subject to claw-back of funds, at the discretion of ConnectLA?

2) Financial Capacity

Do you certify that you are financially qualified to meet the obligations associated with the grant program? Please reference successful and timely execution of other publicly funded projects. To verify, please upload your audited financial statements from the last three years.

3) Financial Capability

Do you certify that you have available funds for matching requirements that exceed the grant amount and that you will comply with all grant requirements, including service milestones of 10%, 35%, et al.? To verify, please upload your bank account balances with provider funds dedicated to GUMBO 2.0.

4) Financial Capability

Do you certify that you have and will continue to have sufficient financial resources to cover your eligible costs for the project until ConnectLA authorizes additional disbursements? Feel free to explicitly reference your uploaded bank account balances for GUMBO 2.0 and detail.

5) Financial Capability

Please upload a letter of credit. Per the BEAD NOFO, "the letter shall, at a minimum, provide... the Bankruptcy Code."

6) Financial Capability

Please upload a financial statement audited and certified by an independent certified public accountant.

7) Financial Capability

Please upload detailed business plans and related analyses that substantiate the sustainability of your participation in the grant program, beginning on the signing of award and grant agreement and ending no less than five years after construction completion. This can be provided in the form of pro forma statements or analyses and must include cash flow and balance sheet projections.

8) Managerial Capability

Please upload resumes for all key management personnel and any necessary organizational chart(s) detailing all parent companies, subsidiaries and affiliates. If relevant, also provide a narrative on upcoming organizational changes including mergers, acquisitions and organizational policies.

9) **Technical Capability**

Do you certify that you are technically qualified to complete and operate grant construction and that you are capable of carrying out the funded activities in a competent manner?

10) **Technical Capability**

Do you certify that you will use an appropriately skilled and credentialed workforce? Provide detail on the credentials required and/or trainings provided.

11) **Technical Capability**

Please upload your network design, diagram, project costs, build-out timeline and milestones for construction implementation and a capital investment schedule evidencing complete build-out and initiation of service within four years of the date you receive the grant award. This must be clearly certified by a professional engineer.

12) **Technical Capability**

Certify that your construction timeline, from grant agreement signature to construction completion, can be completed within 4years.

13) **Technical Capability**

Do you certify that your proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the project? This must clearly be certified by a professional engineer.

14) **Technical Capability**

State and detail the technology type you are proposing.

15) **Technical Capability**

Certify that your deployed service can and will meet the BEAD-required minimum latency and speed of 100/20 Mb per second, or greater if seeking higher application points via scoring criteria. This will apply to every single location applied for.

16) **Compliance with Laws**

Detail and attest to your history of compliance with all federal, state and local laws for previous broadband projects such as those funded by GUMBO 1.0, RDOF, et al.

17) **Compliance with Laws**

Detail your commitment to comply with all federal, state and local laws.

18) **Compliance with Laws**

Detail your commitment to comply with occupational safety and health requirements, including explicitly permitting employees to create worker-led health and safety committees that management will meet with upon request.

19) Operational Capability

Do you certify that you have at least two years of operational experience and can continue operational capability?

20) Operational Capability

Please upload evidence that you have timely filed the Federal Communication Commission's Form 477 and Broadband DATA Act submissions. This can be verified by uploading email confirmations or screenshotted verifications.

21) Ownership

Please upload proof of ownership information.

22) Other Public Funding

Please detail the speed, latency, geographic area, number of unserved and underserved locations committed to serve, amount of public funding, cost of service to consumer and matching commitments for every single project of GUMBO 1.0, RDOF, et al.

23) Ensure Subgrantee Accountability

Do you certify that you will submit timely monthly and quarterly progress reports, commit to the details of your grant application, submit to technical reviews and financial audits and uphold the grant agreement if awarded and signed?

24) Fair Labor Practices and Highly Skilled Workforce

Do you certify your historical commitment and compliance with fair labor laws for the last three years? This should include your use of contracting and subcontracting arrangements, including staffing plans, with at least one example of each contractor and subcontractor's past performance in the context of a similar project.

25) Fair Labor Practices and Highly Skilled Workforce

Upload and detail your plans [NOFO language]: "These plans must address... in connection with the delivery of deployment projects."

26) Fair Labor Practices and Highly Skilled Workforce

Upload and detail your plans [NOFO language]: "to ensure that subgrantees have the technical... carrying out the proposed work."

27) Fair Labor Practices and Highly Skilled Workforce

Upload and detail your plans [NOFO language]: "If the project workforce or any subgrantees's... ensure that deployment is done at a high standard."

28) Network Capabilities

Provide your speed and latency.

29) **Network Capabilities**

Do you certify that you will not have network outages that last more than 48 hours over any 365-day period, apart from natural disasters or force majeure?

30) **Deployment Requirements**

What is the speed to deployment you are committing to?

31) **Deployment Requirements**

Do you acknowledge that ConnectLA encourages underground construction and [NOFO LANGUAGE]: "any funded network deployment project... for interconnection by unaffiliated entities."

32) **Deployment Requirements**

Upload your detailed plans to deploy a reasonable amount of excess conduit capacity and conduit access intervals.

33) **Service Obligations**

Do you certify your participation, or intent to participate, in the federal Affordable Connectivity Program, or any potential successor program?

34) **Service Obligations**

Detail your low-cost broadband service option. Explicitly define your low-cost broadband service option and justify why and how that is low-cost. This definition must include all recurring charges to subscribers and all non-recurring fees.

35) **Service Obligations**

Confirm your intent to provide services to each customer served by the grant funding on terms and conditions that are reasonable and non-discriminatory.

36) **Service Obligations**

Detail your marketing plans and budget to educate potential and current consumers of low-cost plans and federal subsidies for low-income households. Detail your multi-media methods such as online, print, radio, et al. Include equitable considerations (i.e., communicating with consumers who may not speak English).

37) **Service Obligations**

Detail your methodology on notifying every single address in the proposed project area that they have access to low-cost plans and federal subsidies upon project completion.

38) **Service Obligations**

Provide a high-level budget overview of marketing plans upon project completion.

39) Service Obligations

Attest that you have [NOFO LANGUAGE]: "the prospective subgrantee has a cybersecurity... must provide a subgrantee's plan to NTIA upon NTIA's request."

40) Service Obligations

Upload your detailed network cybersecurity plan.

41) Service Obligations

Attest that you have [NOFO LANGUAGE]: "the prospective subgrantee has a supply chain risk management plan... must provide a subgrantee's plan to NTIA upon NTIA's request."

42) Service Obligations

Upload your detailed supply chain risk management plan.

43) Service Obligations

Certify and upload your plans to comply with Build America, Buy America.

44) Subgrantee Selection Process

Certify that you will engage in fair, equal and equitable business practices such as grant application safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that could undermine confidence in the public process.

45) Subgrantee Selection Process

Certify that you will adhere to prohibited communications rules as defined by the FCC until Louisiana announces final awards at the end of the GUMBO 2.0 award process.

46) Subgrantee Selection Process

Upload your detailed safeguarding policies.

47) Subgrantee Selection Process

Certify your commitment to keep your application confidential until Louisiana announces final awards at the end of the GUMBO 2.0 award process.

48) Additional

Acknowledge that your grant application creates a binding obligation if accepted by Louisiana and cannot be withdrawn once submitted until Louisiana announces the conclusion of the GUMBO 2.0 award process.

49) Additional

Acknowledge that Louisiana reserves the right to request modifications and/or attach conditions to GUMBO 2.0 awards, including but not limited to: Louisiana reserving the right to eliminate BEAD funding for some or all CAIs and/or underserved locations contained within an application, along to be based on the reasonable per-location cost values established by the CostQuest Associates cost data used to establish initial BEAD support offers, et al.

Exhibit F
Applicable Laws

ENROLLED

Regular Session, 2004

ACT No. 736

SENATE BILL NO. 877 (Substitute for Senate Bill No. 511 by Senator Ellington)

BY SENATORS ELLINGTON AND MICHOT AND REPRESENTATIVES PINAC AND
WALSWORTH

1 AN ACT

2 To enact Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 45:844.40 through 844.54, relative to telecommunications; to create the
4 "Local Government Fair Competition Act"; to provide for legislative findings; to
5 provide for definitions; to provide limitations for providing certain cable television,
6 telecommunications, and advanced services; to establish procedures for offering
7 certain cable television, telecommunications, and advanced services; to provide for
8 public hearings; to provide certain quality of service standards; to provide for
9 enforcement and appeal; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be
12 comprised of R.S. 45:844.40 through 844.54, is hereby enacted to read as follows:

13 CHAPTER 8-K. LOCAL GOVERNMENT FAIR COMPETITION ACT

14 **Chapter 8-K of Title 45 is all new law.**

15 §844.40. Short title

16 **R.S. 45:844.40 is all new law.**

17 This Act shall be known and may be cited as "The Local Government Fair
18 Competition Act."

19 §844.41. Legislative findings and declarations of intent

20 **R.S. 45:844.41 is all new law.**

21 The legislature finds and declares that it is the policy of this state:

22 (1) To ensure that cable television services and telecommunications and
23 advanced services are provided through fair competition consistent with the federal

1 Telecommunications Act of 1996, Pub. L. 104-104, in order to provide the widest
2 possible diversity of information and news sources to the general public.

