

**Nebraska Broadband Office (NBO)**  
**Nebraska Broadband Equity, Access, and Deployment (NBEAD) Program**  
**Frequently Asked Questions**  
**April 1, 2025**

**1. What is the difference between an Organizational Application (OA) and a Project Application (PA)? Do we have to submit both?**

Yes, if your organization wants to be considered for NBEAD funding, you must submit both an OA and a PA. NBO has split NBEAD applications into two pieces: an OA and a PA. The OA addresses components of the application specific to the applicant organization: contact and legal information, ownership, capacity, experience with other federal or state funding; and the required certifications and attestations. Each applicant will submit one OA, regardless of the number of Defined Project Areas (DPAs) in which the organization is interested. Applicants *must* submit an OA targeting at least one DPA to participate in the NBEAD program. PAs will address details specific to a planned project in a single DPA. PAs will include plans concerning the design and construction of the planned project, outreach efforts, labor and workforce, compliance with laws, and budget. One PA must be submitted for each DPA in which an applicant is interested.

**2. If an organization does not submit an OA, can they still submit a PA for NBEAD funding?**

No. OAs are required for NBEAD participation, so if an organization does not submit an OA, they will not be eligible to submit a PA. NBO will screen and score OAs and publish a list of Approved Applicants. PAs will only be accepted from organizations on the list of Approved Applicants.

**3. Can we apply for funding for multiple DPA's?**

Yes, an organization may apply for multiple DPAs. A separate PA must be submitted for each of those DPAs.

**4. Do we have to submit a separate PA for each DPA?**

Yes. Each PA should address a single DPA. If an organization is interested in applying for funding for multiple DPAs, they will need to submit multiple applications.

**5. Can we partner with another organization on a project targeting a single DPA?**

Yes. You may partner with one or more organizations to submit an application for a single DPA. Please note that one of the organizations will need to serve as the Subgrantee for the project, and will be responsible for reporting to NBO, submitting reimbursement requests, and paying the other partner(s).

**6. What if we are just starting as an internet service provider (ISP) in Nebraska, or have only been in business a short time? Can we apply for NBEAD funding?**

Yes, new or young organizations may apply for NBEAD funding. The RFA details information alternatives for new organizations as applicable. Please be aware that there is a short window in which NBO will accept questions on the OAs and another short window for questions on the PAs, so if anything is unclear, do not hesitate to submit your question.

**7. What kinds of organizations are eligible to apply for NBEAD funding?**

The following organizations are eligible to apply for NBEAD funding:

- Internet service providers
- Cable service providers
- Telephone service providers
- Tribal governments or other entities
- Women-owned business enterprises
- Cooperatives
- Nonprofit organizations
- Public-private companies
- Public or private utilities
- Public utility districts
- Local Governments, including any unit, subdivision, authority, or consortium or local or tribal governments
- Incorporated businesses or partnerships
- Limited liability companies

**8. What are the NBEAD funding priorities?**

The BEAD legislation requires prioritization of unserved Broadband Serviceable Locations (BSLs), then underserved BSLs, and then Community Anchor Institutions (CAIs). Projects that target end-to-end fiber architecture or fiber to the premises (FTTP) must be prioritized over other technologies. Projects that include matching funds of greater than 25% will receive additional points in the evaluation of applications. NBEAD applications that target high poverty areas and persistent poverty counties are also of higher priority.

**9. What is the difference between a Priority Project and an Other Project?**

A Priority Project targets complete coverage of the DPA with end-to-end fiber architecture. An Other Project includes other technologies such as licensed fixed wireless or low-earth orbit satellite, or a combination of any two or more technologies. Applications that target Priority Projects will be scored before those that target an Other Project for the same DPA. Additional information about scoring is included in the RFA.

**10. What is Reliable Broadband Service?**

Reliable Broadband Service (RBS) is defined as broadband service that is accessible to a location via:

- Fiber-optic technology (Broadband Data Collection [BDC] technology code 50)
- Cable modem/hybrid fiber-coaxial (HFC) technology (technology code 40)
- Digital subscriber line (DSL) technology (technology code 10)
- Terrestrial fixed wireless technology utilizing entirely licensed spectrum (includes spectrum licensed by rule) or using a hybrid of licensed and unlicensed spectrum (technology codes 71 and 72).

**11. Which technologies are prioritized under NBEAD?**

Under NBEAD, technologies are prioritized in the following order:

- a) RBS – Priority Project: a project that will provision service via end-to-end fiber-optic facilities to each end-user premises.
- b) RBS – Qualifying Broadband: a project that will provision service via:
  - i. cable modem/ HFC technology;
  - ii. DSL technology; or
  - iii. terrestrial fixed wireless technology utilizing entirely licensed spectrum (LFW) or using a hybrid of licensed and unlicensed spectrum (ULFW).
- c) Alternative Technologies: a project that will provision service via technology that does not qualify as RBS, including ULFW and low-Earth orbit satellite (LEO).

**12. If we are awarded NBEAD funds, when does construction have to begin and how long will subgrantees have to complete construction?**

PAs will include timelines for each major project milestone, and Subgrantee progress will be tracked against these milestones. Unless otherwise specified in the PA and subsequent subgrant, Subgrantees will have four (4) years from the date of full execution of the subgrant to complete construction and begin delivering service to customers.

**13. If an applicant proposes all fiber, but later determines that other technology would be a better fit for a DPA, can they change to the other technology or mix technologies?**

No. Once an application is approved for NBEAD funding, the contents of the application will become part of the legal agreement (the subgrant) for the project.

**14. Can an application include serving some BSLs with fiber and others in the same DPA with an alternate technology?**

Yes. Any application proposing to serve some locations with a technology other than fiber would be considered an Other Project application.

