

The Honorable Arielle Roth

Assistant Secretary of Commerce for Communications and Information and Administrator

National Telecommunications and Information Administration

Responses to Questions for the Record

June 30, 2026

Attachment—Additional Questions for the Record

The Honorable Robert E. Latta (R-OH)

1. NTIA plays an important role in representing Executive Branch agencies before the FCC, including when agencies raise concerns about potential interference with federal operations. The FCC's 2020 order authorizing certain terrestrial operations by Ligado Networks in L-band spectrum prompted objections from several federal agencies, including the Departments of Defense, Transportation, and Commerce. NTIA subsequently filed a petition for reconsideration, which remains pending.

- a. What is NTIA's current position on the FCC's Ligado Order, and what actions, if any, is the agency continuing to take regarding its pending petition for reconsideration?

The Ligado Order and NTIA's petition for reconsideration are subject to active litigation. On the advice of legal counsel, NTIA will not comment on pending litigation.

- b. How does NTIA assess the potential impact of Ligado's authorized terrestrial operations on federal spectrum users today?

The Ligado Order and NTIA's petition for reconsideration are subject to active litigation. On the advice of legal counsel, NTIA will not comment on pending litigation.

- c. Ligado has announced plans to work with AST SpaceMobile. How, if at all, does that proposed partnership affect NTIA's analysis of the FCC's Ligado Order or its position on the pending petition for reconsideration?

The Ligado Order and NTIA's petition for reconsideration are subject to active litigation. On the advice of legal counsel, NTIA will not comment on pending litigation.

2. AST SpaceMobile recently announced an agreement to acquire long-term rights to use portions of Ligado's L-band spectrum to support direct-to-cell services. As the FCC evaluates the relevant applications, a number of stakeholders have submitted comments raising questions about the potential for interference with existing government and commercial L-band operations.

- a. What steps is NTIA taking to evaluate the potential interference implications of the proposed operations for existing L-band users?

NTIA is aware of the applications and will evaluate potential impacts through the normal interagency spectrum coordination process, including the Interdepartment Radio Advisory Committee (IRAC), as appropriate.

- b. Does NTIA currently have the technical information it needs to complete its assessment, or are there additional data or analyses that would be helpful?

NTIA will review the information submitted and determine whether additional technical data or analysis is needed.

- c. How is NTIA coordinating with the FCC during its review of the pending applications to ensure that potential interference concerns are fully evaluated before any final decisions are made?

NTIA will coordinate with affected agencies and the FCC through established interagency processes, including the IRAC, as appropriate.

- d. What process does NTIA use to assess whether new spectrum operations can coexist with incumbent federal and non-federal users in the L-band?

NTIA reviews proposed operations, identifies potentially affected federal systems, evaluates relevant technical information, and coordinates with affected agencies before providing views to the FCC.

The Honorable H. Morgan Griffith (R-VA)

- 1. Over many years the NTIA has had successive cooperative agreements with contractors to operate internet website name registry services. Will NTIA undertake an economic analysis of the “.com” marketplace and “.com” pricing as part of its oversight of the Domain Name System Cooperative Agreement?

NTIA has no announcement regarding .com pricing at this time.

- 2. Does NTIA intend to issue a request for information notice in the Federal Register on the current conditions of the “.com” marketplace?

NTIA has no current plans to issue a request for information (RFI).

- 3. What are NTIA’s strategies to reduce prices and stimulate competition in the “.com” registry going forward?

Amendment 35 of the Verisign Cooperative Agreement describes current wholesale pricing arrangements for .com domain registrations. NTIA continues to administer the Cooperative Agreement and to monitor market trends, including regarding domain name pricing.

- 4. What statutory authorities or amendments, if any, does NTIA believe are necessary for Congress to pass to allow for competitive bidding on the “.com” registry management contract?

NTIA has heard from stakeholders regarding the .com marketplace and has no current plans to issue an RFI, therefore we do not believe there is any action needed by Congress at this time.

The Honorable Russ Fulcher (R-ID)

1. The FCC is required to notify NTIA at least 18 months before auctioning federal spectrum. Accordingly, if the FCC wishes to auction the 2.7 GHz band — or any other federal band — before the end of the Trump Administration, it must provide that notice within the next few months. Federal agencies received Spectrum Relocation Fund support on June 30 for their transitions out of those bands, but there is a concern that certain SRF funding — specifically R&D funding — will be cut off once the FCC provides its notification. That is because the R&D funding restriction is triggered when the spectrum is “identified” for auction, and the FCC has typically included frequency identification in its notification as a matter of practice. I would like to understand whether that practice is required by statute or whether a different interpretation is available.
 - a. Is there any statutory requirement that the specific frequencies identified for auction must be identified with the FCC’s 18-month notification to NTIA? Is simultaneous identification a matter of agency practice rather than statutory mandate? Couldn’t the FCC notify NTIA that it intends to auction the 2.7 GHz band, or any other spectrum band, now and identify the specific frequencies in that band at a later time?

On September 10 the Office of Management and Budget (OMB) released Memorandum-26-19, which will drastically improve the process for repurposing federal spectrum for 6G—a key initiative for NTIA as it conducts an unprecedented number of band studies to reallocate federal spectrum for commercial use.

OMB Memo-26-19 rescinds Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

Specifically, the OMB Memo recognizes that agencies can maintain the funding they need to support necessary R&D studies and procurements while the FCC launches its auction preparation. Previously, under the Obama-era approach, such action by the FCC halted agency funding, even if studies were still underway toward NTIA’s identification of spectrum for auction, creating the Spectrum Relocation Fund Gap. This week’s action by OMB closes the gap.

As we proceed with four simultaneous repurposing band studies, NTIA has been sounding the alarm on the “SRF gap” that could slow our progress with

needless delays. Now the Trump Administration is taking a decisive step to secure 6G leadership by significantly closing that gap and allowing band studies and FCC auction preparations to proceed simultaneously. This will enable the FCC to hold multiple 6G spectrum auctions under this Administration—a win for American technology leadership.

- b. While the FCC is statutorily required to notify NTIA of its intent to auction reallocated federal spectrum, is the FCC also statutorily required to identify the spectrum for auction? Does current law permit NTIA to identify the spectrum (for SRF purposes) for auction instead?