3 (2) To advance the exercise of rights under the First Amendment of the
4 Constitution of the United States.

5 (3) To enhance the development and widespread use of technological
6 advances in providing cable television services and telecommunications and
7 advanced services.

8 (4) To encourage improved customer service of cable television services and
9 telecommunications and advanced services at competitive rates.

10 (5) To ensure that cable television services and telecommunications and
11 advanced services are each provided within a consistent, comprehensive, and
12 nondiscriminatory federal, state, and local government framework.

13 (6) To ensure that when a local government provides to its inhabitants cable
14 television services, telecommunications services or advanced services, or any
15 combination thereof, and competes with private providers whose activities are
16 regulated by the local governmental entity, the local government does not
17 discriminate against the competing providers of the same services.

18 (7) To ensure that when a local government provides to its inhabitants cable
19 television services, telecommunications services or advanced services, or any
20 combination thereof, it will not be precluded from engaging in "bundling" those
21 services or engaging in any other lawful business practice that its private-sector
22 competitors are legally permitted to engage in.

23 §844.42. Definitions

24 **R.S. 45:844.42 is all new law.**

25 As used in this Chapter, the following terms and phrases shall have the
26 meanings hereinafter ascribed to them:

27 (1) "Advanced service" means high-speed Internet access capability in excess
28 of 144 kilobits per second both upstream and downstream.

29 (2) "Cable television service" means:

1 (a) The one-way transmission to subscribers of video programming or other
2 programming service.

3 (b) Subscriber interaction, if any, that is required for the selection or use of
4 the video programming or other programming service.

5 (3) "Capital costs" means all costs of providing a service that are capitalized
6 in accordance with generally accepted accounting principles.

7 (4) "Commercially sensitive marketing information" means marketing plans
8 or strategies, customer lists, and trade secrets pursuant to R.S. 51:1431.

9 (5) "Cost allocation plan" means a formally adopted procedure for allocating
10 direct and indirect costs, which is developed in accordance with rules and regulations
11 promulgated by the Louisiana Public Service Commission.

12 (6) "Covered services" means telecommunications services, advanced
13 services and cable television services, individually and collectively, and regardless
14 of the technology used to provide those services, unless otherwise specified in this
15 act.

16 (7) "Cross subsidize" means to pay a cost included in the direct costs or
17 indirect costs of providing a covered service that is not accounted for in the full cost
18 of accounting of providing the service, other than the payment of Start-up costs.

19 (8) "Direct costs" means those expenses of a local government that:

20 (a) Are directly attributable to providing a covered service.

21 (b) Would be eliminated if the service described in Subsection (8)(a) were not
22 provided by the local government.

23 (9) "Enterprise fund" means a separate fund to account for the local
24 government's operations of covered services, established and maintained in
25 accordance with generally accepted accounting principles as described by the
26 Governmental Accounting Standards Board (GASB).

27 (10) "Examination" means an attestation performed for the purpose of
28 expressing an opinion on an assertion that is the responsibility of another party in
29 accordance with "Statements on Standards for Attestation Engagements" published

1 by the American Institute of Certified Public Accountants.

2 (11) "Feasibility consultant" means an individual or entity with expertise in
3 the processes and economics of providing covered services.

4 (12) "Full costs" means all capital costs, direct costs and indirect costs.

5 (13)(a) "Full-cost accounting" means the accounting of all costs incurred by
6 a local government in providing a covered service.

7 (b) The costs included in a full-cost accounting include all capital costs, direct
8 costs and indirect costs.

9 (14)(a) "Indirect costs" means any costs:

10 (i) Identified with two or more services or other functions.

11 (ii) That are not directly identified with a single service or function.

12 (b) "Indirect costs" may include cost factors for administration, accounting,
13 personnel, purchasing, legal support, and other staff or departmental support.

14 (15) "Local governing authority" means the legislative body of a local
15 government.

16 (16) "Local government" means any parish, municipality, or other political
17 subdivision of the state and any utility authority, board, branch, department or other
18 unit thereof.

19 (17) "Private provider" means a person that:

20 (a) Provides a covered service.

21 (b) Is a private entity.

22 (18) "Start-up costs" means those costs reasonably and prudently incurred by
23 the local government (including legal and professional services) in obtaining the
24 feasibility study required under this Part, in seeking to obtain assent of the financial
25 market place for funding the proposed project, and other related costs through the
26 closing of the sale of the bonds or other financing vehicles supporting the
27 provisioning of covered services, and specifically excludes capital costs as defined
28 herein.

29 (19) "Telecommunications service" means the two-way transmission of signs,

1 signals, writing, images, sounds, messages, data, or other information of any nature
2 by wire, radio, light waves, or other electromagnetic means offered to the public
3 generally.

4 (20)"Subscribers" means a person that lawfully receives a covered service.

5 §844.43. Antitrust immunity

6 **R.S. 45:844.43 is all new law.**

7 A. Subject to the provisions of Subsection B, when a local government is
8 offering or providing a covered service, any immunity from antitrust law afforded to
9 political subdivisions of the state does not apply to the local government's actions
10 associated with the provision of those services.

11 B. A local government that provides a covered service is subject to applicable
12 antitrust liabilities, if any, only to the extent permitted under the federal Local
13 Government Antitrust Act of 1984, 15 U.S.C. Secs. 34 to 36.

14 §844.44. Scope of Chapter

15 **R.S. 45:844.44 is all new law.**

16 A. Nothing in this Chapter shall authorize any local government to:

17 (1) Provide a covered service.

18 (2) Purchase, lease, construct, maintain, or operate a facility for the purpose
19 of providing a covered service.

20 B. Nothing in this Chapter shall apply to a local government purchasing,
21 leasing, constructing or equipping facilities:

22 (1) That are designed to provide services within the city or parish or both.

23 (2) That the local government:

24 (a) Uses for internal local governmental purposes.

25 (b) By written contract, leases, sells capacity in, or grants other similar rights
26 to a private provider to use the facilities in connection with a private provider
27 offering a covered service.

28 §844.45. Severability

29 **R.S. 45:844.45 is all new law.**

1 under R.S. 45:844.48(2)(d) by at least the amount necessary to meet the bond
2 obligations of any bonds issued to fund the proposed covered service.

3 (4) If the conditions of Paragraph (3) of this Section are met, hold the public
4 hearings required by R.S. 45:844.48.

5 (5) After holding the public hearings required by R.S. 45:844.48, if the local
6 governing authority elects to proceed, adopt by resolution the feasibility study.

7 §844.48. Feasibility study; public hearings

8 **R.S. 45:844.48 is all new law.**

9 (1) If a feasibility consultant is hired under R.S. 45:844.48, the local
10 governing authority shall require the feasibility consultant to:

11 (a) Complete the feasibility study in accordance with this Section.

12 (b) Submit to the local governing authority by no later than one hundred-
13 eighty days from the date the feasibility consultant is hired to conduct the feasibility
14 study:

15 (i) The full written results of the feasibility study.

16 (ii) A summary of the results that is no longer than one page in length.

17 (c) Attend the public hearings described in Paragraph (4) of this Section to:

18 (i) Present the feasibility study results.

19 (ii) Respond to questions from the public.

20 (2) The feasibility study described in Paragraph (1) of this Section shall at a
21 minimum consider:

22 (a) If the local government is proposing to provide covered services to
23 subscribers, whether the local government providing covered services in the manner
24 proposed by the local government will hinder or advance competition for covered
25 services in the city or parish.

26 (b) The fiscal impact on the local government of:

27 (i) The capital investment in facilities that will be used to provide the
28 proposed covered services.

29 (ii) The expenditure of funds for labor, financing, and administering the

1 proposed covered services.

2 (c) The projected growth in demand in the city or parish or both for the
3 proposed covered services.

4 (d) The projections at the time of the feasibility study and for each year until
5 the bonds necessary to finance the facilities used to provide covered services are
6 retired, of the revenues and full costs for a local government to purchase, lease,
7 construct, maintain, or operate the facilities necessary to provide the proposed
8 covered services.

9 (3) For purposes of the financial projections required under Subparagraph
10 (2)(d), the feasibility consultant shall assume that the local government will price the
11 proposed covered services consistent with R.S. 45:844.52(4).

12 (4) If the results of the feasibility study satisfy the revenue requirement of
13 R.S. 45:844.47(3), the local governing authority, at the next regular meeting after the
14 local governing authority receives the results of the feasibility study, shall schedule
15 at least two public hearings to be held:

16 (a) Within sixty days of the meeting at which the public hearings are
17 scheduled.

18 (b) At least seven days apart.