**15. We have a national pricing scheme and cannot hold to a state pricing scheme, so what do I do? Does this mean I cannot apply for NBEAD funding?**

No, this will not prevent you from applying for NBEAD funding. As part of your PA, you will commit to the pricing scheme included in your application, with adjustments no more than annually and linked to the Consumer Price Index.

**16. What about Davis-Bacon? Does it apply to NBEAD?**

According to NTIA, Davis-Bacon does not apply to NBEAD.\*

*\*Answer updated 2/18/2025*

**17. Are assets purchased under this program subject to federal interest?**

Yes. Property and equipment (including information technology systems) purchased with NBEAD funds and having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the Subgrantee for financial statement purposes, or \$10,000 purchased with NBEAD funds are subject federal interest. The federal interest period for property and equipment acquired or improved with NBEAD subgrant funds is 10 years from the year in which the subgrant for a project has been closed out. For example, if a subgrant ends any time in 2029, the federal interest period will run through December 31, 2039.

**18. What should applicants do if the DPA in which we are interested intersects with Tribal Lands?**

Applicants who submit applications for project areas that are partially or wholly located on Tribal Lands must secure written permission from the tribe or tribes that own the land. The PA must include description and documentation of efforts to secure consent from the relevant tribe(s); and the formal consent documents must be submitted within about 60 days from notification of provisional subgrant award.

**19. Where are the Labor Surplus Areas (LSAs) in Nebraska?**

LSAs are civil jurisdictions that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the national annual average unemployment rate during the referenced period is less than 6.0% then the qualifying rate is 6.0%. If the national annual average unemployment rate during the referenced period is above 10% then the qualifying rate is 10%. The Department of Labor maintains LSA designations and offers a list of these

areas on their [website](#) to support programs and projects looking to increase employment in areas of need. Per the most recent list, Nebraska does not include any LSAs.

**20. Can we submit multiple applications for the same DPA, each with a different technology plan?**

Yes. You may submit a Priority and an Other application for a single DPA, or two Other applications for a single DPA.

**21. What is the source of NBEAD funding?**

NBEAD funding derives from the Infrastructure Investment and Jobs Act (IIJA), under Assistance Listing Number 23.035. Funds were allocated to the Department of Commerce's (DOC), National Telecommunications Information Administration (NTIA). BEAD funds were awarded to states as formula grants, and Nebraska was appropriated \$405,281,070.41.

**22. How do I apply for NBEAD funding? Where do I find the rules?**

The rules governing distribution of NBEAD subgrant funds are published in the Request for Applications (RFA), which is available at <https://broadband.nebraska.gov>.

**23. When is the BEAD application process opening?**

The OA submission window opened on February 7, 2025, and will close on March 9, 2025, at 11:59PM Central Time. NBO will screen the OAs and publish the list of Approved Applicants, at which time the Round 1 PA submission window will open.

**24. How and when should I submit my OA? What about my PA?**

OAs are due on March 9, 2025, at 11:59PM Central Time, but NBO encourages applicants to submit their OAs as soon as they are ready. Unique to the OA process, there will be a short window for curing of OAs: if any required documents are not included with the OA submission, NBO will notify the contact person named in the OA via email and offer 48 hours to get the missing documents submitted. Early submission allows NBO staff to contact applicants prior to the deadline in case of any inadvertent errors or other issues.

Round 1 PAs are due by 11:59 PM Central Time on April 11, 2025. Again, NBO encourages submission prior to the deadline. There will be no curing of PAs, so complete and on-time submissions are essential.

Both OAs and PAs will be submitted into NBO's portal, at <https://apply.nebraska.broadband.gov>.

**25. How should my application attachments be formatted?**

In the Submittable portal, questions for which a file upload is necessary will include information about the acceptable file formats. The system will allow a

significant variety of file formats, including .csv, .doc, .docx, .odt, .pdf, .rtf, .txt, .wpd, .wpl, .gif, .jpg, .jpeg, .png, .svg, .tif, and .tiff.

**26. If an organization submits multiple applications, can it use the same pro forma statements for all of them, or do they need to be done separately for each project?**

The pro forma statements need to be specific to a single project, so if an organization chooses to submit multiple applications, separate pro forma statements should be included with each.

**27. How do we indicate which DPA is targeted in our application?**

Nebraska's DPAs are coded alphanumerically. The coding is alphabetical from left to right (west to east) and numerical from the top to bottom (north to south). Both OAs and PAs will include questions about the DPA's targeted.

**28. Who should I contact if I am having trouble accessing the DPA map?**

Please contact NBO Communications staff about issues with the DPA map, at [nbo.admin@nebraska.gov](mailto:nbo.admin@nebraska.gov). No other inquiries related to the RFA, OAs, or PAs will be addressed via this email address – those questions must go to [nbo.grants@nebraska.gov](mailto:nbo.grants@nebraska.gov).

**29. Where should questions regarding the applications be directed?**

All questions on both the OAs and PAs must be submitted to [nbo.grants@nebraska.gov](mailto:nbo.grants@nebraska.gov). NBO staff will not answer verbal questions but will refer them to this email address. Only written responses will be binding on NBO.

NBO will respond to questions within 4 business days of receipt via a FAQ document to be posted at <https://broadband.nebraska.gov/nbead/nbead-faqs/>.

**30. Will the application portal automatically transfer information from the OA into the PA?**

Yes, the application portal will link the unique entity identifier (UEI), federal tax identification number (FTIN), and applicant organization name from the OA to the PA(s). When you begin your PA, you will need to provide one of these pieces of information and verify the others, but you will not need to re-enter anything submitted as part of the OA.