As noted above, OMB Memo-26-19 rescinded Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

- c. If the FCC provides its 18-month notification without simultaneously identifying specific frequencies for auction, would that trigger the restriction on the use of R&D funding from the SRF by federal agencies?

As noted above, OMB Memo-26-19 rescinded Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

- d. Has NTIA's Office of General Counsel reviewed whether FCC notification and frequency identification may be separated, allowing the 18-month clock to begin while federal studies continue? If so, what is NTIA's conclusion?

As noted above, OMB Memo-26-19 rescinded Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

- e. Is NTIA's position that no legally available solution exists under current law without additional Congressional action?

As noted above, OMB Memo-26-19 rescinded Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The

Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

- f. Could the FCC issue a single notification covering the bands it intends to auction without specifying the frequencies at that stage, thereby starting the 18-month clock without triggering the R&D funding cutoff? Are separate notices for each spectrum band required?

As noted above, OMB Memo-26-19 rescinded Obama Administration-era guidance that prevented NTIA and the FCC from running in parallel the work needed to study, identify, and ready for auction federal spectrum. The Trump Administration Memo eliminates this unnecessary and burdensome restriction, setting the groundwork for multiple 6G auctions in 2028 and beyond.

- 2. The SRF provides both R&D funding, which is generally available only for spectrum that has not yet been identified for auction, and transition funding. Administrator Roth has focused on the funding cutoff as the central obstacle to a timely auction of the 2.7 GHz band, but I am interested in NTIA's view on whether transition funding provides an available alternative path.

- a. Federal agencies have received approximately \$192 million in R&D funding associated with the 2.7 GHz band and adjacent bands to study the spectrum. But transition funding from the SRF also permits funding for certain research and development activities. To what extent does NTIA believe the requested activities could instead be funded through transition funding, instead of R&D funding, from the SRF? Is there any statutory, regulatory, or procedural requirement that agencies first obtain R&D funding before accessing transition funding, or may agencies seek transition funding directly for eligible activities?

No funding for relocation and sharing costs (transition funding) is available until an agency has submitted a transition plan to NTIA, the plan has been approved and posted online, and OMB has provided Congress with a detailed plan for using SRF funds to pay for the agency's relocation or sharing costs. To develop an acceptable transition plan, an agency, in coordination with NTIA and other stakeholders, must first determine whether and how it can change its current spectrum use so as to free up frequencies for auction. "R&D" funding—also known as pipeline funding—can be used to conduct the studies and other activities that allow agencies to make that determination. Because transition funding only becomes available after the most critical R&D activities have been conducted, it is not a workable substitute for pipeline funding.

- b. R&D funding requests and transition funding requests are subject to different submission requirements under NTIA's guidance, and both require review by

NTIA's Technical Panel and OMB. Does NTIA believe the Technical Panel and OMB have authority to waive those submission requirements and approve an agency's existing R&D funding request as a transition funding request without requiring resubmission? If so, would NTIA support using that authority to allow agencies currently awaiting R&D funding for the 2.7 GHz or other spectrum bands to access transition funding without interruption? Would affording federal agencies access to transition funding pave the way for the FCC to promptly auction the spectrum? And if additional activities to support transition planning are later identified, is there any statutory prohibition on submitting a request for more transition funding?

Access to the Spectrum Relocation Fund (SRF) is governed by rules set forth by Congress, not NTIA's guidance. 47 U.S.C. § 923(g) and 47 U.S.C § 928(d) lay out the requirements for federal agencies to access funding for transition efforts while 47 U.S.C. § 928(g) provides the requirements for feasibility study funding (Spectrum Pipeline). As such, NTIA cannot waive these requirements.

Using transition funds to conduct the feasibility study post auction or identification for auction is not practicable. Per 47 U.S.C. § 923(h)(2)(D), agency transition plans—which must be submitted and approved as sufficient before agencies can receive transition funding—must include “steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.” If the agency has not sufficiently studied the band to determine if relocation is feasible or the technical approach needed to complete a transition effort, it does not have the required information to prepare a sufficient transition plan and so to obtain transition funding.

Per 47 U.S.C. § 928(e)(1)(B), agencies may receive more than one transfer of transition funding.

- c. If NTIA concludes that resubmission of funding requests is required before agencies can access transition funding, what timeline does the Technical Panel anticipate for reviewing and approving those requests? What steps, if any, would NTIA take to expedite that review process and ensure agencies can access transition funding as quickly as possible following OMB approval?

The requirements for receiving transition funding, including review and approval of transition plans, are established by Congress. For example, per 47 U.S.C. § 923(h)(1), incumbent federal agencies are required to submit their transition plans to NTIA and the Technical Panel (Tech Panel) no later than 240 days prior to an auction's start. The Tech Panel, which NTIA

chairs, is required by statute to review agency plans within 30 days, and OMB provides the required congressional notification. Once the plans are approved, NTIA must notify the FCC of estimated relocation or sharing costs six months prior to an auction. NTIA must post agency transition plans at least 120 days before an auction.

- d. The OBBBA appropriates \$50 million to NTIA to study the 2.7 GHz band, as well as the 4 GHz and 7 GHz bands for potential commercial reallocation without specifying how those funds must be allocated among individual bands or activities. If federal agencies were required to resubmit pending R&D funding requests as transition funding requests and experienced a delay while those requests were under review by the Technical Panel and OMB, does NTIA believe that the OBBBA funds could be used to support affected activities during that interim period? If not, please identify the statutory, administrative, or other limitations that would prevent such use.

NTIA is already using the \$50 million appropriated in the WFTC Act to support the required band studies, including the 2.7 GHz band, as well as the statutorily required biennial spectrum valuation report. The \$50 million has helped expedite NTIA's work on multiple band studies that are being led by NTIA. The studies themselves are conducted by the agencies with frequency assignments in the bands, using SRF pipeline funding.

- e. Does NTIA plan to request transition funding for activities not included in the \$192 million allocation? If so, when does NTIA plan to submit the funding request for those activities?

NTIA itself has no need for transition funding since it will not be incurring relocation or sharing costs. Agencies that expect to incur such costs must submit transition plans and cost estimates to NTIA no later than 240 days prior to an auction's start.

