

# Broadband Equity, Access, and Deployment Program

PROGRAM GUIDELINES  
July 2025



Pennsylvania  
Broadband Development Authority



Pennsylvania Broadband Development Authority  
Honorable, Uri Monson, Chairman  
Brandon Carson, Executive Director



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## Section I – Statement of Purpose

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### A. Introduction

Pennsylvania’s Broadband Equity, Access, and Deployment (BEAD) program is funded pursuant to the Infrastructure Investment and Jobs Act of 2021.<sup>1</sup> The BEAD program provides \$42.45 billion to expand access to high-speed internet by enabling infrastructure deployment in all 50 states, Washington D.C., Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

The Pennsylvania Broadband Development Authority (PBDA) is administering the BEAD program in accordance with the National Telecommunications and Information Administration (NTIA)’s [Notice of Funding Opportunity for BEAD](#), and Pennsylvania’s [Act 96 of 2021](#). The Commonwealth of Pennsylvania received a total of \$1,161,778,272.41 in BEAD funding through its federal allocation.

Please note, these guidelines may be modified or waived by PBDA unless otherwise prohibited by law.

### B. Purpose

The purpose of the BEAD program is to enable broadband planning, deployment, mapping, and related activities. PBDA will administer competitive grants through the BEAD program for the construction of high-speed broadband service infrastructure. These guidelines outline eligibility requirements, as well as the procedures to apply for and receive funding through the program<sup>2</sup>.

Program funding was distributed to states primarily based on the relative number of identified Broadband Serviceable Locations (BSLs) that lack access to reliable broadband service at speeds of at least 25 megabits per second (Mbps) downstream and three Mbps upstream (considered unserved locations) and those without broadband service reaching speeds of at least 100 Mbps downstream and 20 Mbps upstream (considered underserved locations).

### C. Updated Federal Policy Notice

On June 6, 2025, the National Telecommunications and Information Administration (NTIA) issued a BEAD Restructuring Policy Notice, which modifies and, in some cases, rescinds prior guidance related to the administration of the BEAD program and implements requirements for BEAD Round Two. PBDA has reviewed and has updated these BEAD program guidelines to remain in alignment with current federal requirements.

PBDA will continue to administer the program in accordance with the most current NTIA guidance, with an emphasis on cost efficiency and timely project delivery.

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<sup>1</sup> Division F, title I, Section 60102, Public Law 117-58, 135 Stat. 429 (November 15, 2021)

<sup>2</sup> These guidelines may be modified or waived by PBDA unless otherwise required by law.

## Section II – Application Procedures

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### A. Applying for BEAD

1. For new applicants in **BEAD Round Two**:
  - To apply for funding, applicants must submit the online Department of Community and Economic Development Electronic Single Application (ESA) located at [grants.pa.gov](https://grants.pa.gov) and on the [BEAD program webpage](#). Required supplemental information must be attached electronically to the application as directed on the Addenda tab within the ESA website.
  - Applicants should note that supplemental documents requiring notarization do not have to be notarized within the Commonwealth of Pennsylvania. PBDA will accept notarized documents from other states.
2. For **BEAD Round One** applicants:
  - **Option 1: Submit an Updated Application in Round Two (Recommended)**  
Applicants are encouraged to submit updated applications in BEAD Round Two to align with the new policy and scoring criteria outlined in these guidelines. While PBDA recommends this option, applicants from BEAD Round One are not required to submit updated applications in BEAD Round Two.
  - **Option 2: Stand on a BEAD Round One Application**  
Applicants may choose to continue and stand on their applications from Round One without any changes to those applications. However, if an applicant does not submit an updated application for Round Two, its Round One application will be evaluated based on PBDA's updated scoring criteria and these guidelines. Also, applicants will not be permitted to recover costs associated with federal regulatory requirements eliminated in NTIA's Policy Notice.
  - **Option 3: Withdraw Application(s) submitted in BEAD Round One**  
If an applicant in Round One is no longer interested in having its applications considered in BEAD Round Two, the applicant should notify PBDA (via email to [ra-dcpbda\\_bead@pa.gov](mailto:ra-dcpbda_bead@pa.gov)) indicating which application(s) they wish to withdraw. Any application withdrawn by the applicant will not be considered further by PBDA.