**31. What information can I submit confidentially? How do I ensure confidential information submitted will be protected?**

NBO anticipates that most information provided in NBEAD applications will be subject to provisions under [Nebraska Rev. Stat. §84-712](#) et seq. If an applicant believes information should be excluded from the public record, the

applicant must identify on the OA or PA which responses contain proprietary or trade secret information and upload a separate file with the relevant information and an explanation about why it should be considered proprietary or confidential. Additional detail about these requirements is included in the RFA.

**32. We are planning a project that will include underground deployment. What are the requirements about conduit capacity and access points?**

Projects that will include any underground installation will be required to include excess conduit capacity and regular conduit access points for interconnection by others. If your project will involve deployment in a city, conduit access points should be placed every 300 meters. Along a highway, conduit access points should be set at regular intervals and at locations at which there is high probability to provide future service (e.g., rest areas, traffic management).

**33. What is the matching requirement for the BEAD program? Do waivers exist for this matching requirement, and in what circumstances would those waivers be provided?**

For most DPAs, subgrantees will be required to provide 25% match. NTIA has designated specific DPAs in Nebraska as High-Cost Areas (<https://broadband.nebraska.gov>), and applications for those DPAs may include match of less than 25%.

In addition, once NBO sets the Extremely High-Cost Threshold (EHCT), NBO will consider applications with match of less than 25% for DPAs which exceed the EHCT.

**34. If an area is covered by satellite technology prior, will it be considered served for the purposes of the NBEAD program?**

For the purposes of NBEAD, locations served exclusively by satellite, services using entirely unlicensed spectrum, or a technology not specified by the Federal Communications Commission (FCC) for purposes of the Broadband DATA Maps do not meet the criteria for Reliable Broadband Service and so will be considered unserved.

**35. If an applicant submits a PA targeting one of the NTIA-designated High-Cost Areas, which is exempt from the match requirements, is a Letter of Credit still required?**

Yes. An irrevocable letter of credit (ILOC) is required for each application. The ILOC requirement is meant to ensure the financial stability of the project and provide security for the grant funds, irrespective of the match exemption. The ILOC can be waived if the subgrantee obtains a performance bond that meets requirements. Additional information on letters of credit and performance bonds is included in the RFA.

**36. Can we use one letter of credit for multiple projects, or do we need a separate LOC for each project?**

No. ILOCs are specific to individual projects, so a separate ILOC is required for each project. However, the legal opinion letter that must be submitted with the ILOC may be used across multiple projects awarded to the same organization.

**37. What happens if costs go up after the subgrant is signed? Will we be asked for additional funds?**

Once a subgrant is awarded, additional funds cannot be added. If, for example, costs for materials rise, the subgrantee will need to reallocate funds within its approved budget to cover the differences. Your Broadband Grant Manager will work with you to make and approve such changes.

You may also choose to cover the cost increases with other funds, therefore altering your match plans.

**38. If unexpected costs (e.g., new fees) are discovered after the subgrant is executed, can we amend our budget?**

Yes. There will be a process for amending your project budget. Please note that additional funds will not be available, but funds in the approved budget can be reallocated within certain limits. Your Broadband Grant Manager can assist with budget amendments, and their contact information will be shared in the subgrant documents.

**39. Can we include permitting and right-of-way (ROW) fees in our budget?**

Yes. Permitting and ROW fees are eligible expenses under NBEAD. Applicants should ensure the fees are reasonable and properly itemized in the budget, as it will be reviewed as part of the PA.

**40. Can we include locating fees in our budget?**

Yes. Locating fees are eligible expenses under NBEAD. Applicants should ensure the fees are reasonable and properly itemized in the budget, as it will be reviewed as part of the PA.

**41. Do we have to get a permit to work in the right of way?**

Yes, a permit is typically required to work in the right of way. This ensures that all activities comply with local regulations and safety standards. It is important to check with your local authority or agency overseeing the right of way to obtain the necessary permits and understand any specific requirements for your project. Please check back as we are working on a permitting resource guide for additional guidance and contact information.

Please see [DPA Summaries](#) for the specific DPA you are applying for.



**42. Are pole attachment agreements required?**

Yes, pole attachment agreements are generally required for any entity wishing to attach equipment or facilities to utility poles. These agreements establish the terms and conditions for the attachment, including safety standards, maintenance responsibilities, and compensation. It is important to contact the pole owner to obtain the necessary agreements before proceeding with any attachments.

**43. Where can we learn more about permitting?**

NBO understands that permitting and pole attachment agreements can be major obstacles to deployment. To help, NBO is working on a permitting resource guide, which will be posted to our website when it is complete. This guide will provide essential information on the permitting process, including key requirements. By using this resource, you can simplify your permitting efforts and find the right contacts for any questions you may have.

Please see [DPA Summaries](#) for the specific DPA you are applying for.

**44. What are the speed test requirements that need to be met with the NBEAD-funded network?**

**Speed tests can take four forms:**

A reading of the physical line speed provided by the residential gateway, (i.e., digital subscriber link [DSL] modem, cable modem (for hybrid fiber coaxial [HFC]), optical network terminal [ONT] (for FTTH), or fixed wireless subscriber module).

1. A reading of the speed test available from within the residential gateway web interface.
2. A reading of the speed test found on the ISP's web page.
3. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using either of: Ookla <https://www.speedtest.net/> or M-Lab <https://speed.measurementlab.net/#/>

Each speed test measurement must include:

1. The time and date the speed test was conducted.
2. The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
3. Download and upload speeds.
4. Latency (measured in milliseconds).

Each group of three speed tests must include:

1. The name and street address of the customer conducting the speed test.
2. A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).