19 (c) For the purpose of allowing the feasibility consultant to present the results
20 of the feasibility study; and the public to become informed about the feasibility study
21 results; and ask questions of the feasibility consultant about the results of the
22 feasibility study.

23 (5)(a) Except as provided in Subparagraph(5)(c), the local government shall
24 publish notice of the public hearings required under Paragraph(4) at least once a
25 week for three consecutive weeks in a newspaper of general circulation in the city or
26 parish or both.

27 (b) The last publication of notice required under Subparagraph(5)(a) shall be
28 at least three days before the first public hearing required under Paragraph(4).

29 (c)(i) If there is no newspaper of general circulation in the city or parish, for

1 each one thousand residents, the local government shall post at least one notice of the
2 hearings in a conspicuous place within the city or parish or both that is likely to give
3 notice of the hearings to the greatest number of residents of the city or parish.

4 (ii) The local government shall post the notices at least seven days before the
5 first public hearing required under Paragraph (4) is held.

6 (6) A local government that has existing notice and hearing procedures under
7 a home rule charter for considering and approving capital projects for local
8 government to construct and operate facilities for the provision of covered services
9 shall be permitted to use those notice and hearing procedures in lieu of the notice and
10 hearing procedures set forth in R.S. 45:844.48, provided that the notice and hearing
11 procedures contain requirements that are substantially similar to those set forth
12 herein.

13 (7) Nothing in this Section shall be construed to require inclusion in the
14 feasibility study required herein, or disclosure of, commercially sensitive marketing
15 information.

16 §844.49. Referendum

17 **R.S. 45:844.49 is all new law.**

18 A. A local governing authority by a majority vote may call an election on
19 whether or not the local government shall provide the proposed covered services.

20 B. If the local governing authority calls an election, the election shall be held:

21 (1)(a) At the next local government general election; or

22 (b) As provided in Title 18 of the Louisiana Revised Statutes of 1950 at a
23 local special election, the purpose of which is authorized by this Section.

24 (2) In accordance with Title 18 of the Louisiana Revised Statutes of 1950
25 except as provided in this Section.

26 C. The notice of the election shall include with any other information
27 required by law:

28 (1) A summary of the covered services that the local governing authority
29 proposes to provide to subscribers residing within the boundaries of the local

1 government.

2 (2) The feasibility study summary under R.S. 45:844.48.

3 (3) A statement that a full copy of the feasibility study is available for
4 inspection and copying.

5 (4) The location in the city or parish or both where the feasibility study may
6 be inspected or copied.

7 D. The ballot at the election shall pose the question substantially as follows:

8 'Shall the [name of the local government] be authorized to provide
9 [cable television service or telecommunications or advanced service].'

10 E. The ballot proposition may not take effect until submitted to the electors
11 and approved by the majority of those voting on the ballot.

12 F. A local governing authority that has existing procedures on whether,
13 when, and how to conduct referenda shall utilize those procedures in lieu of the
14 procedures set forth in R.S. 45:844.49, provided that the procedures for conducting
15 referenda contain notice and hearing requirements that are substantially similar to
16 those set forth herein.

17 G. In the event the local governing authority does not have existing
18 procedures on whether, when, and how to conduct referenda, it shall utilize the
19 following procedures:

20 (1) Upon the valid petition of not less than fifteen percent of or ten thousand,
21 whichever is lesser, of the qualified electors of a local government, submitted to the
22 registrar of voters for verification within one hundred eighty days of submission of
23 the feasibility study to the local governing authority, the local governing authority
24 shall order a referendum election to be held to determine whether or not the local
25 government may offer or provide covered services.

26 (2)(a) Any qualified elector desiring a referendum election shall sign a
27 petition addressed to the local governing authority of the local government in which
28 he resides, and in substantially the following form:

29 'PETITION

1 TO: [Name of local government]

2 The undersigned qualified electors respectfully request that you call an
3 election to submit, in the manner provided by law, to the qualified electors
4 of [name of local government] the following proposition:

5 Shall the [name of the local government] be authorized to offer or provide
6 cable television, telecommunications, or advanced services?

7 Signature: _____

8 Address: _____

9 Date: _____,

10 (b) Where signatures are made on more than one sheet, each sheet of the
11 petition shall reproduce above the signatures in the same manner as is on the first
12 sheet. Each petitioner shall sign his name in his own handwriting and shall write his
13 address and the date on which he signed, otherwise his signature shall be null and
14 void. If an elector cannot sign his name because of age or physical condition, he may
15 have his name and address and the date written by another and shall affix his ordinary
16 "X" mark in the presence of two competent electors, who shall sign their names as
17 witnesses to the mark.

18 (3) The petition shall be filed with the registrar of voters within ninety days
19 after the date on which the first signature was affixed. The petition, when so filed,
20 becomes a public record and cannot be returned to the proponents or signers thereof.

21 (4) The registrar of voters shall check the petition and attach thereto his sworn
22 verification showing:

23 (a) The date the petition was filed.

24 (b) The date of the first signature of the petition.

25 (c) The number of qualified electors of the parish or municipality on the
26 registration rolls as of the date of the first signature on the petition, which date shall
27 be used by the registrar in ascertaining if the petition contains the required number
28 of signatures.

29 (d) That he has checked each signature for its genuineness by comparing the

1 signature on the petition with the signature of the same person on the registration
2 rolls.

3 (e) The total number of genuine signatures of qualified electors on the
4 petition.

5 (f) The number of signatures not genuine, or not signed and written in the
6 manner required by R.S. 45:844.49(G)(2).

7 (5) Within thirty days, excluding Saturdays, Sundays, and holidays, from the
8 date the petition was filed with the registrar of voters, the registrar shall file a true
9 copy of the sworn verification required in Paragraph (4) of this Subsection with the
10 local governing authority charged with the duty of calling the election.

11 (6) Any person whose signature appears on a local option petition and who
12 alleges that such signature is not genuine is hereby authorized to execute and file
13 with the registrar of voters, a sworn affidavit, attesting that the affiant did not sign
14 the petition. The registrar of voters, when checking the signatures for genuineness,
15 shall take the affidavit into consideration, but in no instance shall he certify the
16 signature not to be genuine, unless the comparison of the signatures indicates that the
17 signature is indeed not genuine. Affidavits executed pursuant to this Subsection shall
18 be subject to the perjury provisions of Title 14 of the Louisiana Revised Statutes.

19 (7)(a) The clerk of the local governing authority with whom the petition is
20 filed by the registrar of voters shall attach to the petition its sworn verification
21 showing the date, month, and year the petition was filed with it.

22 (b) If the petition conforms to all the provisions of R.S. 45:844.49(G), the
23 local governing authority shall order the election. The ordinance or resolution of the
24 local governing authority ordering the election shall be adopted at a regular meeting
25 held not less than thirty nor more than forty-five days after the date the petition was
26 filed with the local governing authority by the registrar of voters.

27 (c) The local governing authority shall remove the name of any signer of the
28 petition if requested to do so in writing within thirty days after the date the petition
29 was filed with it. If the number of written requests for withdrawal from the petition

1 reduces the number of qualified petitioners to less than the number required by R.S.
2 45:844.49(G)(1) the election shall not be ordered and the petition shall be null and
3 void and cannot be used again.

4 (d) The date fixed for the election shall be not less than forty-five nor more
5 than sixty days after the date of the adoption of the ordinance or resolution ordering
6 the election.

7 (8)(a) When such election has been ordered the following propositions
8 requested to be submitted on the approved and verified petition required by this
9 Chapter, and no others shall be plainly printed upon a special ballot to be used for the
10 election, otherwise the election shall be null and void:

11 'Shall the [name of local government] be authorized to provide [cable
12 television service or telecommunications or advanced service].'

13 (b) In an election a majority vote cast on the proposition shall determine that
14 issue for the local government that has called the election.

15 (9) The election called shall be governed by the Louisiana Election Code,
16 R.S. 18:401, et seq.

17 (10) If the petition fails to substantially comply with the requirements
18 provided for by law or if the other requirements specified by the law for the calling
19 or conduct of the election are not substantially complied with, the election is illegal
20 and ineffective and may be declared null and void by any court of competent
21 jurisdiction at the suit of any elector who was qualified to vote in the election. This
22 suit shall be brought within thirty days of the promulgation of the results of the
23 election.

24 (11) The local governing authority calling the election shall promulgate the
25 result by resolution or ordinance adopted at its first regular meeting after the election
26 and shall publish it in the official journal of the parish.

27 §844.50. Enterprise funds for cable television or telecommunications or advanced
28 services

29 **R.S. 45:844.50 is all new law.**

1 A. A local government that provides one or more covered services under this

2 Chapter:

3 (1) Shall establish a single enterprise fund entitled the "communications
4 services enterprise fund" to account for the local government's operations of covered
5 services.

6 (2) Shall adopt operating and capital budgets for the local government's
7 covered services.