### B. Application Curing

Applicants that fail to meet requirements outlined in these guidelines may be rejected. PBDA reserves the right to cure applications as necessary and appropriate.

### C. Application Scoring

Only properly completed applications will be scored and evaluated.

### D. Award and Notifications

PBDA will notify applicants of provisional awards. Grant programs will be operated as a reimbursable program and/or fixed amount awards with 10 % of the total award amount held in reserve and released upon project completion and PBDA acceptance of a final report. If a grantee fails to adhere to the commitments made within its application and grant agreement or fails to complete the project, payment of the final reserve will not occur and/or the grantee will be liable to PBDA for the amount of unused or improperly used grants funds and shall return said funds to PBDA. The repayment to PBDA shall include all interest, income, accumulations, and the monetary equivalent of any appreciation in value of any property (real, personal, or mixed) purchased with the funds granted to them. Grantees also may be subject to additional measures available under the grant agreement or at law.

## E. Application Assistance

For technical inquiries regarding the submission of the online application, contact DCED’s Customer Service Center by calling 1-800-379-7448 or 717-787-3405, or email [ra-dcedcs@pa.gov](mailto:ra-dcedcs@pa.gov), Monday through Friday from 8:30am to 5:00pm.

## F. Application Timeline and Key Deadlines

This timeline reflects PBDA’s BEAD Round Two process.

1. **Updated scoring methods posted:** 30 calendar days prior to opening the second application round.
2. **Round Two BEAD eligible locations posted:** 10 calendar days prior to opening the application.
3. **Application Round Two:** Applications will be accepted for 14 calendar days.
4. **Application Review:** Once the application round closes, PBDA will review all submitted applications from BEAD Round One and BEAD Round Two.

After BEAD Round Two of the Program has concluded, PBDA will draft its Final Proposal and make it available for public comment prior to submission to NTIA. Applicants should expect notice of award following NTIA’s acceptance of PBDA’s Final Proposal. For more information and specific dates, please refer to [PBDA’s BEAD webpage](#).

Projects funded by BEAD must reach substantial project completion no later than four years after the date on which the grantee receives the award. Substantial completion occurs when the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users for broadband infrastructure grants and making service available to all locations within the project area for Low Earth Orbiting (LEO) capacity grants. At substantial completion, service operations and management systems infrastructure must be operational. Extensions may be granted beyond this timeframe to the extent that factors deemed to be outside of the grantee’s control, in PBDA’s sole discretion, have impacted project delivery timelines. PBDA may approve extension requests on a case-by-case basis.

## Section III – Eligibility

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### A. Eligible Applicants

PBDA will consider all broadband internet provider types and other entities as eligible applicants for BEAD projects, including but not limited to:

- Cooperative organizations
- Not-for-profit organizations
- Public-private partnerships
- Private companies
- Public or private utility companies
- Public utility districts
- Municipalities or units of local government
- Internet service providers registered through the Federal Communications Commission (FCC)

As outlined in PBDA’s enabling legislation, [Act 96 of 2021](#), eligible entities include those with the technical, managerial, and financial expertise to design, build, and operate high-speed broadband service infrastructure within the Commonwealth of Pennsylvania.

## B. Eligible Project Areas

PBDA has defined Broadband Serviceable Areas (BSAs) for the BEAD Program. The boundaries for BSAs are based on U.S. Census Block Groups. An applicant's proposed project area may consist of a single BSA or an aggregation of contiguous BSAs. Applicants should submit a separate application for project areas that do not have adjoining BSAs. PBDA reserves the right to consider non-contiguous BSAs at its discretion. BSAs will contain only eligible Broadband Serviceable Locations (BSLs) and Community Anchor Institutions (CAIs), all of which must be located within a single county. Additionally, PBDA will provide a Comma Separated Value (.CSV) file containing project area ID and BSL ID values. The CSV file will be available with the application materials and on the [PBDA BEAD website](#). BSLs included within this list for each BSA are limited to those that are underserved or unserved. This list excludes all enforceable funding commitments.