- 3. The OBBBA requires NTIA to identify substantial amounts of federal spectrum for potential reallocation, and NTIA recently announced the launch of Spectrum.gov to help the public track its progress in that process. Identification, however, is one step in a broader process that ultimately culminates in an auction. I am seeking to understand NTIA's expectations regarding the timing of each major milestone.
 - a. For each of the 1675 MHz band, 2.7 GHz band, 4 GHz band, and 7 GHz band, please provide NTIA's current projected timeline for: (i) completion of the OBBBA identification process; (ii) FCC notification to NTIA; and (iii) commencement of an auction.

NTIA is on track to meet the President's directive to report the results of studies on the 7.125-7.4 GHz band by the end of this year. NTIA does not yet have firm dates to identify portions of the 1675 MHz, 2.7 GHz, and 4 GHz

study bands to recommend for reallocation, as the studies have just begun. Pursuant to the WFTC Act, NTIA must identify at least 200 megahertz by July 4, 2027, and 500 megahertz total by July 4, 2029, and we are working expeditiously to meet and exceed those mandates. Policymakers and the public can track the status of each band study at spectrum.gov.

- b. Where does NTIA envision that FCC notification, which starts the 18-month waiting period before an auction, fits into the progress thermometers shown on Spectrum.gov?

NTIA would refer you to the FCC for answers regarding FCC's statutory requirements.

- c. Administrator Roth has described 7 GHz as one of NTIA's most advanced spectrum initiatives. Based on NTIA's current planning assumptions, does NTIA expect a 7 GHz auction to occur before January 20, 2029? If not, what factors affect that timeline?

NTIA is working to advance the 7 GHz initiative as quickly as possible and plans to complete the 7 GHz study by the year's end. I would refer you to the FCC for answers regarding auction timing. I share Chairman Carr's goal of conducting five spectrum auctions under this Administration.

- d. With respect to the 2.7 GHz band, Administrator Roth has stated that NTIA hopes the band can be auctioned during this Administration and NTIA is "working aggressively." Failure to do so could compromise the auction altogether. Can NTIA commit its intention to turn this band over to the FCC in time for an auction in 2028?

NTIA is working to advance the 2.7 GHz initiative as quickly as possible. I would refer you to the FCC for answers regarding auction timing. I share Chairman Carr's goal of conducting five spectrum auctions under this Administration.

- e. Are there additional actions available to NTIA under existing authorities that could accelerate the timelines described above? If so, please identify them.

Thanks to the updated OMB memo, NTIA and the FCC's work needed to study, identify, and ready for auction federal spectrum can now run in parallel. This will drastically accelerate our timelines. NTIA plans to share interim findings with the FCC as soon as possible to facilitate their auction preparation. NTIA also plans to resolve agency concerns early and coordinate closely with OMB and the FCC.

4. Successful implementation of the OBBBA requires coordination among NTIA, OMB, the FCC, and affected federal agencies. I would like to better understand the status of that coordination.

- a. Please describe the current status of NTIA's engagement with OMB and affected agencies regarding spectrum transition funding and implementation timelines for the bands identified in the OBBBA.

NTIA is actively coordinating with OMB, the FCC, and affected federal agencies to implement the spectrum provisions of the Working Families Tax Cut Act.

- b. How has OMB described its role in the overall process for auctioning spectrum that has been reallocated from federal to non-federal use? What are OMB's statutory obligations, and does it have the flexibility and procedural tools necessary to help facilitate the process?

NTIA would refer you to OMB to discuss its role and statutory obligations.

- c. Has OMB taken a position regarding the use of SRF transition funding for agencies operating in the 2.7 GHz, 1675 MHz, 4 GHz or 7 GHz bands, including what funding may be used by federal agencies and when? If so, please describe that position.

NTIA would refer you to OMB to discuss any position it may have.

- d. Previous reports have projected study timelines extending into 2029. What is OMB's current assessment of those timelines, and what actions are being taken to accelerate progress where possible?

NTIA would refer you to OMB to discuss its assessment and actions.

- e. Is NTIA working with OMB and the Technical Panel to streamline review of pending or anticipated SRF requests? If so, what is the timeline currently anticipated for those reviews?

The Technical Panel completed its review of agency SRF pipeline funding requests for studies of the 1675 MHz, 2.7 GHz, and 4.4 GHz bands, reflecting an unprecedented effort by NTIA and incumbent agencies, and OMB transmitted the approved plans to Congress.

5. I would like to understand how NTIA measures success in implementing OBBBA's spectrum provisions and how those metrics align with broader Administration objectives.

- a. Please identify the statutory deadlines associated with NTIA's spectrum identification obligations under OBBBA and provide NTIA's current projected timeline for meeting each requirement.

The Working Families Tax Cut Act establishes several spectrum-related milestones, including NTIA's responsibility to identify at least 500 MHz of Federal spectrum for potential reallocation and auction, with not less than 200 MHz identified by July 4, 2027, and the remaining 300 MHz by July 4, 2029. Policymakers and the public can track the status of each band study at spectrum.gov.

- b. Beyond identification milestones, does NTIA track progress toward spectrum reallocation, auction readiness, or auction completion? If so, please describe those metrics.

Yes. NTIA is leading the study efforts and is focused on ensuring spectrum can be made available for commercial use in a timely and responsible manner. Policymakers and the public can track the status of each band study at spectrum.gov.

- c. How does NTIA intend to deploy the \$50 million appropriated under OBBBA for spectrum studies, and what timeline governs those activities?

NTIA is already using the \$50 million appropriated in the WFTC Act to support the required band studies, including the 2.7 GHz band, as well as the statutorily required biennial spectrum valuation report. The \$50 million has helped expedite NTIA's work on multiple band studies that are being led by NTIA and conducted by agencies with frequency assignments in the bands using Spectrum Relocation Fund monies.

- d. What metrics or milestones does NTIA currently report to OMB and the White House regarding implementation of OBBBA's spectrum provisions?

NTIA remains committed to ensuring that the Administration has the information necessary to advance its goal of establishing a robust 6G pipeline that promotes American technological leadership while supporting critical Federal missions.

The Honorable August Pfluger (R-TX)

1. Some LEO subgrantees have declined tentative BEAD awards or requested contract riders that would narrow performance-testing accountability, restrict audits, and limit state enforcement remedies.
- a. Can you assure that LEO providers receiving BEAD funds will be held to the same speed and service standards as every other technology, including actual availability, reliable performance, transparency, and enforceable accountability for the communities they are awarded to serve?

