

State Digital Justice Advocacy Toolkit

Resources to ask for Digital Justice from your State Broadband Office

Affordable High-Speed Broadband Internet and Digital Equity

From the National Consumer Law Center and
the United Church of Christ Media Justice Ministry



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Greetings:

As the pandemic made abundantly clear, it is not possible to fully participate in modern society without subscribing to affordable high-speed internet and possessing the skills to use it. ***Two new federal programs being implemented in every U.S. state and territory will provide significant funds for internet deployment and digital equity and require states to seek community input, giving you an opportunity right now to influence your state's decisions.***

Your knowledge of your community, its needs for widespread affordable high-speed broadband internet, good jobs, digital skills and digital equity can make a difference in how this money will be spent. We explain the opportunity below, provide background resources and pointers for you to obtain more information, and supply a model letter that you can send to your state broadband office.

In 2021, Congress passed the Bipartisan Infrastructure Law, which provides \$42 billion for a Broadband Equity Access and Deployment program (BEAD) and \$2.75 billion via the Digital Equity Act. Both of these laws are being implemented by the federal Department of Commerce's National Telecommunications and Information Agency (NTIA).

BEAD will fund internet connections to unserved and some underserved communities and also requires states to make the broadband internet built with these federal funds affordable. All state BEAD plans must include an affordable low-cost broadband service option and a middle-class affordability plan. The state's BEAD plan must also include a description of how the states will ensure strong labor standards and protections in the implementation of the BEAD program.

The Digital Equity Act requires states to develop a plan that considers the needs of eight groups, including incarcerated people, people with disabilities, low-income households, veterans, aging and rural populations, people facing language barriers and members of a racial or ethnic minority. Later phases of the Digital Equity Act program will offer state capacity and implementation grants and a federal competitive grant program, which will take proposals from a wide array of applicants, including non-profits.

Implementation of these laws is underway, and each law requires states to obtain public comment and community input. The timeline will vary for each state, but for almost all states the next few months are critical—and your participation is important no matter where your state is along its timeline.

Under BEAD, states will submit an Initial Plan to NTIA sometime in the summer and fall of 2023 and a final plan in early 2024. Those Initial Plans must be subject to public comment. In addition, under the Digital Equity Act, all states are in the process of creating their own digital

equity plans, which also must be put out to the public for comment. Our resource list includes links to find state proposals and state offices and contact names.

We hope that the attached sample letter and resources provide you with a starting point and open the door for additional engagement with your state broadband office. You can help make sure these once-in-a-lifetime programs are implemented with the needs of the most vulnerable people in mind.

Thank you for your work to close the digital divide.

Sincerely,

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BEAD and Digital Equity Act State Advocacy Resources

The Department of Commerce's National Telecommunications and Information Agency (NTIA) is responsible for administering the \$42 billion appropriated via the Broadband Equity Access and Deployment program (BEAD) and \$2.75 billion via the Digital Equity Act. The NTIA's main website for all internet-related projects is <https://internet4all.gov/>.

These links will assist you in finding more information about the status of these programs in your states.

1. [Timeline](#) for the state BEAD plans. States will have different deadlines.
2. [Details](#) on state programs. To use the page:

Select your state for details and the state program director's name and contact information will appear. Also available is the federal program officer for your state who can assist you with where your state is in the process and how to provide input.

We also recommend, if you want more information, conducting an internet search to find your own state broadband office web site.

3. Federal Department of Commerce/[NTIA's list](#) of state BEAD plans and Digital Equity plans that are open for comment.
4. National Digital Inclusion Alliance's [State Digital Equity Toolkit](#) discussion the low-cost option and middle-income plan (pages 33- 39).
5. The Communication Workers of America's [handout](#) on the BEAD program includes more information on the BEAD fair labor standards.
6. Department of Commerce/NTIA [released guidance](#) for states on how to implement the BEAD program. These can offer useful details.
 - The importance of low-income programs to implement the BEAD program is described under requirement #16 on p. 78.
 - Guidance of fair labor standards is described in requirement #11 on p. 63.
7. The [Benton Institute for Broadband and Society](#) has many resources. They regularly release summaries as states release their Digital Equity Plans. These can most easily be found in their [weekly digest](#). But we also recommend searching their website for resources on your state.
8. To learn more about communications for incarcerated people, read the Prison Policy Initiative's [website](#) or visit the UCC Media Justice [website](#).

The Federal Government's Affordable Connectivity Program, which provides subsidies for low-income households to purchase high-speed broadband internet access is available at:

<https://www.getinternet.gov/apply>.