Enforceable funding commitments are BSLs that are subject to federal, state, and local funding for the purposes of broadband infrastructure buildout, excluding the BEAD program. The enforceable funding commitment must provide a minimum of 100/20 Mbps of service. These BSLs will be considered ineligible for BEAD funding.

BSAs are available as shapefiles, and eligible BSLs and their associated BSA ID are available within the CSV. Applicants must utilize a Geographic Information System (GIS) to access this resource.

Applicants must apply for funding using only the data provided, which is available on the [PBDA BEAD webpage](#). Projects may consist of a single BSA; however, applicants are encouraged to combine contiguous BSAs as needed for each application. Contiguous BSAs may be combined regardless of political jurisdiction (county boundary) and may be as large as needed to accomplish the proposed project.

Proposed projects should be submitted to PBDA in the template provided with their selected BSLs and CAIs (locations) and BSAs. Applicants are permitted to exclude up to 5% of the high cost locations in each BSA of their project.

In the template, the applicant must provide the average subsidy requested for the selected locations in each BSA. The applicant must also provide the estimated total cost (subsidy plus match) for each location excluded in their 5% high-cost locations.

Applicants interested in using state-owned assets for network infrastructure should refer to [the Pennsylvania Office of Enterprise Wireless Management's asset mapping tool](#) when drafting project areas.

## C. Eligible Projects

BEAD funds may be used for the following eligible projects:

1. Deploying and/or upgrading broadband network facilities in connection with a BSA.
2. Data collection, broadband mapping, and planning to the extent necessary to facilitate the goals and deliverables of the BEAD Program.
3. Eligible Projects are limited to the defined project areas described above in Section III B. Applicants are permitted to exclude no more than 5% of BSLs in each BSA.

## D. Eligible Technologies

The following technologies may be used in applications for Priority Broadband Projects and meet the technical performance requirements outlined in these guidelines. Eligible BEAD technologies include:

- Fiber-optic technology
- Cable modem
- Hybrid fiber-coaxial technology
- Low Earth Orbit (LEO) satellite services
- Terrestrial fixed wireless technology using entirely licensed spectrum
- Entirely unlicensed spectrum
- A hybrid of licensed and unlicensed spectrum

## E. Eligible Project Costs

Funds may be used for the following eligible deployment-specific costs:

1. **Physical improvements:** Construction, improvement, and/or acquisition of facilities and telecommunications equipment required to provide qualifying broadband service, including infrastructure for backhaul, middle- and last-mile networks, and multi-tenant buildings.
2. **Long-term leases:** Long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including infeasible right-of-use (IRU) agreements.
3. **Multi-family residential deployment:** Deployment of internet and Wi-Fi infrastructure within an eligible multi-family residential building.
4. **Planning, design, & engineering:** Engineering design, permitting, and work related to environmental, historical, and cultural reviews<sup>3</sup>.
5. **Personnel costs:** Including salaries and fringe benefits for staff and consultants providing services directly connected to the implementation of the BEAD Program (such as project managers, program directors, and subject matter experts).
6. **Network software upgrades:** To include, but not be limited to, cybersecurity solutions.

Funds are **not** permitted to be used for the following purposes:

1. Non-deployment uses.
2. Acquisition of spectrum licenses.
3. Operating expenses other than grant administration costs.
4. Short-term operating leases.
5. Payment of interest on principle for outstanding debt instruments, or other debt service costs.
6. Planning and mapping that does not result in deployment.

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<sup>3</sup> Including permitting related to the National Environmental Protection Act (see <https://ceq.doe.gov/>).

## Section IV – Grants

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### A. Award Amounts

There is no minimum or maximum grant amount for any project.

### B. Process for Accessing Funds

Upon approval of an application by PBDA, a commitment letter and grant agreement will be electronically issued to the applicant explaining the terms and conditions of the grant. Grantees will provide PBDA with the names, titles, and e-mail addresses for two authorized signatories. The grant agreement must be electronically signed and returned to PBDA within 30 days of the date of the commitment letter or the offer may be withdrawn by PBDA.