An agreement, using an online form provided by NBO, that grants access to these information elements to NBO, any contractors supporting the challenge process, and the ISP

**45. What are the speed test requirements that need to be met with the NBEAD-funded network?**

The UCC filing(s) must include the below or substantively similar language providing public notice of the federal interest in the equipment acquired with NBEAD funding: *The Equipment set forth at Attachment A hereto was acquired with funding under a financial assistance award (XX-XX-XXXX) issued by the National Institute of Standards and Technology, U.S. Department of Commerce. As such, the U.S. Department of Commerce retains an undivided equitable reversionary interest (federal interest) in the Equipment for ten years after the end of the year in which the award is closed out in accordance with 2 CFR 200.344.*

**46. What needs to be included in the Attorney's Certification submitted to NBO with a copy of the UCC-1 filings?**

The Attorney's Certification must include the following or substantively similar language: Pursuant to 28 U.S.C. 1746, I hereby certify as follows: I am legal counsel at [firm]. I am licensed to practice law in the State of Nebraska having been a license holder of said state and in good standing since [year]. Attached hereto is a certified copy of UCC-1 form(s) reflecting that this document was filed in the [location] on [month, day], year], bearing the following filing information [insert filing date, e.g., instrument number, etc.) and consists of [#] recorded pages as certified by the Secretary of State of Nebraska. I certify that this UCC-1 form(s) has/have been validly executed and properly recorded as noted above. I certify under the penalty of perjury that the foregoing is true and correct. Executed on this [#] day of [month, year]. [Attorney name and title] [Address and phone number]

**47. Where do I find the sample ILOC?**

The sample ILOC may be downloaded from NBO's website, <https://broadband.nebraska.gov>.

**48. What is the Covenant of Purpose, Use, and Ownership (Covenant) and where can I find the template?**

The Covenant is the form required to document the federal interest in NBEAD-funded real property. The sample Covenant may be downloaded from NBO's website, <https://broadband.nebraska.gov>.

**49. What are the requirements under the Build America Buy America (BABA) Act?**

NBEAD-funded projects are subject to the domestic content procurement preferences under the Build America Buy America (BABA) Act. The following requirements must be met:

- All iron and steel used in the project are produced in the US;
- All manufactured products used in the project are produced in the US; and
- All construction materials are manufactured in the US.

NBO is required to monitor subgrantee compliance with BABA, so subgrantees will be required to submit, for each material used in NBEAD-funded projects, one of the following:

- Manufacturer's Certification Letter, including
  - BABA domestic manufacturing requirement reference
  - Equipment information: product name, product description, and quantity
  - Location of manufacturing
  - Authorized signature
- Reporting Tracker on finished waived electronics, using the template provided by NTIA.

Subgrantees must collect and retain certification from manufacturers and submit copies of letter and waivers (via the Reporting Tracker) to NBO with quarterly reports.

Additional information on BABA and compliance is available at the [Office of Acquisition Management's Build America Buy America page](#), [NTIA's BABA page](#), [IIJA section 70912\(4\)-\(5\) and 70914, 2 CFR 184](#), and [OMB Memorandum M-24-02](#).

**50. What are the different kinds of match? Will you provide some examples of each?**

**Match may be cash or in-kind. Cash match is cash spent from non-federal sources, either by the Subgrantee, a project partner, a local organization (e.g., utility company), local government, or others. A non-federal source is any person or entity other than the US government. As long as the cash does not originate with the US government (e.g., through a grant, cooperative agreement, contract, or other funding program), it may be used as cash match.**

Cash match may include costs that are allocable to but will not be charged to the NBEAD project. For example, salaries and fringe benefits for accounting staff who track and report NBEAD expenses may be provided as cash match.

In-kind match is non-cash donations of property, goods, or services which benefit a project. In-kind contributions must be allowable and allocable

project expenses. This means that if a donation represents something for which the purchase is not allowable under NBEAD funds, the donation is not acceptable as in-kind match. For example, a donation of property in Wisconsin is not allocable to a project focused on Nebraska – the Wisconsin property cannot be used in the Nebraska project. The loan of a backhoe for use in installing underground fiber may be used as match for a NBEAD project. In-kind match in the broadband context could also include waiver of fees associated with access to rights of way, pole attachments, conduits, easements, or access to other types of infrastructure.

[Publication 561](#) from the Internal Revenue Service offers general valuation principles applicable to in-kind match. The key question is what the item or service would have cost if the subgrantee had to pay for it, allowing for economies of scale and damaged goods. For items not covered by Publication 561, documentation of cost estimates, for example, should be collected and kept as part of the grant file to support in-kind match. This documentation will need to be made available to NBO as part of subgrantee monitoring.

**51. What are the criteria for acceptable match funds?**

Per [2 CFR 200.306](#), matching funds, regardless of their source, must meet the following criteria:

- Verifiable from the non-federal entity's records;
- Not included as contributions for any other federal award;
- Necessary and reasonable for accomplishment of project or program objectives;
- Allowable under 2 CFR Part 200, Subpart E (Cost Principles);
- Not paid by the federal government under another award, except where the federal statute authorizing a program specifically provides that federal funds made available for such program can be applied to matching or cost sharing requirements of other federal programs;
- Provided for in the approved budget when required; and
- Conform to other provisions of 2 CFR 200.306, as applicable.

**52. Can my project partners contribute to meeting our match requirement?**

Yes, your partners can contribute to your match funding. Cash or in-kind match may be contributed by the subgrantee, a unit of local government, a utility company, a cooperative, a nonprofit or philanthropic organization, a for-profit company, a regional planning or governmental organization, a federal regional commission or authority, or any combination thereof.

**53. Are there any special rules about match under the BEAD program?**

The Infrastructure Investment and Jobs Act, which is the source of BEAD funding, explicitly allows the use of matching funds from a federal regional commission or authority. In addition, match for BEAD may come from funds provided to the Applicant/Subgrantee for the purpose of deploying broadband service under the Families First Coronavirus Response Act ([Public](#)

[Law 116-127; 134 Stat. 178](#)); the CARES Act ([Public Law 116-136; 134 Stat. 281](#)), the Consolidated Appropriations Act, 2021 ([Public Law 116-260; 134 Stat. 1182](#)); or the American Rescue Plan Act of 2021 ([Public Law 117-2; 135 Stat. 4](#)), to the extent permitted by those laws. Please note, however, that the use of matching funds from these sources will mean that the subgrantee has to comply with both the BEAD requirements and those of the source of the matching funds. For example, if ARPA funds are used as match for a BEAD project, the subgrantee would be subject to both the BEAD and ARPA requirements.