8 (3) Except as provided in R.S. 45:844.51(C)(2), or subject to rules
9 established under to R.S. 45:844.54(D), may not transfer any appropriation or other
10 balance in any other enterprise fund established by the local government to any
11 enterprise fund established by the local government under this Section.

12 B. The restrictions on transfers described in Paragraph (A)(3) do not apply
13 to transfers made by a local government between other enterprise funds established
14 by the local government.

15 §844.51. Bonding authority

16 **R.S. 45:844.51 is all new law.**

17 A. The local governing authority may by resolution determine to issue one
18 or more bonds to finance the capital costs for facilities necessary to provide to
19 subscribers one or more covered services.

20 B. The resolution shall:

21 (1) Describe the purpose for which the indebtedness is to be created.

22 (2) Specify the dollar amount of the one or more bonds proposed to be issued.

23 C.(1) A bond issued under this Section shall be secured and paid for solely
24 from the revenues generated by the local government from providing the covered
25 services.

26 (2) A local government may not pay the origination, financing, or other
27 carrying costs associated with the one or more bonds issued under this Section from
28 the general funds or other enterprise funds of the local government. Nothing in this
29 Section shall preclude a local government from using the general funds or other

1 enterprise funds to advance funds for the feasibility study prescribed under R.S.
2 45:844.48 or for start-up costs for the proposed venture, provided that any such funds
3 advanced are repaid by the enterprise fund established under this R.S. 45:844.50 at
4 interest rates and on terms and conditions available to private enterprises in the open
5 market.

6 (3) Nothing in this Act shall preclude a local government that owns and
7 operates electric, water, gas, sewer and other utilities from pledging the resources of
8 such utilities to obtain the best available interest rates, terms and conditions for the
9 bonds necessary to finance the facilities used to provide the proposed covered
10 services.

11 (4) Nothing under this Section provides a local governing authority bonding
12 authority in addition to that provided under existing state law.

13 §844.52. General operating limitations

14 **R.S. 45:844.52 is all new law.**

15 (1) A local government that provides a covered service under this Chapter
16 is subject to all applicable provisions of local, state and federal law, including
17 applicable rules of the Louisiana Public Service Commission.

18 (2) A local government may not cross-subsidize its covered services with tax
19 dollars, income from other local government or utility services, below-market rate
20 loans from the local government or any other means.

21 (3)(a) A local government may not make or grant any undue or unreasonable
22 preference or advantage to itself or to any private provider of covered services.

23 (b) A local government shall apply without discrimination as to itself and to
24 any private provider the local government's ordinances, rules, and policies, including
25 those relating to obligation to serve, access to public rights of way, permitting,
26 performance bonding, reporting, and quality of service.

27 (4) In calculating the rates charged by a local government for a covered
28 service, the local government:

29 (a) Shall include within its rates an amount equal to all taxes, fees, and other

1 assessments that would be applicable to a similarly situated private provider of the
2 same services, including:

3 (i) Federal, state, and local taxes; provided that, for income taxes, the imputed
4 rate shall be the lowest rate that any private provider of covered service actually pays
5 for the year prior to the year at issue, as the Louisiana Public Service Commission
6 determines from data available to it, or zero percent, whichever is higher.

7 (ii) Franchise fees.

8 (iii) Permit fees.

9 (iv) Pole attachment fees.

10 (v) Fees similar to those described in Subparagraphs (4)(a)(i) through (iv).

11 (b) Shall receive a credit for all payments in lieu of taxes that it pays to the
12 local government on revenues from the provision of the covered services.

13 (c) May bundle one or more covered services and offer promotional discounts
14 or engage in other business practices on the same terms and conditions as federal and
15 state law, including applicable rules of the Louisiana Public Service Commission,
16 permit similarly situated private providers to bundle covered services; provided,
17 however, that the local government shall establish its prices for covered services at
18 levels that will, in the aggregate, over the useful life of the facilities used to provide
19 such services, recover the sum of:

20 (i) The actual direct costs of providing the service.

21 (ii) The actual indirect costs of providing the service.

22 (iii) The amount determined under Subparagraph (4)(a); provided further that
23 the local government's useful life of the facilities shall be substantially similar to the
24 average life of the facilities used by private providers to provide covered services.
25 Nothing in Subsection (4)(c) shall authorize local governments to engage in cross-
26 subsidizations prohibited by this Chapter or other pricing in violation of federal or
27 state law, including rules of the Louisiana Public Service Commission.

28 (5) A local government that provides covered services shall keep separate and
29 accurate books and records of the local government's covered services, and they shall

1 be made available for audits of such books and records as set forth in R.S.
2 45:844.54(D).

3 §844.53. Eminent domain

4 **R.S. 45:844.53 is all new law.**

5 A. Subject to the applicable provisions of the Louisiana Constitution, a local
6 government may not exercise its power of eminent domain to condemn plant,
7 equipment, or real property of a private provider for the purpose of providing to a
8 subscriber a covered service.

9 B. Nothing contained in Subsection A above shall be construed or applied
10 in any manner to preclude a local government from exercising its power of eminent
11 domain for any other lawful purpose other than for the purpose proscribed in R.S.
12 45:844.53(A).

13 §844.54. Enforcement and appeal

14 **R.S. 45:844.54 is all new law.**

15 A. Before a person that is or is likely to have a substantial interest affected
16 by a local government's violation of this Chapter may file an action in district court
17 for violation of this Chapter, that person shall file a written complaint with the local
18 government in accordance with this Section.

19 B.(1) A local government that provides a covered service shall enact an
20 ordinance establishing a procedure for the filing and resolution of complaints relating
21 to the local government providing a covered service.

22 (2) The procedure shall:

23 (a) Permit any person described in this Section to file a complaint including:

24 (i) An individual subscriber.

25 (ii) A private provider that competes with the local government in the
26 geographic boundaries of the local government.

27 (b) Establish an expedited process that requires within forty-five days after
28 the date the complaint is filed:

29 (i) That a hearing be held, unless the parties to the proceeding waive the

1 requirement of a hearing.

2 (ii) The issuance of a final decision.

3 (c) Provide that failure to render a decision within the time allotted shall be
4 treated as an adverse decision for purposes of appeal.

5 C. Appeal of an adverse decision from the local government may be taken
6 to the district court for a de novo proceeding.

7 D. The Louisiana Public Service Commission shall, in accordance with its
8 normal rulemaking procedures, adopt rules to define and govern equitable cost
9 allocation, as well as safeguards to govern affiliate or inter-company transactions for
10 purposes of application of R.S. 45:844.52(2). Rules adopted by the Louisiana Public
11 Service Commission under authority of this Subsection D are hereinafter referred to
12 as "cost allocation and affiliate transaction rules." Cost allocation and affiliate
13 transaction rules shall not be adopted or enforced which are inconsistent with any
14 provision of this Chapter, including, but not limited to R.S. 45:844.42(7) and R.S.
15 45:844.51(C)(3). Cost allocation and affiliate transaction rules shall provide for the
16 protection of commercially sensitive marketing information disclosed by local
17 government for purposes of this Subsection D, and such protection may include, but
18 need not be limited to, the submission of commercially sensitive marketing
19 information under seal with limitations upon access to such information.
20 Commercially sensitive marketing information disclosed by local government for
21 purposes of this Subsection D shall not be a public record. Compliance with cost
22 allocation and affiliate transaction rules shall constitute per se compliance with R.S.
23 45:844.52(2).

24 (1) For covered services within the jurisdiction of the Louisiana Public
25 Service Commission, enforcement of cost allocation and affiliate transaction rules
26 shall be by the Louisiana Public Service Commission.

27 (2) For covered services which are not within the jurisdiction of the Louisiana
28 Public Service Commission, enforcement of cost allocation and affiliate transaction
29 rules shall be in accordance with the following procedure:

1 (a) A local government which provides covered services shall annually
2 engage a certified public accountant selected from a list of auditors or accountants
3 approved by the legislative auditor for an annual examination of compliance with the
4 cost allocation and affiliate transaction rules as they pertain to covered services which
5 are not within the jurisdiction of the Louisiana Public Service Commission. The
6 certified public accountant engaged under authority of this Subsection D(2)(a) is
7 hereinafter referred to as the "auditor."

8 (b) The auditor shall render a preliminary report of examination findings
9 ("preliminary report") within ninety days of engagement which shall be released to
10 the local government at an open meeting of the local governing authority and made
11 available for public inspection thereafter in accordance with the provisions of the
12 Louisiana Public Records Law. The clerk of the local governing authority shall be
13 the custodian of the auditor's preliminary report.

14 (c) For sixty days after release of the preliminary report, any interested
15 person, group of persons, or other entity shall have the right to submit written
16 comments upon the preliminary report ("public comments") to the clerk of the local
17 governing authority, who shall become the custodian of such public comments.

18 (d) Upon the lapse of sixty days after release of the preliminary report, the
19 clerk of the local governing authority shall submit the preliminary report and all
20 public comments submitted within the sixty-day comment period to the auditor and
21 to the legislative auditor.

