

Commonwealth of Kentucky **Performance Report**

Capital Projects Fund 2024 Report

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Executive Summary

Recognizing the critical need for broadband in unserved areas of the state, Kentucky's entire allocation of Coronavirus Capital Projects Fund was appropriated to the Broadband Deployment Fund. Funds are distributed from the Broadband Deployment Fund by the Office of Broadband Development through a competitive grant program to subsidize the construction of broadband infrastructure in unserved and underserved locations of the Commonwealth. The Commonwealth has designated \$300M in American Rescue Plan Act (ARPA) funds from the State and Local Fiscal Recovery Fund (SLFRF) and the Capital Project Fund (CPF) to the deployment of broadband with a priority on areas where there is "no service" – less than 10/1Mbps speed available. Kentucky will carry out the CPF Grant Plan through one Program Plan. The CPF Program Plan designated \$179,069,205 to broadband infrastructure project grant awards. It is estimated that this funding will provide broadband access to at least 45,000 households and businesses.

In November 2022, the Office of Broadband Development released its Better Internet Program grant application, whereby eligible applicants could apply for grants from the Broadband Deployment Fund. The application was due on February 6, 2023. The Office received 103 project applications to serve over 120,000 locations, requesting more than double the available funding. Following the close of the application period, the Office accepted challenges to locations proposed to be served by these applications if a challenging ISP could demonstrate that these locations were already served, had an existing funding commitment, or would be under construction within 12 months. Over 40,000 locations were challenged through this process. Grant awards from the Broadband Deployment Fund are expected to be made in the current quarter.

Uses of Funds

The intended use of these funds is to subsidize the capital costs of deploying broadband infrastructure to unserved and underserved areas of the Commonwealth, with a particular focus on areas of "no service" where the maximum speed available does not exceed 10/1 Mbps. Deployment project costs eligible for funding include: project engineering or design plans; permitting; pre-construction costs to make ready the project site; outside plant materials, including fiber, poles, hardware, conduit or splitters; labor, construction management, and equipment; and installation and testing of the broadband services. Grant funds may not be used for costs that will be reimbursed by the other federal funds. Projects involving the upgrade of an existing facility already delivering broadband services, including an upgrade of existing wireline, or terrestrial infrastructure capable of delivering services greater than 25/3; or non-capital expenses, non-broadband services, marketing, or advertising are not eligible for funding. The program is designed to provide internet service with minimum speeds of 100/100 Mbps symmetrical to households and businesses upon project completion.

During this reporting period, grant awards were made and grant agreements were distributed to grantees.

During the next reporting period, all remaining grant agreements will be executed and funds will be obligated. The Office will continue to conduct post-award outreach to grantees to disseminate information on program requirements and compliance.

The Better Internet Program allow up to 70% grant to be awarded to projects where there are 5 or fewer locations per route mile. For projects that average more than 5, up to 10 locations per route mile,

the project may be eligible up to 60% of the project cost. Projects with more than 10 locations per mile are eligible for grants up to 50% of project costs. This provision is an effort to acknowledge that one of the reasons why some areas have no broadband service or are unserved is the high cost of deploying broadband infrastructure and is an approach to addressing the inequities created by the lack of broadband service availability due to the low commercial feasibility of serving low density, generally rural areas. Implementation of the ARPA-funded grant programs has been concurrent with the planning process required by BEAD, during which many rural residents attended local coordination meetings to express frustrations with lack of infrastructure, which this program aims to address.

Promoting Equitable Outcomes

The following efforts were taken to promote equitable outcomes during this reporting period:

- a) **Objectives:** The Better Internet Program criteria prioritize the allocation of funding to areas lacking service, and low-density areas. These criteria therefore prioritize rural areas. Families and businesses that have no access to broadband or only access to very low-speed broadband service are the critical need identified for the use of the CPF.
- b) **Awareness:** Governor Beshear publicly announced the grant awards with a press release and live announcement. Local announcements were also made, and continue to be scheduled, in impacted communities.
- c) **Outcomes:** Grant projects have not yet been constructed, but projects will address “no service” and unserved areas as the Commonwealth, which have been identified as a critical need in Kentucky.

Labor

Subrecipient labor practices will be monitored. Descriptions of these practices will be included in future Performance Reports.

Community Engagement

The Commonwealth’s objectives for this program were heavily informed by several elements of community engagement and public participation that took place in Kentucky prior to the establishment of the Broadband Deployment Fund. The Commonwealth awarded its first round of Broadband Deployment Fund grants from the SLFRF in 2022. Through this process, many stakeholders were engaged, including locally elected officials, internet providers in both the public and private sector, legislative testimony streamed online, and other input from interested parties. That engagement was beneficial and assisted with the development of the first grant application and evaluation process.

Additional outreach and stakeholder engagement has taken place over the last year as the Office of Broadband Development undertakes the BEAD program. Outreach has occurred through many channels, including individual meetings and larger events, in-person and virtual.

Community outreach and engagement will be a sustained effort of the Office of Broadband Development, in collaboration with the Digital Equity efforts of the Kentucky Education and Labor Cabinet, as broadband deployment funding programs are implemented through SLFRF, CPF, and BEAD.