**54. What are the requirements for the Tribal Resolution of Consent?**

Per the BEAD Final Proposal Guidance, the requirements are:

- Includes an appropriate Authorized Organization Representative signature;
- Comes from each Tribal Government governing authority (i.e., the Tribal Council), and/or other governing body, upon whose Tribal Lands the infrastructure will be deployed
  - Applies to tribes specified in the Federally Recognized Indian Tribal List Act of 1994.
- References the BEAD NOFO and be dated after the approval of NBO's Initial Proposal (i.e., after September 10, 2024);
  - The relevant context on the planned broadband deployment including:
    - The entities that will deploy and operate the network;
    - The broadband technologies that will be deployed on Tribal Lands;
    - The timeframe of the agreement; and
    - A description of the land proposed for use as part of the proposed project;
    - Identify whether the land is owned, held in Trust, land held in fee simple by the Tribe, or land under a long-term lease by the Tribe; If owned, identify the landowner; and
    - Provide a commitment in writing from the landowner authorizing the applicant's use of that land for the proposed project; and
    - Appears complete

**55. If an applicant submits a \$0.00 bid for a given DPA and it is approved as a NBEAD project, is the project still subject to the NBEAD rules about reporting, etc.?**

Yes. Once a project targeting one of Nebraska's DPAs is approved under NBEAD, the project will be subject to the same reporting and other requirements.

**56. What happens if we discover that a BSL address on the DPA map is actually a cow or barn? How do we notify NBO and ensure we are not penalized for failing to serve it?**

NBO's challenge process results have been approved by NTIA, so no changes may be made to the BSL/DPA map. However, as part of the PA, applicants will complete a table in which you will be able to indicate which BSLs are actually cows or barns.

**57. If we are able to serve BSLs located on tribal lands without construction on tribal lands, do we still need tribal consent?**

Yes. If the intent is to serve addresses located on tribal lands, you must secure tribal consent.

**58. When is an Environmental Impact Statement required?**

An Environmental Impact Statement (EIS) is required whenever a project has the potential to significantly impact to the environment. NBO will review completed environmental documentation to determine the NEPA review level, considering these factors:

- Context: How severe the impact is within local, regional, or national settings. For instance, losing a small wetland in an area with many wetlands may be less significant than in a region with few.
- Intensity: This refers to the severity of the environmental impact and includes:
  - Adverse Impacts: Whether the action will have adverse effects on public health and safety, or sensitive ecosystems.
  - Duration and Magnitude: The length of time that the impact would persist and the degree of environmental harm.
  - Unique or Sensitive Resources: Whether the action will affect unique geographical or archeological sites, or habitats for endangered or threatened species.
  - Cumulative Impacts: The combined effect of the project and other past, present or future actions, even if each impact is small individually.
  - Degree of Controversy: Highly controversial projects may need a more detailed analysis.
- Impact on Social and Economic Conditions: Environmental changes often have a ripple effect on community health, property values, and other social or economic factors. For example, air quality issues can lead to decreased property values or respiratory problems. These effects are often considered when evaluating the impacts of an action.

No waivers will be given to applicants to circumvent the environmental review/NEPA process. However, NBO suggests applicants review Appendix B of the *Guidance on NTIA National Environmental Policy Act Compliance* document [Guidance on NTIA National Environmental Policy Act Compliance](#) to determine if an existing Categorical Exclusion can be applied to the project.

**59. Which version of data release sets ISPs should use when importing individual location data?**

The NBO BEAD-eligible inventory was compiled using FCC Fabric Version 4 data. If there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project, BSLs may be removed with evidence. This will need to be noted in your application with the appropriate reason code and evidence (more information will come when PAs open). BSLs may be removed from the NBEAD inventory but cannot be added.

Complete individual location data is not available for download directly. Broadband Service Providers, researchers, and other public agencies may gain access to the location data through the process described on the FCC's website: <https://help.bdc.fcc.gov/hc/en-us/articles/5377509232283-How-Broadband-Service-Providers-Can-Access-the-Location-Fabric>

**60. What DPAs are on tribal lands?**

Recognizing that tribal consent will be required for any broadband project addressing BSLs on tribal lands, NBO separated the BSLs on tribal lands from all others. Based on the results of the Challenge Process, the 14 BEAD-eligible BSLs on tribal lands were sorted into two DPAs- eight on the Winnebago Reservation (S31) and six on the Omaha Reservation (S32). There are no BEAD-eligible BSL's on any other reservations.

**61. Do consultants, contractors, or vendors that will provide services or materials to subgrantees also need to submit an OA?**

No, consultants, contractors, and vendors do not need to submit OAs. Subgrantees will be responsible for applying procurement standards and monitoring to ensure entities they hire to assist with project implementation adhere to requirements.

**62. Where can I learn more about Exceptions, Reason Codes, and the type of evidence required?**

Information about Exception Codes, Reason Codes, and Types of Evidence is available in the BEAD Final Proposal Guidance from NTIA, at [https://broadbandusa.ntia.gov/technical-assistance/BEAD\\_Final\\_Proposal\\_Guidance\\_and\\_Templates](https://broadbandusa.ntia.gov/technical-assistance/BEAD_Final_Proposal_Guidance_and_Templates) As part of the PA, applicants will submit a table that includes information about the BSLs for which Exception Codes and related are necessary. That table, and the instructions and definitions that support it, will be published prior to the opening of PAs.