Yes. Each subgrant agreement—regardless of technology—must comply with

all BEAD programmatic, testing, and performance requirements, including the requirements outlined in the BEAD Notice of Funding Opportunity, the BEAD Restructuring Policy Notice, and the BEAD General Terms and Conditions, and as explained further in the BEAD FAQs.

2. Texas faces unique challenges in broadband deployment, including vast geography, low rural population density, and regulatory and cost barriers to expansion. As NTIA works through implementation with states, understanding how state-specific adjustments and funding interact with federal oversight is critical to avoiding duplication and ensuring funds reach their intended recipients.
 - a. What has NTIA's experience been with Texas as it has gone through its "benefit of the bargain" update for BEAD funding, and what feedback has NTIA heard from Texas communities and providers?

NTIA worked closely with Texas to ensure state and federal funds were coordinated and not duplicated and that the Texas BEAD Final Proposal delivered the benefit of the bargain.

- b. Texas voters approved a state Broadband Infrastructure Fund of up to \$1.5 billion to help draw down and match federal broadband dollars. How is NTIA working to deconflict state funds with federal funds, and to ensure that the state dollars Texas dedicates to support BEAD are accurately reflected and properly mapped so that state and federal investments are not duplicated?

NTIA requires all states to identify and remove from their BEAD-eligible lists any locations already committed to be served by state programs, preventing duplication of federal and state investments.

- c. Can you assure that Texas will receive our full allocation, including all non-deployment funds?

Texas will retain access to its BEAD allocation consistent with federal law and forthcoming NTIA guidance, including with respect to funding not used for deployment.

- d. When will NTIA issue guidance for how states can utilize their non-deployment funds?

On September 3, NTIA announced that a new round of BEAD funding will be made available, enabling states and territories to direct a portion of their BEAD savings toward newly identified unserved locations that were not previously included in the FCC's broadband map, as well as other locations that have become eligible as a result of defaults or changes in previous federal and state broadband programs. The release of this Supplemental Deployment Policy Notice follows significant public input into how to best

use the BEAD savings achieved through Secretary Lutnick's Benefit of the Bargain reforms. In conducting three listening sessions and reviewing thousands of comments from industry, state officials, and broadband advocates, one consistent theme emerged: the need to connect locations that were identified after the submission of Eligible Entities' Final Proposals. Other uses of BEAD funding will be addressed in subsequent guidance once NTIA has a better understanding of how much this round of supplemental deployment will cost the states and territories.

The Honorable Frank Pallone (D-NJ)

1. Will you commit to ensuring the public disclosure of all speed test and latency test measurements, data, and related information for each participating internet service provider, at each service tier offered, in each state or territory where the provider operates a BEAD-funded network or network(s)?

Consistent with the statute and provider feedback, and concerns providers submitted regarding protecting proprietary information, NTIA will publish BEAD subgrantee performance data in an aggregated form.

2. Will you commit to ensuring the public disclosure of any and all instances of a failed speed test and/or a failed latency test, including all corresponding measurements, data, and information related to failed tests that are submitted by providers of BEAD-funded networks?

NTIA will publish BEAD subgrantee performance data in an aggregated form, in accordance with the statute.

3. Given the challenges faced by wireless-based internet technologies during bad weather, such as heavy rain or snow, how does NTIA plan to ensure that all BEAD-funded providers conduct speed and latency testing during all manner of weather conditions?

Each BEAD subgrantee must comply with all BEAD requirements, including testing and performance requirements, regardless of technology. NTIA permitted Eligible Entities to consider the weather patterns of a project area, among other criteria, in determining whether a proposal met the statutory criteria for a Priority Broadband Project. Pursuant to the BEAD Performance Measures Policy Notice, subrecipients are obligated to perform random testing from their active subscribers annually during the period of performance. Eligible Entity are required to include a summarized outcome of the subrecipient's reported performance to NTIA annually and again prior to close-out of the subgrant. Eligible Entities must detail in the subgrantee agreement and/or grant conditions the corrective actions to be taken upon a finding of non-compliance with this Policy Notice (e.g., more frequent testing), but the Eligible Entity may not change the requirements detailed in the Notice of Funding Opportunity, this Policy Notice, or subsequent guidance from NTIA.

4. What obligation, if any, is a LEO provider of a BEAD-funded network under to sign up customers for the BEAD funded service?

Eligible Entities may set reasonable subscription-based milestones (or other metrics) for reimbursement to encourage LEO capacity subgrantees to market their services.

5. Is the LEO provider entitled to its full BEAD award, even if no households or businesses in a BEAD-funded area subscribe to the service?

Eligible Entities may set reasonable subscription-based milestones (or other metrics) for reimbursement to encourage LEO subgrantees to market their services. Eligible Entities must ultimately pay any subgrantee, whether it is a fiber, fixed wireless, or LEO provider, the total amount agreed to in the subaward if the subgrantee meets the terms of the subgrant agreement.

6. Publicly available guidance published on the websites of LEO and other wireless-based providers recommends that customers take steps to shield certain equipment from the elements, or to disconnect receiver antennae entirely for indoor storage, in the event of poor weather including heavy rain, high winds, snow, and other common circumstances.
 - a. Does NTIA encourage subscribers of BEAD-funded LEO or other wireless-based networks to follow their provider's weather guidance for home network equipment (including antennae, receivers, power cords, and other required components)?

Extreme weather poses a threat to all broadband infrastructure and equipment, and each technology offers unique advantages for weather resilience. A technology neutral buildout is the best way to mitigate potential hazards. Most broadband access is also dependent on stability of power systems, which are also vulnerable to extreme weather. Downed utility poles can take weeks to months to restore service to all customers, while certain technologies, such as portable LEO access points or other wireless networks, may enable faster recovery after severe weather events. To ensure safety and optimal performance, subscribers should follow provider safety and equipment guidance, consistent with the terms of their service.

- b. In circumstances that forecast storms and/or high winds, it is the subscriber's responsibility to break down, store, and re-connect the equipment, or is the LEO provider expected to provide assistance to customers to comply with weather-related guidance?

Extreme weather poses a threat to all broadband infrastructure and equipment. Customers should consult with providers on how to best prepare for weather-related events.

- c. For BEAD-funded broadband serviceable locations where wireless antennae or receivers are installed on the roof or in other difficult-to-reach locations, does NTIA expect subscribers to climb on rooftops or scale tall structures to remove and then reconnect equipment before and after storms and other weather events?