22 (e) Not later than thirty days after receipt of the preliminary report and public
23 comments, if any, from the clerk of the local governing authority, the legislative
24 auditor, in consultation with the auditor, shall review the preliminary report and the
25 public comments, if any, and make a final determination of compliance with the cost
26 allocation and affiliate transaction rules as they pertain to covered services which are
27 not within the jurisdiction of the Louisiana Public Service Commission. If the
28 legislative auditor determines that the local government is in compliance with the
29 cost allocation and affiliate transaction rules, such determination shall be in the form

1 of a certificate of compliance signed by the legislative auditor and issued to the local
2 government. If the legislative auditor determines that the local government is not in
3 compliance with the cost allocation and affiliate transaction rules, such determination
4 shall be in the form of a final report signed by the legislative auditor and issued to the
5 local government, specifying the portions of the rules relied upon for the
6 determination of noncompliance and the reasons for such determination.

7 (f) Any interested person may seek judicial review of a determination of
8 compliance or noncompliance made by the legislative auditor under Subsection (2)(e)
9 of this Subsection D. Such judicial review shall be sought within sixty days of the
10 date of issuance of a certificate of compliance or a final report by the legislative
11 auditor. The local government shall be made defendant, and venue of a suit for
12 judicial review shall lie exclusively in the parish of domicile of the local government.
13 In any suit for judicial review, the review shall be conducted by the court without a
14 jury and shall be confined to the record of the prior proceedings before the auditor
15 and the legislative auditor, including the preliminary report and supporting
16 documentation, if any, the certificate of compliance and supporting documentation,
17 if any, the final report and supporting documentation, if any, and the public
18 comments, if any. The challenged certificate of compliance or final report of the
19 legislative auditor shall be presumed valid and correct, and the standard of review
20 shall be confined to the issue of whether the legislative auditor acted arbitrarily and
21 capriciously in the issuance of the challenged certificate of compliance or final
22 report. The burden of proof shall be upon the challenger of the certificate of
23 compliance or final report, and a reviewing court may not substitute its judgment for
24 that of the legislative auditor. If the court sustains or upholds the challenged
25 certificate of compliance or final report, the court may in its discretion assess costs
26 and reasonable attorney's fees of the prevailing party against the losing party.

27 (g) In conducting any part of the compliance audit authorized by this
28 Subsection D(2), the auditor and/or the legislative auditor may seek, request, obtain,
29 and/or utilize, and the Louisiana Public Service Commission may provide, such

1 advisory or technical assistance as the auditor and/or the legislative auditor may deem
 2 necessary, convenient, or desirable. The absence of advisory or technical assistance
 3 from the Louisiana Public Service Commission, or the failure or refusal of the auditor
 4 and/or the legislative auditor to seek, request, obtain, or utilize such advisory or
 5 technical assistance, shall not invalidate a certificate of compliance or final report and
 6 shall not constitute arbitrary or capricious conduct on the part of the auditor or the
 7 legislative auditor.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2023 Regular Session

ACT No. 383

HOUSE BILL NO. 653 (Substitute for House Bill No. 603 by Representative Deshotel)

BY REPRESENTATIVE DESHOTEL

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AN ACT

To amend and reenact R.S. 44:4.1(B)(35) and to enact Subpart B of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2370.21 through 2370.33, relative to grants for broadband expansion; to provide for the creation of the GUMBO 2.0 program; to provide for a short title; to provide for definitions; to provide for administration fees and their use; to require the promulgation of rules; to provide for the grant process and its funding; to provide for administrative and judicial review; to require the submission of certain reports; to provide for the disbursement and reimbursement of certain funds; to provide parameters for the failure of performance by grant recipients; to provide exceptions to the Public Records Law; to authorize the Louisiana State Law Institute to make certain conforming technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B of Part VI-C of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2370.21 through 2370.33, is hereby enacted to read as follows:

SUBPART B. GRANTING UNSERVED MUNICIPALITIES BROADBAND

OPPORTUNITIES 2.0

§2370.21. Establishment; short title

A. There is hereby created a grant program to be known as the "Granting Unserved Municipalities Broadband Opportunities 2.0" program, hereinafter referred to in this Subpart as the "GUMBO 2.0" program. Funding and administration of this program shall be governed in accordance with the Infrastructure Investment and Jobs

1 Act (IIJA), Public Law 117-58, and the Broadband Equity, Access, and Deployment
 2 (BEAD) Program Notice of Funding Opportunity (NOFO) issued by the National
 3 Telecommunications and Information Administration of United States Department
 4 of Commerce (NTIA), including any additional regulations promulgated by or
 5 guidance of the assistant secretary may provide.

6 B. This Subpart shall be known and may be cited as the "GUMBO 2.0
 7 Program Law".

8 §2370.22. Definitions

9 As used in this Subpart, the following terms have the following meanings:

10 (1) "Agriculture" means the commercial planting, growing, harvesting,
 11 production, storage, processing, marketing, distribution, or export of any agricultural
 12 product, including but not limited to farm products, livestock and livestock products,
 13 poultry and poultry products, milk and dairy products, fruit and other horticultural
 14 products, and seafood and aquacultural products.

15 (2) "Assistant secretary" means the assistant secretary of the United States
 16 Department of Commerce for Communications and Information.

17 (3) "Broadband DATA Maps" means the maps created in accordance with the
 18 provisions of 47 U.S.C. 642.

19 (4) "Broadband service" means deployed mass-market retail internet access
 20 service with a minimum of one hundred megabits per second, or Mbps, download
 21 and at least twenty megabits per second upload transmission speeds. This definition
 22 has the meaning given by the Federal Communications Commission under rules and
 23 guidance that are in effect as of the date of enactment of the Infrastructure
 24 Investment and Jobs Act.

25 (5) "Broadband-serviceable location" means a business or residential
 26 location in the United States at which fixed broadband internet access service is, or
 27 can be, installed. See IIJA, Pub. L. No.117-58, §60102(a)(2)(h), 135 Stat. 429, 1184
 28 (2021). In the Third Broadband Data Collection Report and Order, the Commission
 29 adopted "as fundamental definition of a 'location' for purposes of the broadband-
 30 serviceable location fabric: a business or residential location in the United States at

1 which fixed broadband Internet access service is, or can be, installed." See
2 Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form
3 477 Data Program, WC Docket Nos. 19§195, 11§10, Third Report and Order, 36
4 FCC Rcd 1126m 1175 para. 126 (2021).

5 (6) "Community anchor institution" means an entity such as a school, library,
6 health clinic, health center, hospital or other medical provider, public safety entity,
7 institution of higher education, public housing organization, or community support
8 organization that facilitates greater use of broadband service by vulnerable
9 populations, including but not limited to low-income individuals, unemployed
10 individuals, children, the incarcerated, and aged individuals.

11 (7) "Cooperative" means a corporation organized pursuant to Part I of
12 Chapter 4 of Title 12 of the Louisiana Revised Statutes of 1950 or a corporation that
13 becomes subject to those provisions pursuant to R.S. 12:401 et seq.

14 (8) "Director" means the executive director of the office of broadband
15 development and connectivity within the division of administration.

16 (9) "Eligible costs" means costs that are eligible for BEAD Program funding
17 as specified by the assistant secretary.

18 (10) "Eligible grant recipient" means a provider of broadband service,
19 including a provider operated by a local government if the local government is
20 compliant with the Local Government Fair Competition Act, R.S. 45:844.41 et seq.,
21 prior to July 1, 2021, with respect to providing such services, a cooperative, or any
22 partnership thereof.

23 (11) "Eligible location" means an unserved location or underserved location.

24 (12) "Eligible parish" means any parish with unserved or underserved
25 broadband-serviceable locations.

26 (13) "Enforceable commitment" means any location that is already subject
27 to a legally enforceable federal, state, or local commitment to deploy broadband.

28 (14) "Extremely high-cost per location threshold" means a BEAD subsidy
29 cost per location to be utilized during the grantee selection process described in
30 Section IV.B.7 of the BEAD NOFO above which the office may decline to select an

1 application if use of an alternative technology meeting the BEAD Program's
2 technical requirements would be less expensive.

3 (15) "Household" means any individual or group of individuals who are
4 living together at the same address as one economic unit. A household may include
5 related and unrelated persons. An "economic unit" consists of all adult individuals
6 contributing to and sharing in the income and expenses of a household. An adult is
7 any person eighteen years or older. If an adult has no or minimal income, and lives
8 with someone who provides financial support to him, both people shall be considered
9 part of the same household. A child under the age of eighteen living with his parent
10 or guardian is considered to be part of the same household as his parent or guardian.

11 (16) "Infrastructure" means existing facilities, equipment, materials, and
12 structures that an internet service provider has installed either for its core business
13 or public enterprise purposes. Examples include but are not limited to copper wire,
14 coaxial cable, optical cable, loose tube cable, communication huts, conduits, vaults,
15 patch panels, mounting hardware, poles, generators, batteries and cabinets, network
16 nodes, network routers, network switches, microwave relays, microwave receivers,
17 site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or
18 structures owned by the entity that are made available for location or collocation
19 purposes.