**63. Could you clarify what number is being requested for 1.5a? You can find your six-digit Provider ID at: <https://us-fcc.app.box.com/v/bdcprovideridtable>**

**64. Can you summarize the expected timeline for NBEAD? When will we be able to access the PA?**

The NBEAD timeline is below. Once the list of Approved Applicants is published, the PA portal will open.

- February 7 – OA portal opens for 30 days
- March 9, 11:59PM – OA portal closes  
*\*A list of Approved Applicants will be published to NBO's website – only Approved Applicants will be able to submit PAs*
- TBA – PA Round 1 opens for 30 days
- TBA – PA Round 1 closes\*  
*\*Following PA Round 1, NBO will evaluate the needs and requirements for additional rounds*

**65. Does the full parent company and subsidiaries need audits or just the company applying for BEAD?**

Only the entity applying for NBEAD needs to have an audit. NBO does not need the audits of a parent entity or subsidiaries unless they are also serving as an applicant.

**66. Our company normally conduits a financial review instead of a full audit. We understand that we will need to have audits, but our 2024 financials will not be completed prior to the due date of the OA process. If we submit the last 2 years of reviewed financials (for 2022 and 2023) as part of the OA process, which years of audited financials would be needed if the company's application is approved or funding?**

If you submit audited financial statements for 2022 and 2023 with your OA, they will be sufficient to fulfill the initial requirement. NBO will need copies of annual audits throughout the period of performance of the NBEAD subgrant, which will be four years from the date the subgrant is executed. If the subgrantee requests and receives approval of an extension, the reporting requirements, including submission of audited financials, would also be extended.

**67. The link under 7.0 for "Other Public Funding spreadsheet" is broken. How do I access this file?**

The link has been fixed in the portal. If you are still having trouble, the correct link is: <https://broadband.nebraska.gov/media/b45bwwg5j/oa-other-public-funding.xlsx>

**68. How do we apply for a portion of a DPA – or do we have to serve the entire DPA?**

The intention behind the pre-setting of the DPAs was to offset high-cost locations with denser, lower-cost locations to incentivize applicants to serve the entire DPA. There will be a mechanism in the PA to set conditions on your application to indicate BSLs you do not intend to serve within the DPA.



However, applications that do not serve entire DPAs will not be considered for funding in PA Round 1. Applications that include coverage of the entire DPA will be prioritized.

**69. How can we get access to the cost data for each location?**

Each applicant is responsible for estimating their cost per location as part of their application.

**70. What is the format and process to submit an application? Can we create our own application and upload it in the portal?**

NBEAD applications must be submitted via the portal at <https://apply.broadband.nebraska.gov>. From this link you will create a Submittable account, then access the OA portal to begin that part of your application. Some questions will be answered within the portal and others will require you do upload specific documentation. Templates have been provided for many questions and are linked in the portal. They can also be found at [broadband.nebraska.gov/nbead/](https://broadband.nebraska.gov/nbead/).

**71. Question 1.13 asks for average annual budget. Could you be more specific?**

Please provide the average total annual budget for the entity submitting the OA. This information is not needed for parent or subsidiary/child entities.

**72. In the Confidential and Proprietary Information section on pages 8-9 of the NBEAD Request for Applications, the Nebraska Broadband Office describes the process an applicant must follow to assert that submitted information should be treated as confidential. The process includes that an applicant, “must: 1) identify on the OA or PA which responses are alleged to contain proprietary or trade secret information.” There are multiple references in the section that in order to request that information be treated as confidential, an applicant must substantiate that the information sought to be protected is either proprietary or a trade secret. That reference appears to preclude an applicant from asserting other enumerated disclosure exceptions found in the Nebraska Public Records Act. Is an applicant precluded from asserting that submitted information fits a different disclosure exception enumerated in Neb. Rev. Stat. 84-712.05 of the Nebraska Public Records Act? For example, 84-712.05(3) references “commercial information which if released would give advantage to business competitors and serve no public purpose.” Could an applicant assert that information provided in an OA or PA is commercial information which if released would give advantage to business competitors and serve no public purpose and still have that request considered by the Nebraska Broadband Office, despite the fact that the applicant is not asserting that the information is a trade secret or proprietary?**

Generally, the language set out on pages 8-9 of the NBEAD RFA concerning the Nebraska Public Records Act applies to any information you believe may

be confidential under the Act. Please read and follow all our language carefully because it establishes substantive and procedural requirements that may apply to your application or to your work under the program and may apply to rights of the Nebraska Broadband Office.

You asked specifically about subsection (3) of Neb. Rev. Stat. Section 84-712.05. The materials are intended to refer to any claim of confidentiality there may be under the language of subsection (3), although our description may have focused on the word “proprietary.” You should note that there are court decisions and Nebraska Attorney General’s Opinions concerning the interpretation of subsection (3) that you may wish to review if you believe any information you plan to submit is protected under the Nebraska Public Records Act.

You ask the following two questions:

**72a. Is an applicant precluded from asserting that submitted information fits a different disclosure exception enumerated in Neb. Rev. Stat. 84-712.05 of the Nebraska Public Records Act? For example, 84-712.05(3) references “commercial information which if released would give advantage to business competitors and serve no public purpose.”**

You may assert any disclosure exception set out in accordance with the Nebraska Public Records Act. The Nebraska Broadband Office reserves any rights set out in the document and provided by law with respect to your assertion. For the second sentence of your question, please see the general discussion above.