No. NTIA does not expect subscribers to climb roofs or other tall structures, just as it does not expect subscribers to connect power lines or other utilities to residences. Most equipment is designed to withstand common weather events. For severe weather, such as hurricanes, tornadoes, or earthquakes, subscribers should consult with providers on how to best prepare for such events in advance and how to restore service afterwards (if necessary). Different technology types may require different preparation or actions to restore service. For example, extreme weather can lead to downed utility poles and live wires that can directly disrupt wireline service and indirectly affect other types of service through power loss.

- d. If LEO or fixed wireless antennae, receivers, or other hardware components are damaged or destroyed by weather, is the subscriber responsible for the costs to repair, replace, or reinstall such equipment to restore service? Or, is the provider responsible for replacing the equipment at no additional charge to the subscriber during the period of performance?

Responsibility depends on the provider's warranty and service terms. Nonetheless, LEO providers must provide up to three user terminals per location during the period of performance.

- 7. The Federal Communication Commission has disclaimed its authority to regulate broadband service and Congress made clear that nothing in the Bipartisan Infrastructure Law authorizes NTIA to regulate broadband rates. The courts have specifically held that states may regulate the provision of broadband service absent federal authority to do so. You have stated previously that “any state receiving BEAD funds must exempt BEAD providers throughout their state footprint, from broadband-specific economic regulations, such as price regulation and net neutrality,” and reiterated that position again at the June 30th hearing.

- a. What is the source of NTIA's authority to preempt or nullify the application of state laws to a provider's entire state footprint, including locations that are not a part of the BEAD program?

Under the Infrastructure Investment and Jobs Act (IIJA), Congress provided NTIA with the authority to issue any “regulations or other guidance, forms, instructions, and publications” necessary to ensure that Broadband Equity Access and Deployment (BEAD) projects are carried out in a “timely and effective manner.” As explained in the General Terms and Conditions, state laws and regulations that specifically target broadband internet service—such as rate regulation and net neutrality laws—undermine the financial

viability of BEAD projects, particularly high-cost projects and those in high-cost areas. These laws and regulations deter investment and increase operating costs, thereby impeding the ability of BEAD Subgrantees to deploy broadband in a timely and effective manner.

NTIA prohibited applying these laws and regulations to BEAD providers across their footprint because such laws and regulations raise compliance costs and threaten the overall financial viability of the subgrantee, increasing the risk of default for subgrantees at BEAD locations and jeopardizing the success of the entire BEAD program. Furthermore, the increased compliance costs of a dual regulatory system could lead subgrantees to offset such costs by raising rates across their entire service area, including for consumers served by BEAD projects.

Lastly, because IJA prohibits NTIA from regulating broadband service rates, NTIA has further determined that permitting states to do what the agency itself is expressly prohibited from doing would undermine Congress' statutory objectives and impair the success of the BEAD program.

8. Under the NTIA's BEAD Restructuring Policy Notice, you are prohibiting Eligible Entities from setting the low-cost service option, and instead you have decided that subgrantees, themselves, should propose their own low-cost service option. This is a flagrant violation of the statute, 47 U.S.C. 1702(h)(5), which specifically requires *Eligible Entities* to define and submit to NTIA for approval, a low-cost service option that will apply to subgrantees.

- a. Can you explain what authority you have to ignore the plain language of the statute?

NTIA's BEAD Restructuring Policy Notice complies with the Infrastructure Investment and Jobs Act and all applicable statutes and regulations.

- b. Please explain how the Restructuring Policy Notice is consistent with the statute.

NTIA's BEAD Restructuring Policy Notice complies with the Infrastructure Investment and Jobs Act and all applicable statutes and regulations.

- c. Has NTIA otherwise restricted Eligible Entities' ability to ensure the low-cost service option obligation is enforced? For example, has NTIA prohibited states from requiring subgrantees to merely provide notice when and if they modify their low-cost service options?

No.

- d. What tools do Eligible Entities have to ensure that subgrantees are not charging an excessive amount for the low-cost service option?

Eligible Entities may take corrective action for noncompliance with the statutory low-cost plan requirement. NTIA encourages Eligible Entities to notify NTIA if a subgrantee is in violation of statutory requirements, BEAD General Terms and Conditions, or its subgrant agreement.

- e. What will NTIA do if a subgrantee charges an excessive amount for the low-cost service option?

Subgrantees proposed reasonable rates for the low-cost service option in their BEAD applications. Subgrantees are investing significant capital into deployment and subgrants do not allow additional operating expenses to be subsidized. Under these economic conditions, subgrantees have a strong incentive to attract and maintain customers to support their investments and offer and maintain affordable rates.

- 9. The Bipartisan Infrastructure Law requires that, upon approval of an Eligible Entity's Final Proposal, NTIA must publicly disclose each Eligible Entity's definition of "low-cost broadband service option." The law also requires that you establish a website allowing customers to determine whether they are eligible for the BEAD low-cost broadband service option.
 - a. Will you be making that information available and, if so, when?

NTIA is developing a webpage to publish state low-cost broadband definitions and eligibility information, as required by law.

The Honorable Doris Matsui (D-CA)

- 1. The Spectrum Relocation Fund (SRF) provides both R&D funding, which is generally available only for spectrum that has not yet been identified for auction, and transition funding. Administrator Roth, you have focused on the R&D funding cutoff as the central obstacle to a timely auction of the 2.7 GHz band. I would like NTIA's view on whether transition funding provides an available alternative path.
 - e. Federal agencies have requested approximately \$192 million in R&D funding associated with the 2.7 GHz band and adjacent bands to study the spectrum. But transition funding from the SRF also permits funding for certain research and development activities. To what extent does NTIA believe the requested activities could instead be funded through transition funding, instead of R&D funding, from the SRF? Is there any statutory, regulatory, or procedural requirement that agencies first obtain R&D funding before accessing transition funding, or may agencies seek transition funding directly for eligible activities?

No funding for relocation and sharing costs (transition funding) is legally available until an agency has submitted a transition plan to NTIA, the plan has been approved and posted online, and OMB has provided Congress with a detailed plan for using SRF funds to pay for the agency's relocation or

sharing costs. To develop an acceptable transition plan, an agency, in coordination with NTIA and other stakeholders, must first determine whether and how it can change its current spectrum use so as to free up frequencies for auction. “R&D” funding—also known as pipeline funding—can be used to conduct the studies and other activities that allow agencies to make that determination. Because transition funding only becomes available after the most critical R&D activities have been conducted, it is not a workable substitute for pipeline funding.