20 (17) "Local government" means a parish, municipality, or school board.

21 (18) "Office" means the office of broadband development and connectivity
22 within the division of administration.

23 (19) "Project" means an undertaking by an eligible grant recipient to
24 construct and deploy infrastructure for the provision of broadband service. A project
25 may constitute a single unserved or underserved broadband-serviceable location, or
26 a grouping of broadband-serviceable locations in which not less than eighty percent
27 of broadband-serviceable locations served by the project are unserved locations or
28 underserved locations. If an overall project area crosses from one eligible parish into
29 one or more eligible adjacent parishes, for the purposes of this Subpart, the project

1 shall be determined to be located in the parish where the greatest number of unserved
 2 or underserved households are proposed to be served.

3 (20) "Reliable broadband service" means broadband service that the
 4 Broadband DATA Maps show are accessible to a location via any of the following:

5 (a) Fiber-optic technology.

6 (b) Cable modem or hybrid fiber-coaxial technology.

7 (c) Terrestrial fixed wireless technology utilizing entirely licensed spectrum
 8 or using a hybrid of licensed and unlicensed spectrum.

9 (21) "Shapefile" means a file format for storing, depicting, and analyzing
 10 geospatial data depicting broadband coverage, comprised of several component files.

11 (22) "Underserved location" means an underserved location as defined in the
 12 IIJA and the BEAD NOFO.

13 (23) "Unservd location" means an unserved location as defined in the IIJA
 14 and the BEAD NOFO.

15 §2370.23. Administration fee

16 The office may use up to one percent of the appropriated funds to administer
 17 the GUMBO 2.0 program. The office may use an additional one percent of the
 18 appropriated funds to hire third-party contractors as determined necessary for the
 19 further administration of the GUMBO 2.0 program. The additional one percent shall
 20 not be used as compensation for any new or existing positions within the office.

21 §2370.24. Rules

22 A. The office shall have the authority and responsibility to promulgate rules
 23 that are consistent with requirements promulgated by the assistant secretary pursuant
 24 to IIJA, BEAD program guidelines, state law, and this Subpart.

25 B. Grants solicited and awarded pursuant to the GUMBO 2.0 program are
 26 not subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et
 27 seq. or the Public Bid Law, R.S. 38:2181 et seq. The office shall devise and
 28 implement alternative procurement methods consistent with the requirements defined
 29 by the assistant secretary to award grants.

1 §2370.25. Records; limitations

2 A. Notwithstanding any provision of this Subpart to the contrary, all records
3 related to the GUMBO 2.0 program are public records as provided by the Public
4 Records Law, R.S. 44:1.1 et seq., except for a broadband service provider's trade
5 secret and proprietary information, including coverage data, maps, and shapefiles.

6 B. The office shall treat any information submitted with a broadband
7 availability challenge or grant award protest that is not publicly available as
8 confidential and subject to the trade secrets protections of state law upon a
9 challenging broadband service provider's request for confidential treatment.

10 §2370.26. Funding; match requirement

11 A. A grant recipient is required to provide matching funds in accordance
12 with state law and rules promulgated by the office. A grant recipient shall contribute
13 from its own funds a minimum of twenty-five percent of the total estimated cost of
14 the project, to be validated by the office, unless granted a written waiver by the
15 office.

16 B.(1) A local government may contribute funding or in-kind contributions
17 for use on an eligible project in accordance with the provisions of this Subpart. The
18 contribution of funding by local government for an eligible project in accordance
19 with the provisions of this Subpart shall not be considered a partnership for
20 providing a covered service in accordance with the Local Government Fair
21 Competition Act, R.S. 45:844.41 et seq.

22 (2) A local government shall not make or grant any undue or unreasonable
23 preference or advantage to itself or to any provider of broadband service.

24 (3) A local government shall apply without discrimination as to itself and to
25 any broadband service provider the local government's ordinances, rules, and
26 policies, including those relating to access to public right-of-way, permitting, and
27 any bonding requirements.

28 §2370.27. Grant process

29 A. The office shall have the authority and responsibility to promulgate rules
30 that are consistent with requirements promulgated by or guidance of the assistant

1 secretary pursuant to IJJA, BEAD program guidelines, state law, and this Subpart.
2 The office shall carry out the grant process including broadband availability
3 challenges, grant applications, scoring, grant awards, and awards.

4 B. Broadband availability challenge process. (1) The state shall use the
5 NTIA BEAD Model Challenge process and shall complete the process before a
6 future grant round is launched.

7 (2) The office shall permit challenges for planned, privately funded
8 broadband projects where a broadband service provider provides convincing
9 evidence that it is currently building out broadband to locations without government
10 subsidy or is building out broadband offering performance beyond the program
11 requirements.

12 (3) To minimize duplication of funding, the office may not treat as unserved
13 or underserved any location that is already subject to an enforceable commitment as
14 of the date the challenge process commences.

15 (4) The National Telecommunications and Information Administration shall
16 be the final arbiter of availability challenges.

17 (5) The office shall keep challenge details confidential for evaluation to the
18 extent required consistent with state law and federal requirements and pursuant to
19 this Subpart.

20 C. Application process. (1) A grant round administered by the office shall
21 be open for a period of at least thirty days but not longer than sixty days.

22 (2) The office shall identify eligible locations for grant funding based on the
23 most recent Broadband DATA Map, updated according to the outcomes of the
24 challenge process and as approved by the assistant secretary. Any broadband-
25 serviceable locations within the applicant-defined project area that are not included
26 on the version of the Broadband DATA Map used for identifying eligible locations
27 prior to the opening of the grant round added to the Broadband Data Map after the
28 submission of an application but before the completion of the project shall also be
29 served by the grant award winner subject to the requirements of Subsection F of this
30 Section.

1 (3) The office shall release eligible locations at least thirty days prior to the
2 start of a grant round.

3 (4) Application information used for scoring purposes shall be made
4 publicly available, subject to the confidentiality protections provided in this Subpart,
5 by posting on the website of the office or the website of the division of
6 administration for a period of at least seven days prior to the grant award.

7 (5) A grant applicant may define proposed project areas in the application
8 for grant funding, which shall include eligible locations identified by the office.
9 However, the office shall award grants to eligible grant recipients according to the
10 priorities established in federal law, including any additional regulations
11 promulgated by or guidance of the assistant secretary, as provided for in R.S.
12 51:2370.21(A).

13 (6)(a) A local governing authority of an eligible parish may submit in writing
14 to the office, up to seven days after the grant applications are made public, an
15 objection to a grant application to deploy broadband services in the local governing
16 authority's parish if the broadband service provider has received a letter grade rating
17 of "D" or "F" from the Better Business Bureau.

18 (b) At the request of the local governing authority of an eligible parish that
19 submits an objection in accordance with this Paragraph, a broadband service provider
20 shall be ineligible to be awarded grant funds to deploy broadband services in that
21 eligible parish.

22 (7)(a) If, after soliciting applications, the office has received no applications
23 to serve one or more eligible locations, the office may engage with eligible grant
24 recipients to serve eligible locations. The office may offer inducements as set forth
25 in Section III.B of the Broadband, Equity, Access, and Deployment Program Notice
26 of Funding Opportunity or benefits during the grant selection process, such as points
27 or credits. The office shall ensure that its approach is as transparent as possible.

28 (b) The outreach authorized by this Paragraph is permitted only after the
29 office has solicited proposals and failed to obtain one or more applications to serve
30 the location or locations at issue.

1 D. Scoring and grant award. The office shall have the authority and
 2 responsibility to promulgate application minimum requirements, scoring rules, and
 3 grant awards that are consistent with requirements promulgated by the assistant
 4 secretary pursuant to IIJA, including any additional requirements or guidance
 5 provided for after enactment of this Act, BEAD program guidelines, state law, and
 6 this Subpart.

7 E. For subsequently identified broadband-serviceable locations in a grantee's
 8 funded project area, the timeline and additional funding to deploy shall be
 9 determined in a supplemental grant agreement between the office and the grantee.

10 F. Protest of grant award. (1) Upon a grant award announcement, any
 11 eligible grant recipient or local governing body may protest a grant award during a
 12 fourteen-business-day protest period on a basis that would result in an award change,
 13 other than a served versus unserved basis, such as a scoring error. Any eligible grant
 14 recipient or local governing body submitting a protest shall attest that the
 15 information in the protest is accurate and that the protest is submitted in good faith.
 16 The office may deny any protest that contains inaccurate information.

17 (2) The director or his designee may, prior to the commencement of an
 18 action in court concerning a protest arising pursuant to this Subpart, settle and
 19 resolve the protest.

