



State of Louisiana
OFFICE OF THE GOVERNOR
P.O. BOX 94004
BATON ROUGE
70804-9004

Jeff Landry
Governor

January 22, 2025

Via Electronic Mail

Mr. Howard Lutnick
Acting Commerce Secretary
US Department of Commerce

Re: Louisiana's Broadband BEAD Program and Proposed Reforms for Success under President Trump

Dear Acting Secretary Lutnick:

Since the start of my administration, we have made it a priority to eliminate the digital divide in Louisiana. Ensuring access to high-quality broadband statewide, including across the rural areas of our state that have been too often left behind, is truly of vital importance in our state.

In pursuit of this goal, the Louisiana State Office of Broadband Development and Connectivity (ConnectLA) has developed and executed the country's most successful plan to balance the needs of both people and industry in providing universal coverage for the 140,000 or so broadband serviceable locations that have been federally approved by the National Telecommunications Information Administration (NTIA). This includes running an extremely efficient free market process that removed unnecessary administrative burdens to ensure widespread private sector participation. Given our results, we feel very confident that we will have shovels in the ground across rural Louisiana in the first 100 days of your administration. The work of my broadband office has been cited as a model of excellence by the American Enterprise Institute, congressional legislators and the media.

We also feel very confident that a significant majority of our dollars will go to build fiber connectivity to these locations, a solution that is well suited for many areas of Louisiana. However, in order to maximize efficient use taxpayer dollars and ensure fit for purpose solutions statewide, we have strongly pursued a tech neutral solution, including specifically engaging with Low Earth Orbit (LEO) satellite service providers in order to deliver universal coverage.

Additionally, due to this highly efficient use of funds achieved in the deployment category, Louisiana has also been able to extend the impact of the public funds allocated to us by federal statute into other priority of broadband investment areas including healthcare, education, work, and small businesses development. These are also priorities of my administration to improve the lives of all Louisianans.

On the 15th of January, 2025, I testified at the US Transportation and Infrastructure Committee where I argued that *"It is time we eliminate the regulatory barriers, streamline permitting, and truly implement the one federal decision process."* We have walked this walk in our implementation of the BEAD program in Louisiana, and we strongly encourage you to set other states on a similar path as you reform and improve the program.

Given the above and our overall broadband approach, we would greatly appreciate having the opportunity to serve as a thought partner and sounding board as you make necessary reforms to NTIA and the Broadband Equity Access Deployment Program.

To get started on the reforms that would result in shovels in the ground quickly, we would propose the following based on our hard-won experience as the first state in the nation to achieve every major program milestone:

A. Reverse policy choices that skew market-driven outcomes for technology selection.

1. Amend the BEAD NOFO to reclassify Low-Earth Orbit (LEO) satellite and unlicensed wireless services that can deliver qualifying broadband service as “Reliable Broadband Services” and eliminate the “Alternative Technology” category.
2. Adopt a self-effectuating policy permitting any state to establish, prior to the start of subgrantee selection, a simple *ex-ante* cost per location above which no preference need be given to FTTH.
3. Eliminate any policies establishing separate rules and requirements for LEO and unlicensed wireless subgrants and disbursements; apply the same requirements to all technologies.

B. Remove requirements not mandated by statute to focus BEAD on achieving deployment objectives.

4. In order to effectuate the clear statutory prohibition on rate regulation, unwind NTIA’s heavy-handed requirement that states adopt the BEAD NOFO’s existing definition of the Low-Cost Broadband Service Option. Instead, implement the statutory requirement by providing states with a menu to select from, including:
 - a. A safe harbor provision allowing any subgrantee’s existing voluntary low-income plans for qualifying broadband service offered elsewhere in a state to satisfy its LCSO requirement; or
 - b. A rate that is not higher than the FCC’s 2024 reasonable comparability benchmark rate for 100/20 Mbps service with an unlimited capacity allowance, or \$96.26 per month; and
 - c. Permission for annual inflation adjustments to reflect changes in the consumer price index.

States will provide notice of their revised low-cost broadband service option to the public prior to subgrantee selection and submit it to NTIA as part of their Final Proposals. States that have already completed subgrantee selection may substitute any of the above LCSO options into final subgrant agreements.

5. Amend the BEAD NOFO to eliminate the federal Letter of Credit mandate so BEAD funds go to broadband deployment, not banks. States can and should be relied upon to develop reasonable procedures for ensuring financial viability of subgrants and protection of public funds.
6. Eliminate unnecessary and/or punitive reporting obligations, to include for example:
 - a. The “project employment and local impact report” triggered by failure to pay Davis Bacon or state-equivalent wages;
 - b. The “project workforce continuity plan” triggered by failure to use a unionized project workforce or include a project labor agreement;

- c. The requirement to list all interconnection agreements that were requested, and their current status; and
 - d. The requirement to report the number and amount of contracts and subcontracts awarded by the subgrantee, disaggregated by recipients of each such contract or subcontracts that are MBEs or WBEs; and
7. Eliminate requirements that extraneously burden states and subgrantees, to include the requirements that:
- a. States explain how they intend to address climate change, and prohibit state imposition of climate change-related obligations on BEAD-funded providers; and
 - b. Subgrantees provide copies of their cybersecurity and supply chain risk management plans to state officials.

C. Streamline NTIA and NIST requirements and commit to timely, transparent review periods.

8. Impose a 60-day or 30-day “deemed granted” shot clocks for all statutorily mandated NTIA and NIST approvals and create a publicly-available tracker showing the status of all actions pending and completed at the federal level.
- a. Initial Proposal: 30 days for any revisions or amendments to already-approved plans.
 - b. Validation of challenge results/final eligible locations: 30 days
 - c. Final Proposal (including NIST award approval and issuance): 30 days
 - d. NIST review of funding disbursement requests: 30 days
 - e. Requests for Waiver, Deadline Extensions, or Alternative Uses of Funds: 15 days
9. Ensure streamlined administration of the BEAD Program by requiring, as a condition of approval of a state’s final proposal:
- a. Use of fixed amount subawards to ensure that states and subgrantees enjoy the benefits of the relief NTIA and OMB afforded in the Uniform Guidance Public Notice;
 - b. Proactive encouragement that all states adopt early payment milestone that allow funds to flow quickly to subgrantees to support efficient financing of working capital requirements; and
 - c. Use of streamlined cost reasonableness review policies to ensure that grant reimbursements are not unnecessarily delayed.

I look forward to a favorable outcome to this letter and should you have any questions, please do not hesitate to contact me or Veneeth Iyengar, the Executive Director for the Louisiana State Office of Broadband Development and Connectivity at Veneeth.iyengar@la.gov .

For Louisiana,

A handwritten signature in blue ink, appearing to read "Jeff Landry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff Landry
Governor