- f. R&D funding requests and transition funding requests are subject to different submission requirements under NTIA’s guidance, and both require review by NTIA’s Technical Panel and OMB. Does NTIA believe the Technical Panel and OMB have authority to waive those submission requirements and approve an agency’s existing R&D funding request as a transition funding request without requiring resubmission? If so, would NTIA support using that authority to allow agencies currently awaiting R&D funding for the 2.7 GHz or other spectrum bands to access transition funding without interruption? Would affording federal agencies access to transition funding pave the way for the FCC to promptly auction the spectrum? And if additional activities to support transition planning are later identified, is there any statutory prohibition on submitting a request for more transition funding?

Access to the Spectrum Relocation Fund (SRF) is governed by rules set forth by Congress, not NTIA’s guidance. 47 U.S.C. § 923(g) and 47 U.S.C § 928(d) lay out the requirements for federal agencies to access funding for transition efforts while 47 U.S.C. § 928(g) provides the requirements for feasibility study funding (Spectrum Pipeline). As such, NTIA cannot waive these requirements.

Using transition funds to conduct the feasibility study post auction or identification for auction is not practicable. Per 47 U.S.C. § 923(h)(2)(D), agency transition plans—which must be submitted and approved as sufficient before agencies can receive transition funding—must include “steps to be taken by the Federal entity to relocate its spectrum use from such frequencies or to share such frequencies, including timelines for specific geographic locations in sufficient detail to indicate when use of such frequencies at such locations will be discontinued by the Federal entity or shared between the Federal entity and non-Federal users.” If the agency has not sufficiently studied the band to determine if relocation is feasible or the technical approach needed to complete a transition effort, it does not have the required information to prepare a sufficient transition plan and so to obtain transition funding.

Per 47 U.S.C. § 928(e)(1)(B), agencies may receive more than one transfer of transition funding.

- g. If NTIA concludes that resubmission of funding requests is required before agencies can access transition funding, what timeline does the Technical Panel anticipate for reviewing and approving those requests? What steps, if any, would NTIA take to expedite that review process and ensure agencies can access transition funding as quickly as possible following OMB approval?

The requirements for receiving transition funding, including review and approval of transition plans, are established by Congress. For example, per 47 U.S.C. § 923(h)(1), incumbent federal agencies are required to submit their transition plans to NTIA and the Technical Panel (Tech Panel) no later than 240 days prior to an auction's start. The Tech Panel, which NTIA chairs, is required by statute to review agency plans within 30 days, and OMB provides the required congressional notification. Once the plans are approved, NTIA must notify the FCC of estimated relocation or sharing costs six months prior to an auction. NTIA must post agency transition plans at least 120 days before an auction.

- h. H.R.1, the budget reconciliation act, appropriates \$50 million to NTIA to study the 2.7 GHz band, as well as the 4 GHz and 7 GHz bands, for potential commercial reallocation without specifying how those funds must be allocated among individual bands or activities. If federal agencies were required to resubmit pending R&D funding requests as transition funding requests and experienced a delay while those requests were under review by the Technical Panel and OMB, does NTIA believe that the H.R.1 funds could be used to support affected activities during that interim period? If not, please identify the statutory, administrative, or other limitations that would prevent such use.

NTIA is already using the \$50 million appropriated in the WFTC Act to support the required band studies, including the 2.7 GHz band, as well as the statutorily required biennial spectrum valuation report. The \$50 million has helped expedite NTIA's work on multiple band studies that are being led by NTIA. The studies themselves are conducted by the agencies with frequency assignments in the bands, using SRF pipeline funding.

- a. Does NTIA plan to request transition funding for activities not included in the \$192 million request that has already been submitted? If so, when does NTIA plan to submit the funding request for those activities?

NTIA itself has no need for transition funding since it will not be incurring relocation or sharing costs. Agencies that may incur such costs must submit transition plans and cost estimates to NTIA no later than 240 days prior to an auction's start.

- 2. I have long advocated for the U.S. to speak with one voice on spectrum. And if we are going to be successful at the World Radiocommunication Conference in China next year, the U.S. also needs to speak with one voice with its regional partners. Building a unified

regional front will help ensure that U.S. space, licensed, and unlicensed spectrum priorities are strongly represented. The upcoming CITELE meeting in November is an opportunity to do just that, but right now it is also the only—and final—opportunity. That’s why, in addition to CITELE, I believe the U.S. should sponsor and host its own regional spectrum summit to bring together high-level officials—not just the subject matter experts—so we can organize and collaborate on the most critical challenges facing the Americas.

- a. Administrator Roth, do you agree that a high-level regional spectrum summit would help ensure U.S. leadership at W-R-C 27?

Yes.

- b. What is NTIA’s progress toward finalizing U.S. positions in advance of CITELE and a regional spectrum summit?

NTIA is ahead of schedule in preparing U.S. positions for WRC-27, actively engaging with regional partners through CITELE and organizing trainings through the U.S. Telecommunication Training Institute to build consensus on key agenda items. To date, NTIA has coordinated the submission of fifteen U.S. proposals to our CITELE partners, some of which have already garnered sufficient support to become the Americas position to be submitted to the International Telecom Union next year, in advance of WRC-27. We are on track to coordinate and submit all U.S. positions for the new agenda items this fall, prior to the November 30-December 4 CITELE meeting.

3. Reliable positioning, navigation, and timing (PNT) underpins everything from emergency response and transportation to banking and agriculture, which is why building redundancy into our national PNT architecture has become a national security priority. NTIA has backed a “system of systems” approach to PNT and emphasized incentivizing technologies that complement and augment GPS rather than replace it. Administrator Roth, can you speak to why building a diversified, resilient PNT architecture is a priority, and how NTIA is coordinating across DoD, DOT, DHS, and NIST to ensure new systems are interoperable and don’t interfere with existing systems?