**72b. Could an applicant assert that information provided in an OA or PA is commercial information which if released would give advantage to business competitors and serve no public purpose and still have that request considered by the Nebraska Broadband Office, despite the fact that the applicant is not asserting that the information is a trade secret or proprietary?**

Please see discussion above and the language of the Nebraska Broadband Office mentioned above. You may make any assertion supported by the plain language and the legal interpretation of the language used in the Nebraska Public Records Act. We will not give legal advice or provide you with an answer to a hypothetical question. Be prepared to support and defend any assertion you plan to make concerning these issues with an analysis of applicable Nebraska Public Records law.

**73. Will buried fiber applications take priority over aerial fiber applications?**

The scoring rubric included in IPV2 and the RFA will be used to determine subgrant awards. In the rare instance of a tie in scores between two applications for the same DPA, buried vs. aerial fiber may be used as a factor in breaking that tie.

**74. What information should include for 2.1: Provide business licensing information for state and federal governing bodies?**

Examples might be any general business licenses issued by the State of Nebraska, Nebraska counties or cities. Other examples would be FCC radio frequency licenses. If your company does not have any, please respond "none".

**75. I notice the OA Portal closes on a Sunday, March 9th. Will this remain as the date or would it change to Monday?**

The OA portal will close at 11:59 PM Central Time, Sunday, March 9th.

**76. Is the NBEAD Request for Applications (RFA) the same as the Digital Equity (DE) funding opportunity?**

No. NBEAD and DE are separate programs. The DE RFA will be published later this year. Applications targeting DE projects will not be considered for NBEAD funding.

You can learn more about NBO's DE program at <https://broadband.nebraska.gov/digital-equity/>

**77. What kind of projects will be considered for NBEAD funding?**

NBEAD funds will awarded to projects targeting construction and deployment of infrastructure to support high-speed internet plus subsequent delivery of high-speed internet service.

**78. Does NBO plan to exclude locations which already have service which exceeds the minimum BEAD requirements?**

NBO is required to focus exclusively on the NBEAD-eligible inventory approved by the NTIA resulting from our Challenge Process which was implemented in Spring 2024. If there are locations contained within a DPA that are served by a provider who wishes to remove those locations from the DPA and the provider does not wish to apply for NBEAD funding to serve other locations within the DPA, that provider must submit a PA for that DPA for the locations to be removed. In this case, it is recommended that the provider submit a conditioned application requesting \$1.00 to serve those already served locations and in the per-BSL table, indicate the BSL(s) are served by a nonsubsidized service. Please note that this must, based on the federal BEAD rules, result in an NBEAD subgrant, which will subject the Applicant to NBEAD reporting requirements up to and including those required during the 10-year federal interest period.

If the provider in question does wish to serve the other locations within the DPA, it is recommended to apply to only cover the cost of serving the locations that still require service in the DPA. This will ensure this application is scored higher per NBO's scoring criteria beginning on page 16 of the RFA.

*Note: NBO cannot fund pre-award costs and cannot reimburse builds made prior to award.*

- 79. There are no DPAs within the Santee Sioux Nation reservation. The locations awarded by E-ACAM were considered an enforceable commitment although the named ISP has not received tribal consent. How do we apply to fund these locations through BEAD?**

Federal law prevents us from awarding NBEAD funding to any locations already funded by an enforceable commitment, which includes E-ACAM projects. Further, we cannot add locations to the NBEAD-eligible inventory after conclusion of the challenge process, which was finished in August 2024. Locations funded by any other state or federal program are not within our jurisdiction to modify.

- 80. Several sections outline naming conventions for files. Ex. Please use the following naming convention for your files: Organization Name, OA, 3.1. How do we name the file as we cannot use commas?**

Either "Organization Name OA 3.1.pdf" or "OrganizationName\_OA\_3.1.pdf" would be acceptable.

- 81. In the RFA Project Application requirements it mentions if there are any BSLs in the DPA for which service is not planned, additional information will be required. Will there be a template provided? Where would I find this?**

Information about Exception Codes, Reason Codes, and Types of Evidence is available in the BEAD Final Proposal Guidance from NTIA, at [https://broadbandusa.ntia.gov/technical-assistance/BEAD\\_Final\\_Proposal\\_Guidance\\_and\\_Templates](https://broadbandusa.ntia.gov/technical-assistance/BEAD_Final_Proposal_Guidance_and_Templates).

As part of the PA, applicants will submit a table that includes information about the BSLs for which Exception Codes and related are necessary. That table, and the instructions and definitions that support it, will be published prior to the opening of PAs.

- 82. Section 3 is asking for a copy of the Applicant's audited financial statements or to initial a statement regarding unaudited financial statements. Our company is a wholly owned subsidiary. We file taxes on a consolidated basis and perform annual audits at the parent company level, but not at the operating level without regulatory or operational need due to the cost and time of an audit. Would it be acceptable to submit our parent company's consolidated audited financials?**

Yes, audited financial statements for the parent company will meet the requirement.

- 83. FAQs #16 states "According to NTIA, Davis-Bacon does not apply to NBEAD." Therefore, why does item 4.5 of the Organizational Application state as excerpted below when Option a is not required by NTIA, and Option b (i) cannot be provided at the Organizational Application level when the size and scope of any project (and by virtue thereof, the workforce) remains unknown, and (ii) there is no designated standard of whether the wages paid to the prospective workforce are "less than those prevailing." How should we answer this?**

Guidance on Davis-Bacon was evolving at the time of OA publication, and we evidently missed making this correction. Thank you for bringing to our attention.

You are correct that NTIA does not require compliance with Davis-Bacon. However, the prevailing wages referenced are set by the Department of Labor pursuant to the Davis-Bacon Act. If you choose option "a." of this requirement, you will need to provide a certification that you will pay Prevailing Wages but will not need to comply with reporting or other requirements of Davis-Bacon.

You may also choose option "b." and provide a project employment and local impact report. For the OA, you will need to provide a certification that you will submit the report upon request of NBO.