Funds will be distributed through a reimbursement and milestone-based process. Grantees must follow procedures outlined in the grant contract to obtain reimbursement for project expenses. PBDA will require validation of invoices and other project monitoring verifications. Reimbursements will be made incrementally. Ten percent of awarded funds will be reserved until a final report is submitted and accepted by PBDA.

For LEO applicants, please see Section V.E. below for LEO-specific information regarding reimbursement and milestones.

At the sole discretion of PBDA, fixed amount awards will be permitted.

## Section V – Program Requirements

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### A. Matching Funds

Projects require a minimum 25% share of the total project cost in matching funds. Applicants should note that the 25% match requirement may be exceeded.

Minimum Match Example: If the total project cost is \$10,000,000, the minimum required match amount will be \$2,500,000, or 25% of the total project cost.

While funds from federal programs<sup>4</sup> generally may not be used as matching funds, the Infrastructure Act expressly provides that matching funds for the BEAD Program may come from a federal regional commission or authority and from funds that were provided to the Commonwealth of Pennsylvania or a grantee for the purpose of deploying broadband service<sup>5</sup>.

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<sup>4</sup> Including funds from the FCC's Universal Service Fund programs

<sup>5</sup> Specifically under 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.

## B. Planning and Permitting Requirements

Through application review, PBDA will ensure that all grantees commit (through an affidavit) that projects will secure the necessary planning and permit approvals, prior to beginning construction.

All applicants are advised that successful applications selected for funding will be subject to a Special Award Condition requiring full compliance with all applicable federal, state, and local permitting laws and regulations including, but not limited to, environmental reviews, rights-of-way acquisition, historic preservation, utility coordination, and construction permits. As addressed in the Policy Notice, grantees shall use the Environmental Screening and Permitting Tracking Tool (ESAPTT)'s permitting tracking capacity to evaluate and track their NEPA milestone schedules and shall support any escalation of Federal right-of-way permitting issues that may arise to NTIA for interagency resolution<sup>6</sup>.

As a condition of funding, recipients must demonstrate that all necessary permits and approvals have been obtained prior to the commencement of relevant project activities. Failure to secure appropriate permits or adhere to applicable permitting requirements may result in enforcement actions, including the suspension of funds or termination of the award.

Applicants should account for applicable permitting timelines and compliance with applicable federal, state, and local permitting requirements in proposed project planning and budget assumptions.

## C. Cost Reasonableness in Priority Broadband Projects

In accordance with the updated NTIA Policy Notice, PBDA will no longer establish a formal Extremely High Cost Per Location Threshold (EHCPLT). Instead, PBDA will assess the cost reasonableness of each proposed Priority Broadband Project on a case-by-case basis and will reject any that reflect an excessive cost per location. At any time, PBDA reserves the right to request additional cost justification from applicants or grantees as part of its due diligence process.

## D. Network Architecture Standards

To be considered a Priority Broadband Project, applicants must provide supporting documentation sufficient for PBDA to assess the network capabilities and determine whether the proposed network for each specific project area meets this standard. The applicant's documentation must demonstrate the network meets or exceeds the requirements for a Priority Broadband Project as defined in the [BEAD Restructuring Policy Notice](#).

At a minimum, the proposed project must:

- Provide broadband service with speeds of at least 100 Mbps download and 20 Mbps upload; and,
- Maintain latency less than or equal to 100 milliseconds; and,
- Easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment, including the support of 5G, successor wireless technologies, and other advanced services.

Applicants may propose any technology type but must include technical documentation and design specifications that clearly demonstrate the project's capability to meet or exceed all of the above criteria. PBDA will not consider a project for Priority Broadband status unless the submitted documentation substantiates that the network architecture can meet both the current performance thresholds and future scalability requirements.

If PBDA determines that no application meets the definition of a Priority Broadband Project within a BSA, then PBDA may select a non-Priority Broadband Project that meets the speed and latency requirements of the statute and NOFO. In other words, a "non-priority" proposal would offer service at or above 100/20 Mbps and latency less than or equal to 100 milliseconds, but could not necessarily meet the statutory scalability requirements in 47 U.S.C. §1702(a)(2)(I)(ii).