Consistent with Executive Order 13905 and Executive Order 14369, NTIA supports responsible use of PNT and development of interoperable technologies that enable the United States to remain the standards and services leader in PNT. NTIA coordinates with the Department of War (DoW), Department of Transportation (DOT), Department of Homeland Security, National Institute of Standards and Technology, and other agencies to promote resilience, common standards, and interference protection. NTIA filed comments on behalf of the Executive Branch in the FCC’s “Promoting the Development of Positioning, Navigation, and Timing Technologies and Solutions” Notice of Inquiry (Docket 25-110), highlighting the key roles Federal agencies play in promoting PNT resilience. We also submitted a follow-up filing in the proceeding that provided an Inventory of complementary,

alternative, and augmentative PNT Solutions comprised of satellite, terrestrial and independent (non-spectrum) solutions. See: <https://www.fcc.gov/ecfs/document/1052783551421/1>.

4. The Federal Communications Commission is currently considering potential modifications to the regulatory framework governing the 902-928 MHz band. As the President's principal advisor on federal spectrum management, please describe NTIA's understanding of current operations within the band, including:

- a. The federal agencies that NTIA understands currently operate systems in any portion of the 902-928 MHz band;

There are many Federal operations in the 902–928 MHz band including radiolocation and wind-profiling systems used by DOT, DoW and National Oceanic and Atmospheric Administration along with our own federal usage of the unlicensed Radio Frequency Identification Tags (RFID) technologies. Some assignment-level information is not publicly releasable.

- b. The categories of non-federal entities that NTIA understands currently rely on the band, including but not limited to critical infrastructure operators;

Non-federal users span virtually the entire economy and include, but are not limited to, power utilities, toll road operators, critical-infrastructure operators, manufacturers, agricultural users, transportation providers, amateur operators, and consumers.

- c. The types of missions, services, and applications supported by these users; and

Uses include electrical power metering by utilities, electrical grid monitoring, industrial control, telemetry, tracking, sensors, communications, wind profiling, and federal radiolocation. For example, this band is used extensively for RFID used for many purposes including both public safety and commercial applications such as for charging vehicle tolls and commercial inventory management for large and small U.S. companies, including Walmart, Amazon, Target and Best Buy and the trucking industry across the country. Numerous commercial devices use RFID technology in the lower 900 MHz, such as for Ring cameras, EZPass readers, asset trackers, including in printed airline bag tags to track luggage from airport to airport.

- d. Any known spectrum-sharing arrangements, coordination mechanisms, or interference-protection frameworks applicable to operations in the band.

The 900 MHz band is unique because some existing licensed services in the band are required to protect certain existing unlicensed operations (See Section 90.353(a) of the FCC Rules). This stands in contrast to other

unlicensed bands where those services are not protected at all.

- e. Please provide any inventories, assessments, technical analyses, or other materials relied upon by NTIA in developing its understanding of current spectrum use.

NTIA relies on the Government Master File (GMF), the NTIA public Spectrum Compendium (available at spectrum.gov), applicable FCC rules, federal agency surveys and technical analyses conducted with affected agencies. We also chair the Interdepartment Radio Advisory Committee (IRAC), through which NTIA collects the views of impacted federal spectrum users on radio-related draft proposals by the FCC.

5. Broadband deployment depends on efficient permitting processes, but those processes occur within a broader framework in which state and local governments play important and overlapping roles in protecting public safety, managing rights-of-way, coordinating infrastructure work, and reflecting community needs. Even when providers are ready to build, they may face unclear or inconsistent processes even as local permitting offices in turn deal with limited staffing and increased demand from multiple infrastructure projects. How is NTIA working with states, local governments, and providers to improve transparency, predictability, and coordination in broadband permitting while ensuring that state and local voices, authority, and resource constraints are fully respected?

NTIA allows Eligible Entities to use BEAD funds to satisfy requirements under the “Grantee Permitting Obligations” condition of the General Terms and Conditions for BEAD Funds, which require Eligible Entities to expedite state and local permitting, streamline processing, and minimize permitting-related costs. One such requirement is to establish Permitting Roundtables and/or working groups of relevant federal, state, local, and Tribal authorities and representatives of impacted industries to facilitate the resolution of any delays or disputes related to deploying BEAD-funded facilities.

6. The BEAD program depends on the timely availability of fiber and fiber optic cable so that states and providers can connect underserved communities to high-speed, affordable broadband without unnecessary delays or cost increases.
 - a. Administrator Roth, at the hearing during your exchange with Congressman Pfluger, you stated that fiber providers have committed to delivering the domestic supply needed to complete BEAD projects. How is NTIA verifying that those commitments are being met? How will NTIA respond if the promised supply does not materialize on the timelines that states and providers need to complete BEAD projects on time?

NTIA monitors the fiber supply chain closely and fully expects fiber providers to honor their commitments to deliver fiber supply on the timelines that states and providers need to complete BEAD projects on time. NTIA requires Eligible Entities to establish interim buildout milestones to ensure

that subgrantees are making reasonable progress.

NTIA shares the Committee's interest in making sure domestic manufacturers are ready to meet BEAD demand. We are closely monitoring the fiber supply chain (including by conducting fiber plant site visits to see capacity and delivery timelines firsthand) and we will continue to work with manufacturers, states, providers, and Congress as needs, questions, or concerns arise.

- b. How is NTIA evaluating whether competing demand for fiber from across the economy, including from AI data centers and other high-capacity networks, could affect the availability and pricing of fiber needed for BEAD, and what steps is NTIA taking to ensure BEAD-funded projects remain a priority?

NTIA monitors the fiber supply chain closely. Fiber providers have pledged to deliver fiber for BEAD projects on time and we expect them to honor their commitments. NTIA will continue monitoring supply conditions and project timelines.

The Honorable Debbie Dingell (D-MI)

1. Administrator Roth, can you provide a timeline on when NTIA expects to issue updated guidance on non-deployment funding and how NTIA is working with states to ensure these funds can be used effectively and consistent with congressional intent without further delays?

On September 3, NTIA announced that a new round of BEAD funding will be made available, enabling states and territories to direct a portion of their BEAD savings toward newly identified unserved locations that were not previously included in the FCC's broadband map, as well as other locations that have become eligible as a result of defaults or changes in previous federal and state broadband programs. The release of this Supplemental Deployment Policy Notice follows significant public input into how to best use the BEAD savings achieved through Secretary Lutnick's Benefit of the Bargain reforms. In conducting three listening sessions and reviewing thousands of comments from industry, state officials, and broadband advocates, one consistent theme emerged: the need to connect locations that were identified after the submission of Eligible Entities' Final Proposals. Other uses of BEAD funding will be addressed in subsequent guidance once NTIA has a better understanding of how much this round of supplemental deployment will cost the states and territories.