If any resulting NBEAD subgrants meet or exceed the \$5,000,000 threshold, NBO will incorporate reporting and compliance monitoring for this item into quarterly and/or annual reports.

- 84. Is the intent of OA 6.5 to identify stock ownership or ownership structure and percent of ownership?**

Per the BEAD NOFO, applicants must fully disclose ownership information required at 47 CFR 1.2112(a)(1)-(7), which includes item 6.5.

- 85. How do we know our application has been received?**

Upon submission of your application, you should see a confirmation pop-up window. Email confirmations are also sent from Submittable. Alternatively, you will be unable to open your application unless opened for curing.

- 86. 2.10 – Does the Capital Projects Fund count? If so, what kinds of documentation are you looking for that demonstrates knowledge of the Uniform Grant Guidance?**

Yes, CPF would count. To demonstrate knowledge of the UGG, you could note the duration and breadth of your experience working with federal funding.

- 87. 2.14 – What kinds of policies are you looking for concerning the Minority Business/Women's Business Enterprises?**

The BEAD NOFO requires that subgrantees take affirmative steps to solicit participation of Minority Business Enterprises and Women's Business Enterprises in their NBEAD-funded projects. Policies that support or require such efforts are optimal.

- 88. Can an applicant get BEAD funding to an ineligible BSL that's along a fiber route to an eligible BSL? We know we can get funding for the fiber the placement past ineligible locations, but we were wondering if costs for HH's placed in front of ineligible BSL locations (i.e. already served by broadband) can be included?**

NBO can only reimburse for deployment to BEAD-eligible locations outlined in our inventory. A subgrantee funded to deploy to a BEAD-eligible location is free to build to other BSLs along the route with private dollars.

- 89. In OA question #2.9 - what grants should be included for Connect America Fund?**

Please report any broadband deployment funded through Connect America Fund (CAF).

- 90. 6.6 of the Organizational Application requires the upload of multiple files, but only allows one upload. How do I show separate org charts?**

Please merge them into a single PDF.

- 91. All questions regarding 2.1**

Please see FAQ #74

- 92. All questions regarding 1.13**

Please see FAQ #71

- 93. On question 2.12 regarding a "desk audit", what is the definition of a desk audit for purposes of this question?**

A desk audit is a review of documents, focused on assessing compliance with regulations and requirements. Typically, an auditor will examine financial documents, policies, reports, and other data to evaluate compliance.

- 94. Question 3.6 requires an upload of a spreadsheet that includes key operational metrics documenting mean time to repair (MTTR) (in hours) and network availability (% availability) for broadband services provided in Nebraska for the last 24 months, by month. Do you have any further guidance on what is required or what kind of spreadsheet, as well as guidance if an applicant does not have these metrics?**

From page 39 of IPV2: Expected MTTR measures the time a prospective subgrantee is committing to repair an outage, on average, across the in hours. Prospective subgrantees with current broadband operations will need to provide evidence of current operational capability to substantiate ability to support service availability levels. Newly formed entities will need to provide business assumptions to validate MTTR estimates.

**95. For Question 7.0 do you want all historical projects included?**

Please Historical projects should be included.

Applicants and their affiliates\* must fully disclose all applications it has submitted or plans to submit; under their legal, trade, and/or DBA name(s); and every broadband deployment project funded by public sources. For each application, provide the following information. Include but do not limit your responses to funds provided under: the Families First Coronavirus Response Act (Public Law 116-127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., Rural Digital Opportunity Fund, Connect America Fund), or any State of Nebraska or local universal service or broadband deployment funding program.

**96. Is Round 1 of the Project Applications still due by 11:59 PM Central Time on April 11, 2025?**

Approved Applicants will have 30 days to write and submit their PAs, regardless of when the Round 1 portal is opened. We are working diligently to complete screening and scoring of the OAs. Approved Applicants will be announced and notified prior to the opening of the PA portal.

**97. In Table 7 of the RFA, question 18 makes the availability of Categorical Exclusions. Our project would fall under a C-8 exclusion from our review of the NTIA guidance. The question I have is that if it does fall under an exclusion then does the applicant need to fill out questions 3-17 in Table 7? It seems to us that if the project would fall under the exclusion then the other information is irrelevant.**

Yes, the applicant needs to fill out the remainder of the questions even if you believe you've identified a Categorical Exclusion that may apply to your project. A complete application is required in order to help the Nebraska Broadband Office understand any environmental impacts associated with your project and ensure that no Extraordinary Circumstances may exist.

**98. Is Round 1 of the Project Applications still due by 11:59 PM Central Time on April 11, 2025?**

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A: Yes, the applicant needs to fill out the remainder of the questions even if you believe you've identified a Categorical Exclusion that may apply to your project. A complete application is required in order to help the Nebraska Broadband Office understand any environmental impacts associated with your project and ensure that no Extraordinary Circumstances may exist.

- 100. In the RFA, Table 4. Service Details, #3 - Provide a statement about whether the Applicant will offer nondiscriminatory access to and use of its network on a wholesale basis to other providers seeking to provide broadband service to end-user locations, at just and reasonable wholesale rates for the useful life of the subsidized network assets. Are you referring to an open access network?**

A: Yes.

- 101. In the RFA, Table 4. Service Details, #5 - If the Applicant is new to broadband service delivery: Describe your planned network design inclusive of the electronics at each end and the technology to be installed. If the applicant is not new to broadband service delivery, do we respond "NA"?**

A: In the PA portal, you will be asked if your organization is new to broadband delivery. If you answer "no," you will be directed to skip this question about network design.

- 102. Modified Q: For Table 6, Question 3: Is there an option to respond with an upload of a spreadsheet?**

A: Yes. A Word template is provided for all of item 6.3. You may convert the template into a spreadsheet if it better fits your needs. You can find templates at <https://broadband.nebraska.gov/nbead/pa-documents/>.