<sup>6</sup> NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

## E. Low Earth Orbit Satellite Service Requirements

As required by 47 U.S.C. § 1702(h)(4)(C) and NTIA's Policy Notice, recipients of LEO Capacity grants through BEAD must begin be able to deliver broadband service that meets the BEAD performance and technical requirements to each BSL in the project area and each customer that desires broadband service not later than four years from the date of the grant award. A recipient of a LEO Capacity grant shall be deemed to have begun to provide service when it certifies to PBDA that it will initiate broadband service within ten business days of a request to any covered BSL in the project area, with no charges or delays attributable to extension of the service<sup>7</sup>.

PBDA requires an extended period of performance for LEO Capacity grants that concludes ten years from the date upon which the grantee certifies to PBDA that broadband is available to every location (BSL) covered by the project. Recipients must continue to offer access to broadband service to each BSL serviced by the project throughout the period of performance. If a customer receiving service at a BSL moves, the LEO service provider must continue to offer service to the BSL (but not necessarily to the previous subscriber) under the terms of the grant agreement if subsequent occupants request service<sup>8</sup>. For additional information related to the period of performance for LEO Capacity grants, please see Appendix V.

PBDA will determine reimbursement based on a structured approach that ensures accountability, encourages subscriber enrollment, and aligns with the performance and service availability expectations of the program.

Reimbursement may be issued in equal installments throughout the period of performance or may be tied to achievement of clearly defined metrics—such as subscriber enrollment milestones or service availability certifications. PBDA may also advance up to 50% of the total grant amount upon the grantee's demonstration of service availability throughout locations in the project area, achievement of subscription milestones, or a combination of both. PBDA will make reimbursement determinations based upon the applications it receives.

The remaining balance will be distributed in regular installments—annually, semi-annually, or quarterly—over the remainder of the performance period. Final reimbursement terms will be established in accordance with program objectives and incorporated into the grant agreement.

## F. Unlicensed Fixed Wireless Service Requirements

Unlicensed Fixed Wireless (ULFW) technology is permitted for use in BEAD projects if it meets technical criteria standards. Providers utilizing ULFW services must demonstrate that they have taken the steps necessary to resolve potential interference and capacity constraints associated with such technology<sup>9</sup>. PBDA will determine whether ULFW providers have presented sufficient evidence demonstrating that they have addressed these concerns and are therefore qualified to apply for BEAD funds. This determination is separate from deciding whether a project application employing ULFW is a Priority Broadband Project. The following are examples of mitigation strategies that ULFW providers may adopt to address the technical issues and problems associated with ULFW deployments:

### 1. Mitigating Potential Interference:

- Beam forming and/or beam nulling antenna arrays at both base station and subscriber radios;
- Interference mitigation (in addition to beam forming/nulling technologies);
- Advanced non-line-of-sight capabilities or design considerations;

<sup>7</sup> NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

<sup>8</sup> NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

<sup>9</sup> Specifically, ULFW applicants must demonstrate that they have addressed the problems of interference from other Part 15 users (Radio Frequency Devices) competing for the same spectrum and the difficulty of evaluating ULFW network capability. See: NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

- Reserved base station capacity to account for periods of higher interference;
- Conservative link budgets to account for potential interference/congestion losses;
- Adherence with network equipment manufacturer best practices or guidance regarding items such as minimum signal strength necessary to meet speed and latency requirements.

## 2. Evaluating Network Capability:

- Network design for ULFW projects must demonstrate the ability to provide at least 5 Mbps (100 Mbps downstream service – to be scaled for higher speed commitments) of simultaneous capacity to each BSL in the project area;
- Reserved base station capacity to account for periods of higher interference;
- Adherence with network equipment manufacturer best practices or guidance regarding items such as:
  - Capacity/loading of base station radios with respect to number of, and provisioned bandwidth of, subscribers;
  - Minimum signal strength necessary to meet speed and latency requirements;
  - Backhaul requirements for base station deployments<sup>10</sup>.