20 §2370.28. Administrative and judicial review

21 A. If the protest of a grant award is not resolved by mutual agreement, the
 22 director or his designee shall, within fourteen business days, issue a decision in
 23 writing. The decision shall do all of the following:

- 24 (1) State the reasons for the action taken.
- 25 (2) Inform all parties to the protest of their right to administrative and
 26 judicial review as provided in this Subpart.

27 B. A copy of the decision required by Subsection A of this Section shall be
 28 furnished immediately to all parties to the protest.

29 C. A decision required by Subsection A of this Section shall be final and
 30 conclusive unless one of the following applies:

1 (1) The decision is fraudulent.

2 (2) A party to the protest has timely appealed to the commissioner of
3 administration in accordance with Subsection D of this Section.

4 D. If a party to the protest files an appeal with the commissioner of
5 administration, it shall be filed within fourteen business days of receipt of a decision
6 issued pursuant to Subsection A of this Section. The commissioner of administration
7 may review and determine any appeal by a party to the protest from a determination
8 by the director or his designee.

9 E. On any appeal filed pursuant to Subsection D of this Section, the
10 commissioner of administration shall decide within fourteen business days whether
11 the decision concerning a grant application was in accordance with this state's
12 constitution, statutes, and regulations, the terms and conditions of the application,
13 and any requirements of federal laws or regulations. Any prior determinations by the
14 director or his designee shall not be final or conclusive.

15 F. A copy of the decision issued pursuant to Subsection E of this Section
16 shall be mailed or otherwise furnished immediately to all parties to the protest.

17 G. A decision issued pursuant to Subsection E of this Section shall be final
18 and conclusive unless one of the following applies:

19 (1) The decision is fraudulent.

20 (2) A party to the protest has appealed to the court as provided for in
21 Subsection H of this Section.

22 H. A party to the protest may file an appeal in the Nineteenth Judicial
23 District Court within seven business days of receipt of a decision issued pursuant to
24 Subsection E of this Section. The Nineteenth Judicial District Court shall have
25 exclusive venue over an action between the state and a party to the protest to
26 determine whether an award of a grant is in accordance with this state's constitution,
27 statutes, and regulations. Such actions shall extend to all kinds of actions, whether
28 for monetary damages or for declaratory, injunctive, or other equitable relief.

29 I. A party to the protest by a final judgment or interlocutory order or ruling
30 of the Nineteenth Judicial District Court may appeal or seek review thereof, as the

1 case may be, to the Louisiana Court of Appeal, First Circuit or the Supreme Court
2 of Louisiana, as otherwise permitted in civil cases by law and the constitution of this
3 state. If a court has found in a final judgment that an applicant or a party to the
4 protest has incorrectly designated a location as served or unserved, the office may
5 assess a civil penalty of up to one thousand dollars per incorrectly designated
6 location identified in the GUMBO 2.0 award process and disputed in litigation.

7 §2370.29. Compliance during the grant agreement

8 The office will conduct an implementation meeting with a grant recipient
9 within thirty days of execution of a grant agreement and will make reporting
10 templates and instructions available at or shortly after the implementation meeting.
11 The office shall require that a grant recipient offer the proposed advertised minimum
12 download and minimum upload speeds of one hundred Mbps download and twenty
13 Mbps upload. A grant recipient that has offered broadband service to at least one
14 thousand consumers for a period of at least five consecutive years shall offer
15 broadband service at prices consistent with offers to consumers in other areas of the
16 state. Any other broadband service provider shall ensure that the broadband service
17 is priced to consumers at no more than the cost rate identified in the project
18 application, for the duration of the five-year service agreement. In calculating cost,
19 the grant recipient may adjust annually, consistent with the annual percentage
20 increase in the Consumer Price Index in the preceding year. At least annually, a
21 grant recipient shall provide to the office evidence consistent with the Federal
22 Communications Commission attestation that the grant recipient is making available
23 the proposed advertised speed, or a faster speed, as contained in the grant agreement.

24 §2370.30. Reporting requirements

25 A. A grantee shall submit to the office an annual report for each funded
26 project for the duration of a grant agreement. The report shall include a summary
27 of the items contained in the grant agreement and shall also include all of the
28 following:

29 (1) The number of residential and commercial locations that have broadband
30 access as a result of the project.

1 (2) The percentage of end users in the project area who have access to
2 broadband service and the percentage of end users with access who actually
3 subscribe to the broadband service.

4 (3) The average number of subscriptions for residential and commercial
5 broadband service in the project area.

6 (4) Any right-of-way fees, permit fees, or franchise fees paid to local
7 government, state government, railroad, private entity, or person during the
8 fulfillment of the grant awarded pursuant to this Subpart.

9 (5) Any delays encountered when obtaining a right-of-way permission.

10 B. An entity receiving federal funds for broadband infrastructure
11 development shall submit to the office a quarterly report for each funded project
12 located in this state for the duration of the project. The report shall include, at a
13 minimum, criteria including but not limited to miles constructed, broadband-
14 serviceable locations with access to broadband service, and funds expended. If an
15 entity does not submit quarterly reports for each funded project in this state for two
16 consecutive quarters, the office may, at its discretion, consider locations within the
17 awarded area unserved.

18 C. A grantee shall submit to the office a monthly report for each funded
19 project for the duration of the grant agreement. The report shall include, at a
20 minimum, criteria as defined in the grant agreement, including but not limited to
21 miles constructed, broadband-serviceable locations with access to broadband service,
22 and funds expended.

23 D. On or before September thirtieth of each calendar year, the office shall
24 submit a report to the House Committee on Commerce, Senate Committee on
25 Commerce, Consumer Protection and International Affairs, and the Joint Legislative
26 Committee on Technology and Cybersecurity. The report shall contain all of the
27 following:

28 (1) The number of grant applications and the number of executed grant
29 agreements.

1 (2) A timeline for each grant agreement and the number of households,
2 businesses, agriculture operations, and community anchor institutions expected to
3 benefit from each grant project.

4 (3) The amount of matching funds committed to each grant project and the
5 total amount of project costs.

6 (4) A summary of locations by parish that will have, or currently have,
7 access to broadband service through the GUMBO 2.0 program, including the average
8 GUMBO 2.0 grant award per location and advertised broadband speeds and price of
9 services.

10 (5) Number of unserved and underserved locations that will have, or
11 currently have, access to broadband service through the GUMBO 2.0 program, and
12 the number of unserved and underserved locations that have not yet received grant
13 funding.

14 (6) Any breaches of grant agreements, grant fund forfeitures, or subsequent
15 reductions or refunds grant funds.

16 (7) Any recommendations for the GUMBO 2.0 program, including better
17 sources and methods for improving outcomes and accountability.

18 §2370.31. Receipt and disbursement of federal grant funds

19 The division of administration shall be the designated agency for receipt and
20 disbursement of state and federal funds received to implement the Broadband Equity,
21 Access, and Deployment Program. All federal grant funds received for this purpose
22 shall be disbursed in accordance with R.S. 51:2370.21(A).

23 §2370.32. Reimbursement for grantees

24 Reimbursements of eligible costs shall be made by percentage of total project
25 costs expended: ten percent, thirty-five percent, sixty percent, eighty-five percent,
26 and the final fifteen percent payment shall not be paid without an approved
27 completion report. Invoice for final payment shall be submitted within ninety days
28 of a completion date. All invoices are subject to audit for three years from the
29 completion date.

1 §2370.33. Failure to perform

2 A. A grant recipient forfeits the amount of a grant received if the grant
 3 recipient fails to perform, in material respect, the obligations established in law or
 4 in the grant agreement. A grant agreement shall last, at a minimum, for the duration
 5 of broadband project construction and, or longer, in accordance with the grant
 6 agreement, but not to exceed five years after construction completion. A grant
 7 recipient that fails to provide the minimum advertised connection speed and cost at
 8 the advertised rate shall forfeit any grant funds, up to the entire amount received
 9 through the GUMBO 2.0 program. The office shall use its discretion to determine
 10 the amount forfeited. A grant recipient that forfeits amounts disbursed in accordance
 11 with this Subpart is liable for up to the amount disbursed plus interest. The number
 12 of subscribers that subscribe to broadband services offered by the broadband service
 13 provider in the project area shall not be a measure of performance under the grant
 14 agreement for the purposes of this Subsection.

15 B. A grant recipient is not required to forfeit the amount of a grant received
 16 if the grant recipient it fails to perform due to a natural disaster, an act of God, force
 17 majeure, a catastrophe, pandemic, the failure to obtain access to private or public
 18 property or any government permits under reasonable terms, or such other
 19 occurrence over which the grant recipient has no control.

20 C. Except as provided for in Subsection B of this Section, if a grant recipient
 21 fails to perform and fails to return the full forfeited amount required pursuant to this
 22 Section, the ownership and use of the broadband infrastructure funded by the
 23 GUMBO program shall revert to the division of administration.