Sample Letter to State Broadband Office

[DATE]

Re: [STATE's] BEAD Initial Proposal and Digital Equity Plan

Dear [Link to find your state broadband director],

As you know, the federal Bipartisan Infrastructure Law (BIL) provides a once-in-a-lifetime opportunity to build out broadband infrastructure to unserved and underserved areas in [STATE] through the \$42 billion Broadband Equity Access and Deployment (BEAD) program. The allocation for the states and territories was announced in June. The BIL mandates that broadband deployment must not discriminate based on income level, race, ethnicity, color, religion, or national origin and requires states to prohibit such discrimination. Also, per BIL, the Federal Communications Commission will adopt rules in November prohibiting digital discrimination. In addition, the federal Digital Equity Act requires states to develop a plan that considers the needs of eight vulnerable and underserved groups.

[Provide the name your organization and describe your organization's mission or your interest].

[We/I] write to you because of [our/my] interest in ensuring that broadband service is truly affordable to struggling households, that all areas that need broadband service will get it, that this effort creates high-quality jobs, and that digital equity and inclusion efforts meet the needs of all vulnerable groups in [STATE]. This letter is intended to comment upon [STATE's] Initial Proposal and Digital Equity Plan.

Affordability. The law and federal rules, adopted by the Department of Commerce's National Telecommunications and Information Agency (NTIA), require states to create state BEAD plans and for those plans to include a middle-class affordability plan and a low-cost broadband service option. Because States have some flexibility in how they adopt these two components, [I/we] urge you to ensure that the providers who participate in BEAD:

- Provide a low-price initial tier of service available to everyone. NTIA's guidance provides an example of a low-cost service option that requires companies to offer all customers a low-cost price tier (for example for \$30/month). Because this low-price product would be available to any customer, it would reach many more people than if it were limited to a means-tested "low-income" program.
- Require participation in the federal Affordable Connectivity Program (ACP). ACP provides up to \$30/month for broadband service for low-income households. The ACP benefit offers up to \$75/month for tribal and high-cost areas. The ACP benefit combined with a low-cost service option would enable significant monthly savings for vulnerable households and ensure connection to essential internet service.

Download a copy of this letter so you can edit it for your needs:

<https://bit.ly/SampleStateLetter>

Widespread broadband service and tracking progress. The bulk of the BEAD program’s funds will go toward building out broadband to parts of the community who need it. [In particular, in my community, the following areas do not have service or have inadequate service: fill in. Fill in examples of problems in your personal experience if you have them.] [I/we] would like to know more about the decisions your office has made about where new broadband infrastructure will be built and whether my local area and areas lacking any service or sufficient service will be served. [I/We] would like to understand how you are ensuring that new broadband deployment complies with the new federal non-discrimination law. Over time, [I/we] want to be sure that the plan is fully implemented. Please share with [me/us] the best way to monitor progress on the plan.

Good jobs. The federal guidelines require states to incorporate fair labor practices criteria into their broadband plans and set baseline expectations for labor standards. Our state’s baseline expectations should incorporate strong standards that: (1) ensure workers receive quality wages and benefits, (2) encourage grantee companies to provide robust in-house training, (3) discourage the use of subcontracting to ensure accountability and high-quality work, and (4) make labor protections publicly available.

Digital inclusion for all. The Digital Equity Act requires the state plan to address the needs of incarcerated people, people with disabilities, low-income households, veterans, aging and rural populations, people facing language barriers, and members of a racial or ethnic minority. In particular, [I/we] urge you to reject predatory pricing and ensure that incarcerated people have access to affordable technology. This access will enable incarcerated people to stay in touch with loved ones, build and maintain networks, and obtain important skills, all of which will help them succeed when they rejoin their communities. [I/we] urge you to ensure that all the vulnerable communities protected by this legislation receive equal access to high-speed broadband internet technology and the digital skills and assistance needed to take advantage of it. [Fill in any additional concerns or information about vulnerable groups.] Please also keep [me/us] informed regarding any opportunities for funding pursuant to the Digital Equity Act.

[I/we] look forward to hearing how our state’s BEAD and Digital Equity Plans address our concerns. Please add [me/us] to the list of organizations receiving updates on the progress of our state plan and additional opportunities to provide feedback. [My/Our] contact information is [add the best way to reach you].

Sincerely,

cc: Federal program officer for your state, available [here](#). Don’t forget to email a copy of your letter to your state’s federal program officer when you send it to your state broadband office.