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NOTICE

IN THE MATTER OF BROADBAND EQUITY ACCESS AND DEVELOPMENT ("BEAD") GRANT INITIAL PROPOSAL VOLUME 2

Docket No. [TG23100747](#)

REQUEST FOR INFORMATION

Staff of the New Jersey Board of Public Utilities ("NJBPU" or "Board") invites all interested parties and members of the public to provide written responses on the Request for Information ("RFI") contained in this Notice regarding the BEAD climate assessment and proposed mitigation measures included in the draft of New Jersey's Initial Proposal Volume 2 in connection with the BEAD Grant Program.

Background and Procedural History

On November 16, 2021, the United States Congress enacted the Infrastructure Investment and Jobs Act ("Infrastructure Act"), also known as the Bipartisan Infrastructure Law, which includes the Broadband Equity, Access, and Deployment ("BEAD") Program. The Infrastructure Act provides that "access to affordable, reliable, high-speed broadband is essential to full participation in modern life in the United States," and that the digital divide "is a barrier to the economic competitiveness of the United States . . ." and "disproportionately affects communities of color, lower-income areas, and rural areas."

To provide access to high-speed broadband to all Americans, the Infrastructure Act created the BEAD Program. The National Telecommunications and Information Administration ("NTIA"), which is a part of the U.S. Department of Commerce, administers the BEAD program and has delegated primary administration and implementation to states and other eligible entities.

The BEAD Program provides \$42.45 billion nationwide with the principal focus of deployment of broadband service through a state-administered competitive funding

program.

States and other eligible entities are allocated BEAD funds based on a nationwide location-by-location map of broadband service (“the National Broadband Map”) compiled by the Federal Communications Commission (“FCC”) as required by the Broadband Data Improvement Act.

NTIA calculated BEAD funds for each state based on the sum of the minimum state's initial allocation of \$100 million, the calculated high-cost allocation based on each state's share of unserved locations in high-cost areas, and the final allocation calculation of any remaining funds. The remaining funds allocation is based on the number of unserved locations (residential and business) as a proportion of the national total. As a result of this allocation calculation process, NTIA has determined New Jersey's BEAD funding allocation is \$263,689,548.65.

Initial Proposal Volume 2

In accordance with NTIA instructions, the New Jersey Office of Broadband Connectivity (“OBC”) has drafted Volume 2 of its Initial Proposal under the BEAD Program. IP Volume 2 primarily details New Jersey's procedure for disbursing awards to subgrantees for the deployment of broadband infrastructure, as well steps taken to ensure that both the state and subgrantees comply with a series of regulatory, labor, and climate requirements.

Climate Assessment and Mitigation Measures

OBC's draft Initial Proposal Volume 2 proposes to require subgrantees to both deploy with 90%+ buried fiber and place infrastructure electronics in hardened waterproof vaults above ground in the following four coastal counties: Ocean, Atlantic, Cape May, and Hudson. These four counties include a total of 8,634 unserved BEAD locations and 1,280 underserved BEAD locations. (See IP Volume 2 pp.72-79 for more details). Furthermore, OBC proposes to award points to prospective subgrantees that plan to deploy with 90%+ buried fiber in counties other than the four high-risk counties (See IP Volume 2 pp.22-23 for more details.)

RFI Questions

In submitting responses to this RFI, respondents are encouraged to answer any questions they consider relevant and to the best of their ability. Respondents do not need to answer all questions for their response to be considered. Answers are understood to be preliminary and non-binding. Respondents are free to go beyond the scope of the questions and/or structure responses as necessary to increase clarity and efficiency of responses. Respondents should also feel free to submit additional or alternate information as deemed necessary and appropriate.

A. Background

Please provide information on your entity (name, size, organization type), and your involvement or interest in broadband deployment in the state of New Jersey.

B. General Questions

1. What resiliency activities and related risk mitigation measures does your organization typically integrate into fiber-based broadband deployments? If applicable, how does your organization plan for expected sea level rise, flooding and significant wind events? Do these activities differ depending on specific metrics (e.g., hazard level of a community, a location's proximity to water, likelihood of snow or freezing rain)?
2. If your organization does not typically bury fiber and/or harden electronics, particularly in areas with a combination of wind and flooding hazards, why not (e.g., cost, more effective solution, access to rights-of-way etc.)? Does your organization employ other means of protecting against climate threats?
3. Are there alternative interventions to burying fiber and/or hardening electronics that could reduce the likelihood that BEAD-funded broadband infrastructure is damaged because of significant weather events? What are the benefits and challenges, including the cost, related to these alternative interventions?
4. To what extent does your organization currently consider burying fiber at a 90%+ in broadband deployment projects across the state of New Jersey? Under what circumstances would your organization consider burying fiber and what obstacles might you expect to encounter? For a potential BEAD-funded project, to what extent would a location's or project's status as unserved versus underserved affect your likelihood of burying fiber?
5. Would the proposed project scoring in areas outside these four counties potentially incentivize your organization to submit an application that includes burying fiber and hardening above-ground electronics?

C. Cost Questions

1. What is the expected impact to the cost of a project if fiber deployments are required to be buried at a rate of 90%+ for locations in Ocean, Atlantic, Cape May, and Hudson? How, if at all, do these costs vary across these four counties?
2. What is the expected impact to the cost of the project if electronics are required to be placed in hardened waterproof vaults in these counties? How, if at all, do these costs vary across these four counties?
3. What is the variability of the cost to bury fiber and harden above-ground electronics in other New Jersey counties? How, if at all, do these costs vary across other parts of the state?

COMMENTS

All public comments should be filed under Docket No. [TG23100747](#).

The deadline for comments on this matter is 5:00 p.m. Eastern Time on December 7, 2023.

Comments may be submitted directly to the specific docket listed above using the "Post Comments" button on the Board's [Public Document Search](#). Comments are considered

public documents for purposes of the State's Open Public Records Act. Only public documents should be submitted using the "Post Comments" button on the Board's Public Document Search tool.

Any confidential information should be submitted in accordance with the procedures set forth in N.J.A.C. 14:1-12.3. In addition to hard copy submissions, confidential information may also be filed electronically via the Board's e-filing system or by email to the Secretary of the Board. Please include "Confidential Information" in the subject line of any email. Instructions for confidential e-filing are found on the Board's webpage <https://www.nj.gov/bpu/agenda/efiling/>.

Emailed and/or written comments may also be submitted to:

Sherri L. Golden

Secretary of the Board

44 South Clinton Ave., 1st Floor

PO Box 350

Trenton, NJ 08625-0350

Phone: 609-292-1599

Email: board.secretary@bpu.nj.gov

Please direct all questions on this matter with the subject "In the matter of Broadband Equity Access and Development ("BEAD") grant Initial Proposal Volume 2 to Valarry Bullard at valarry.bullard@bpu.nj.gov , Docket No. [TG23100747](#)."

Staff looks forward to receiving and reviewing your responses.

Signature of Sherri

Sherri L. Golden

Secretary of the Board

Dated: November 30, 2023