24 D. Notwithstanding the provisions of this Section to the contrary, if a grant
 25 recipient fails to complete a project in a material respect, the grant recipient, at the
 26 discretion of the office, may be required to reimburse the state the actual cost to
 27 finish the project. The actual cost to finish the project shall be determined by the
 28 office in consultation with the grant recipient. The office shall not require a grant
 29 recipient that it determines has made a good faith effort to complete a project to

1 reimburse the state an amount greater than the remaining GUMBO 2.0 cost per
2 broadband-serviceable location as set forth in the grant recipient's application.

3 Section 2. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

4 §4.1. Exceptions

5 * * *

6 B. The legislature further recognizes that there exist exceptions, exemptions,
7 and limitations to the laws pertaining to public records throughout the revised
8 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
9 limitations are hereby continued in effect by incorporation into this Chapter by
10 citation:

11 * * *

12 (35) R.S. 51:710.2(B), 705, 706, 936, 1363.1, 1404, 1926, 1934, 2113, 2182,
13 2262, 2318, 2370.3, 2370.16, 2370.25, 2370.27, 2389

14 * * *

15 Section 3.(A) The Louisiana State Law Institute is hereby authorized and requested
16 to redesignate R.S. 51: 2370.1 through 2370.16 as Subpart A of Part VI-C of Chapter 39 of
17 Title 51 of the Louisiana Revised Statutes of 1950 and entitled as "Subpart A. Granting
18 Unserved Municipalities Broadband Opportunities 1.0".

19 (B) The Louisiana State Law Institute is hereby authorized and requested to make
20 conforming changes from references to "Part" to "Subpart" in R.S. 51:2370.1 through
21 2370.16.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____





Eligible Entity Regulatory Approach - Template
To use this template, Eligible Entities should customize all text in gray

Law Title	Publicly Accessible Link	Description	Date Enacted	How will the law be applied in connection to competition for the subgrants?
Louisiana Constitution, Article 4, Section 21	https://legis.la.gov/Legis/Law.aspx?d=206438	Public Service Commission	2008-2010	Public Service Commission
LRS 45:121, 123, 844.41 et seq.	https://legis.la.gov/Legis/Law.aspx?d=99873	Electricity	1970-on	Electricity
LRS 45:1161 et seq., 1192, 1343, 1131, 850 et seq, 1315, 1205, 1221	https://legis.la.gov/Legis/Law.aspx?d=99803	Public Service Commission	1970-on	Public Service Commission
LRS 40:1749.11 - 40:1749.27	https://legis.la.gov/Legis/Law.aspx?p=y&d=97827	Underground Utilities and Facilities	1988-on	Underground Utilities and Facilities
LRS 33:4161 et seq., 4256, 4306, 4315, 4341, 4346, 4361 et seq., 4432	https://legis.la.gov/Legis/Law.aspx?d=90654	Public Utilities	1954-on	Public Utilities
Louisiana Administrative Code, Title 70	https://www.doa.la.gov/media/rg1luse0/70.pdf	Transportation	rev. 9/2022	Transportation
LRS 48:381	https://legis.la.gov/Legis/Law.aspx?d=103175	Utilities and Facilities	1952-on	Utilities and Facilities
LRS 38:2223	https://legis.la.gov/Legis/Law.aspx?d=94937	Issuance of work orders and commencement of work; underground utilities	1977-on	Issuance of work orders and commencement of work; underground utilities
Louisiana Public Service Commission Utilities Rules and Regulations	https://www.lpsc.louisiana.gov/Utilities_Regs	Utilities Rules and Regulations		Utilities Rules and Regulations
LRS 51:3061 et seq.	https://legis.la.gov/Legis/Law.aspx?d=208140	Louisiana Renewable Energy Development	2003-on	Louisiana Renewable Energy Development
Act 477 of the 2021 Regular Session of the Louisiana Legislature	https://legis.la.gov/legis/BillInfo.aspx?i=240643	Establishes a grant program to be administered by the office of broadband development and connectivity in the division of administration	7/1/2021	Creates GUMBO 1.0 (CPF)
Act 288 of the 2022 Regular Session of the Louisiana Legislature	https://legis.la.gov/legis/BillInfo.aspx?s=22RS&b=HB1080&sbi=y	Provides relative to broadband	8/1/2022	Improvements to GUMBO 1.0 (CPF)
Act 760 of the 2022 Regular Session of the Louisiana Legislature	https://legis.la.gov/legis/BillInfo.aspx?s=22RS&b=SB455&sbi=y	Provides for broadband development and connectivity	6/18/2022	Allows state to require ISPs to submit to state same data sent to FCC for mapping.
Act 383 of the 2023 Regular Session of the Louisiana Legislature	https://legis.la.gov/legis/BillInfo.aspx?i=245027	Provides relative to Granting Unserved Municipalities Broadband Opportunities	8/1/2023	Creates GUMBO 2.0 (BEAD)

Exhibit G

Cybersecurity Expectations for ISP's



Cybersecurity Expectations for Internet Service Providers

Purpose and Scope

This section is designed to provide clear and comprehensive cybersecurity guidance to all Broadband and Internet Service Providers (ISPs) or other public services which receive funding from the state which offer internet connections to Louisiana constituents, visitors, residents, or businesses. Given the critical role that these providers play in ensuring consistent and secure connectivity for the State, it is imperative that they create and implement a robust cybersecurity plan to detect, manage, and report cyber threats promptly.

Responsibilities

Monitoring for Cyber Threats

Device Configuration: Devices that are a part of or connected to the network should be meticulously configured to generate logs at an appropriate level, ensuring that any irregularities or potential threats are properly recorded.

Event Management: All events, especially those that might indicate potential cyber threats, should be managed, correlated, monitored, and retained as per state standards and regulations. This ensures that ISPs have a comprehensive understanding of their network's security posture at all times.

Continuous Monitoring: All internet connections, regardless of their nature, should be monitored continuously for both known and unknown cyber threats.

Threat Reporting

Immediate Notification: ISPs are expected to report any and all identified threats to the state in near real-time. This should be facilitated through threat sharing technology platforms, which ensure that threat intelligence is disseminated promptly and effectively.

Mandatory Reporting: Any attempted or successful cyber attacks on the network or infrastructure of an ISP must be promptly reported to the State of Louisiana Fusion Center. This requirement is non-negotiable and is critical for the state to assess the larger cyber threat landscape.

Cyber Incident Response Plan

Development and Maintenance: All service providers are required to develop a comprehensive Cyber Incident Response Plan (CIRP) detailing their approach to managing and mitigating cyber incidents. This plan should cover everything from threat detection to post-incident analysis.

State Collaboration: ISPs are required to share their CIRP with the State's Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) office. This ensures that in the event of a state-wide cyber incident, there's a coordinated response and that the ISP's measures align with the state's cybersecurity protocols.

Patch Management

Importance of Timely Patching: Ensuring that all systems, applications, and devices are up-to-date with the latest security patches is a critical aspect of maintaining a robust cybersecurity posture. Vulnerabilities that are left unpatched can serve as entry points for cyber attackers.

Routine Patching Schedule: Service providers should implement a routine patching schedule. Critical security patches should be applied as soon as possible, while non-critical patches should be implemented based on a predefined schedule that minimizes disruptions but ensures timely updates.

Patch Assessment: Before applying patches, ISPs should assess them in a controlled environment to verify their compatibility and to ensure that they do not introduce additional vulnerabilities or issues.



Patch Reporting: ISPs should maintain a record of all applied patches, detailing the date of implementation, the nature of the patch, and any observed impact on systems or services. This record should be made available to the State upon request.

Patch Notification: In instances where a patch addresses a critical vulnerability or has a significant impact on services or user security, ISPs should notify their customers and provide guidance on any required actions.

Audits and Compliance: The state may conduct periodic audits to ensure ISPs are adhering to best practices in patch management. Non-compliance with patch management guidelines can lead to further actions as deemed appropriate by the state.

Timely and efficient patch management not only safeguards the service providers' infrastructure but also plays a pivotal role in ensuring the overall security of the State's digital ecosystem. ISPs are encouraged to prioritize this process and leverage it as a core component of their cybersecurity strategy.

Supply Chain Risk Management

ISPs must understand the requirements contained within this policy section shall be shared with and are applicable to all critical third party entities providing supporting service to the ISP.

Compliance and Review

Regular reviews of ISP's cybersecurity measures will be conducted by the appropriate state authority to ensure adherence to this policy.

Third-party Cyber Risk Assessment: Every 3 years, ISPs are mandated to undergo a cyber risk assessment conducted by an independent third-party. This assessment will evaluate the effectiveness and resilience of the ISP's cybersecurity measures, ensuring that they are in line with best practices and state requirements. Risk Assessment scope shall also include a review of ISP critical vendors, partners, and shared services.

Non-compliance with any of the stipulated guidelines may result in penalties or further action as deemed necessary by the state.

Note: All Broadband and Internet Service Providers are urged to prioritize the cybersecurity of their infrastructure, not just for the security and safety of the state and its residents but to also uphold the trust and confidence that the public has placed in their services.