2. Administrator Roth, how is NTIA working with states to ensure that technical or mapping revisions do not unintentionally leave eligible communities behind, and is NTIA considering additional flexibility for states to address those situations?

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3. Administrator Roth, can you discuss how NTIA is working to ensure coordination with states during implementation and how the agency can better support states like Michigan as we work to connect these communities as quickly as possible?

NTIA regularly engages with the Michigan High-Speed Internet Office regarding the implementation of the BEAD program and will continue working with state and local stakeholders to resolve issues and support timely deployment.

4. Administrator Roth, as NTIA continues implementing BEAD, how is the agency working with states, providers, utilities, and the FCC to help address pole access challenges and ensure these issues do not delay broadband deployment projects or increase costs for communities and ratepayers?

As part of the BEAD General Terms and Conditions, NTIA required states to streamline permitting, take action to minimize permitting costs, and establish permitting roundtables to identify obstacles and address complaints. NTIA is coordinating with states, providers, utilities, and the FCC to address pole access issues early, avoid delays, and prevent unnecessary costs for communities and ratepayers.

5. Administrator Roth, how is NTIA currently coordinating with the FCC and other federal agencies to improve the accuracy and consistency of broadband mapping data?

The first Trump Administration launched the American Broadband Initiative that created the Federal Funding Workstream—a monthly meeting that is co-hosted by NTIA and the U.S. Department of Agriculture (USDA) with all Federal agencies that fund broadband efforts. Through this initiative, NTIA coordinates regularly with the FCC, Treasury, and USDA Rural Utilities Service to coordinate on Federal broadband programs and support broader de-duplication efforts, ensuring efficient use of Federal broadband funds.

In addition, NTIA also coordinates with Federal agencies that fund broadband deployment, as directed by the Consolidated Appropriations Act, 2021, that contained the Broadband Interagency Coordination Act of 2020 (BICA), which directed NTIA, USDA, and the FCC to enter into an interagency agreement

requiring coordination between the agencies for the distribution of funds for broadband deployment.

6. Administrator Roth, can you provide an update on NTIA's ongoing spectrum studies and how the agency is coordinating with the FCC to identify additional spectrum for commercial use and support continued 5G and 6G deployment?

NTIA is working closely with affected federal agencies to complete ongoing spectrum studies. These efforts are focused on building a robust spectrum pipeline for continued 5G growth and future 6G services while supporting critical Federal missions. Policymakers and the public can track the status of each band study at spectrum.gov.

7. Administrator Roth, how is NTIA working to accelerate the spectrum pipeline while balancing federal spectrum needs and national security priorities?

NTIA is accelerating the spectrum pipeline by advancing technical studies, transition planning, and interagency decision-making as early and efficiently as possible. At the same time, we are ensuring that any reallocation or sharing framework supports national security, public safety, and other essential Federal missions.

The Honorable Robin Kelly (D-IL)

1. Administrator Roth, one little-remarked aspect of the debate around AI is the strain that it will place on our wireless networks. AI will lead to 4x more wireless traffic by 2031, and 30% of internet traffic will be AI by 2034. To meet this rapidly approaching demand and alleviate the strain AI will place on our networks, how is NTIA working to ensure that 800 MHz of spectrum is deployed for licensed commercial use?

NTIA is working with affected federal agencies to advance the Administration's goal of making 800 MHz available for licensed commercial use. We are accelerating spectrum studies, identifying candidate bands, and supporting timely transitions and auctions while supporting critical Federal missions. Policymakers and the public can track the status of each of NTIA's band studies at spectrum.gov.

The Honorable Troy Carter (D-LA)

1. Administrator Roth, unlicensed Wi-Fi allows new and smaller mobile competitors to offer consumers lower prices and reduce their network costs. Administrator Roth, you have been clear in your support for protecting the full 6 gigahertz band for unlicensed use, and as the co-chair of the Congressional Wi-Fi Caucus, I appreciate that leadership. Can you explain why preserving 6 GHz for Wi-Fi is important not only for broadband capacity, innovation, and access, but also for competition, consumer choice, and affordability in the wireless marketplace?

The 6 GHz band is important because unlicensed spectrum allows entrepreneurs to

deploy and test new applications in the marketplace without relying on top-down government mandates. That creates an environment in which innovation is driven by consumer demand and gives American companies greater opportunities to develop next-generation Wi-Fi technologies. Protecting Wi-Fi in the full 6 GHz band will help preserve a decentralized, competitive communications marketplace, support continued American technological leadership, and ensure consumers benefit from new and improved wireless applications.

The Honorable Paul Tonko (D-NY)

1. NTIA is prohibiting States from setting the low-cost service option, as the Infrastructure Investment and Jobs Act required, and instead NTIA has determined that service providers have the sole discretion to propose their own low-cost service option. In addition, NTIA has circulated a guidance document titled “BEAD Subgrantees: Protect Your Rights” which advises BEAD subgrantees that they should raise concerns directly with NTIA if they believe state-imposed requirements conflict with federal BEAD conditions—including those related to cost. Is it NTIA’s position that a statutory condition that applies only to providers voluntarily accepting federal grant funds is the same as regulating rates in the broader marketplace?

NTIA requires a provider to propose and honor its own low-cost service option, which is a condition of receiving BEAD funds. NTIA’s position is that a government-mandated price would constitute rate regulation prohibited by the statute.

2. Did Assistant Secretary Arielle Roth approve the release of the “BEAD Subgrantees: Protect Your Rights” document and were there any outside organizations involved in any part of its production? If external groups were involved in any way, please outline their involvement in detail.

All NTIA guidance documents are developed and reviewed internally, with input from relevant offices as appropriate.

3. What action does NTIA intend to take if a subgrantee raises a conflict between state law and NTIA policy under this guidance?

NTIA would review the circumstances and determine any appropriate next steps consistent with applicable law and BEAD requirements.

4. Is it NTIA’s position that in the Infrastructure Investment and Jobs Act Congress granted NTIA the authority to preempt state law, or require that state broadband offices or subgrantees violate state law?

Consistent with the authority granted to it by Congress, NTIA issued rules and regulations and included terms and conditions in its contracts with Eligible Entities to ensure that BEAD projects are carried out in a timely and effective manner and

to protect the program from defaults. NTIA is not preempting state law or requiring that state broadband offices or subgrantees violate state law.