



**BROADBAND  
WITHOUT  
BOUNDARIES**

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June 20, 2025

The Honorable Adam Cassady  
Principal Deputy Assistant Secretary and Deputy Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

Re: ***Broadband Equity, Access, and Deployment (“BEAD”) Program***

Dear Deputy Administrator Cassady:

WISPA – *The Association for Broadband Without Boundaries* thanks you and your staff for your hard and excellent work on the June 6, 2025 BEAD Restructuring Policy Notice (“Policy Notice”) that finally aligns the BEAD program with the intent of Congress when it adopted the 2021 Infrastructure Investment and Jobs Act (“IIJA”). As the Policy Notice recognizes, redefining “priority broadband project” so that it is no longer limited to fiber optic networks and allowing more broadband deployment technologies, such as networks using unlicensed spectrum, to apply for a priority broadband project, and to be considered reliable broadband service, is more consistent with the technology neutral intent of the IIJA.

We are writing this letter to alert you that some Eligible Entities are creating unreasonable and unnecessary obstacles for unlicensed fixed wireless (“ULFW”) operators to meet the seven-day deadline for presenting technical evidence that they are able to meet the technical requirements in Appendix A of the Policy Notice. For example:

**Idaho** – The draft notice that the Idaho Office of Broadband (“IOB”) has published<sup>1</sup> would require ULFWs to conduct extensive performance (speed and latency) testing “for each location selected by ADECA.” ADECA is not defined,<sup>2</sup> there is no cap on the number of locations that must be tested, and there is no time period in which the IOB has promised to provide the test locations. Further, there may be cases where the provider is unable to gain access to an active subscriber location to perform the test. Meeting this requirement could prove impossible in the short time frame permitted for ULFWs to submit information that the Broadband Serviceable Locations (“BSLs”) should not be funded with BEAD, in effect ensuring that ULFW locations will be overbuilt with BEAD funds. In addition, the draft IOB notice would require ULFWs – and only ULFWs – to indicate that the “[n]etwork can easily support the

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<sup>1</sup> The draft notice is available here: [https://linkup.idaho.gov/wp-content/uploads/2025/06/ULFW-Service-Claims-Evidence-Guidance-ID\\_v6\\_06.17.25.pdf?ref=broadbandbreakfast.com](https://linkup.idaho.gov/wp-content/uploads/2025/06/ULFW-Service-Claims-Evidence-Guidance-ID_v6_06.17.25.pdf?ref=broadbandbreakfast.com).

<sup>2</sup> ADECA may refer to the Alabama Department of Economic and Community Affairs, which administers the BEAD program for Alabama.

deployment of 5G, successor wireless technologies and other advanced services.” This far exceeds the IIA and NOFO requirement that the network be able to “support 5G – not “easily support,” and certainly not support unknown and unforeseeable technologies and services. **Because the IOB has indicated that it will finalize the list of evidence by June 24, 2025, it is essential that NTIA immediately direct the IOB to exclude from its requirements the evidence described above.**

*New Mexico* – Although the New Mexico Office of Broadband Access & Expansion (“OBAE”) references Appendix A, its procedures mandate manual BSL-by-BSL completion of a rigid Excel workbook, rather than accepting shapefiles or polygon data that providers already submit to the FCC’s Broadband Data Collection.<sup>3</sup> It requires sector-level association of BSLs to individual access points, which exceeds even what NTIA requests for performance substantiation. The procedures preclude automation or data abstraction, forcing smaller operators to allocate dozens of man-hours to repetitive data entry – something that is not scalable for small ULFWs within the required time frame. There appears to be no flexibility in formatting or submission pathway, and no acknowledgment that BDC filings already contain much of this information. These burdens are exacerbated by the fact that the ULFW evidentiary process and the prequalification process overlap, compressing the timeline for ULFW providers that would like to apply under the technology-neutral benefits of the Policy Notice.

If the goal is to identify and exclude genuinely served BSLs from the BEAD eligibility map, ULFW providers should be permitted to (1) submit existing BDC shapefiles along with sector coverage overlays and technical attestations; (2) summarize propagation reports and equipment specifications that demonstrate compliance with BEAD technical criteria, without requiring manual BSL-level tabulation; and (3) include as acceptable formats JSON, GIS shapefiles, or CSV outputs from vendor tools or CRM systems. OBAE also should re-evaluate the strict tab-sequencing and sector-mapping requirement, which appears to be beyond what NTIA had in mind. These changes would allow the state to maintain fidelity in its review process, while also acknowledging the practical constraints many local providers face. **Because OBAE has set a July 1, 2025 deadline for ULFWs to submit their evidence, NTIA should immediately direct OBAE to take the steps recommended above.**

In sum, the evidentiary process that these states, and likely others, have implemented extend far beyond what NTIA contemplated in Appendix A of the Policy Notice, and appear to be designed to ensure that ULFWs are unable to disqualify locations receiving 100/20 Mbps service. **We urge your office to direct Eligible Entities to make appropriate changes, and to carefully examine and take action on notices from other Eligible Entities that appear biased against ULFW deployments.**

We are also concerned that the Ohio state broadband office might not use the most recent version of the Fabric to remove locations already being served by fiber or other broadband technologies. Several WISPA members in Ohio have observed how that state broadband office

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<sup>3</sup> The procedures and data collection are available in zip files accessible from the “Evidence Submission Documents” button at this link: <https://connect.nm.gov/bead-news.html>.

failed to comply with the May 2022 NOFO). For example, one WISPA member, historically a provider of fixed wireless internet service, recently built out a fiber network that is presently serving customers with gigabit connectivity. The state broadband office was apparently skeptical that this provider could have added so many fiber-served locations between Broadband Data Collection filing periods and chose to disqualify those locations, without inspection, despite the fact that the provider is actively serving those locations. This is problematic on its face, but Ohio previously attempted to disqualify ALL fixed wireless locations – licensed or otherwise – in an apparent attempt to attract private equity investment in new fiber network deployments in Ohio. WISPA and its Ohio members therefore are concerned that the Ohio broadband office will not comply with the June 2025 Policy Notice similar to the way it failed to comply with the 2022 BEAD NOFO.

In addition, we ask NTIA to answer the following questions:

- Will locations depicted as “served” by satellite on the Fabric be available for BEAD funding? Although LEOs are subject to separate guidance to some degree, this question commonly arises from our members, and clarification would be helpful.
- What is the “most recent version of the Fabric?” While states may be using different overlays or datasets against the Fabric, given time constraints, and for consistency, what guidance can NTIA provide to clarify this question?
- How does NTIA define “support 5G?” This topic merits clarification because it is only applicable to ULFW providers and therefore could be used to disqualify them. ULFW providers are generally not mobile carriers which operate in a different regulatory realm. Neither ULFW nor fiber optic networks typically utilize 5G protocols even though they are capable of providing transport (although CBRS is an exception because of the underlying protocols it incorporates). Therefore, NTIA guidance on this topic is needed.

Again, we appreciate your dedicated service to the public in making necessary changes to the BEAD program, and we look forward to your continued assistance as Eligible Entities begin implementing their BEAD plans. As we continue to receive alerts from members which raise concerns about actions being taken in other states and territories, we will bring them to your attention as soon as possible.

Respectfully,



David M. Zumwalt, President & CEO

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