## G. Pennsylvania Prevailing Wage Act

BEAD projects in Pennsylvania are subject only to the Pennsylvania Prevailing Wage Act, which establishes the legal criteria for determining prevailing wage applicability. The Davis-Bacon Act does not apply to BEAD projects in Pennsylvania.

The Pennsylvania Department of Labor & Industry (Labor & Industry), through the Bureau of Labor Law Compliance, determines prevailing wage coverage and issues rates for covered projects. Prevailing wage requirements are applicable to Commonwealth grant contracts for projects that are publicly funded; when projects involve construction, demolition, reconstruction, alteration, repair work, renovations, build-out, and installation of machinery and equipment; for projects that have an estimated cost of more than \$25,000; or when the project activity is performed under a contract.

BEAD grantees will be responsible for including prevailing wage rates in all bid documents, specifications, and construction contracts pertaining to the project. Pennsylvania prevailing wage rates will be a contractual requirement of grantee. Labor & Industry has the final authority to determine the applicability of prevailing wages for BEAD projects.

For projects with an expected total cost of less than \$5,000,000, the reporting requirements outlined in the grant agreement between PBDA and the grantee apply. For projects of \$5,000,000 or more of expected total costs, an applicant may provide a certification that all laborers and mechanics employed by contractors and sub-contractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by Labor & Industry pursuant to the Pennsylvania State Prevailing Wage Act<sup>11</sup>. If such certification is not provided, a grantee must provide a Project Employment and Local Impact Report detailing:

- The number of contractors and subcontractors working on the project.
- The number of employees on the project hired directly and hired through a third party.
- The wages and benefits of workers on the project by classification and whether those wages are at rates less than those prevailing.

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<sup>10</sup> NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

<sup>11</sup> 43 P.S. § 165-1 et seq.; 34 Pa. Code § 9.101 et seq.

BEAD grantees must maintain sufficient records to substantiate this information upon request.

Applicants must complete the Pennsylvania Prevailing Wage Adherence Affidavit Template. PBDA requires that projects are carried out in ways that produce high-quality infrastructure, avert costly delays, and promote efficiency. Projects funded through BEAD must comply with all applicable federal laws and regulations and with all requirements for state and local laws and ordinances to the extent that such requirements do not conflict with federal laws.

For up-to-date information on Pennsylvania Prevailing Wage and Labor & Industry's wage determinations, [please refer to PBDA's website](#). However, the successful bidder is responsible for obtaining current Prevailing Wage rate information at the time of the award, and also for ensuring that rates paid are current throughout the duration of the project.

## H. Affordability / Low-Cost Service Option

To increase affordability of broadband services provisioned by BEAD funds, grantees must offer a Low-Cost Service Option (LCSO) for broadband services provided to eligible subscribers. The LCSO rate(s) as identified by the grantee, as well as the provisions listed in this section, will be contractual requirements of grantees. The LCSO must be made available to all locations within a grantee's proposed project area. Grantees are encouraged to make the LCSO available across its entire service territory.

### 1. Required Low-Cost Service Option:

In accordance with the Infrastructure Investment and Jobs Act (IIJA) and NTIA's June 2025 Restructuring Policy Notice, all BEAD grantees are required to offer at least one LCSO for eligible subscribers, with the LCSO set by each grantee. Grantees must offer the LCSO throughout the 10-year federal period of interest, or in the case of a LEO grantee, the 10-year period of performance. Each grantee must propose its LCSO as part of the application and the LCSO must meet speed and performance criteria. Specifically, the LCSO must meet the following technical criteria:

- Minimum speeds of 100 Mbps download and 20 Mbps upload;
- Latency of 100 milliseconds or less.

Moreover, if an applicant seeks flexibility to change the LCSO rate over time, then the applicant must state in its application the methodology it will use to change the LCSO in the future.

Applicants that currently offer a qualifying low-cost plan that meets these technical service requirements may satisfy the LCSO requirement by proposing to continue offering that plan to eligible subscribers covered through BEAD funds.

### 2. Eligible Subscribers:

NTIA has revised the definition of "Eligible Subscriber" for the LCSO to match the eligibility criteria of the FCC's Lifeline Program. Accordingly, an Eligible Subscriber means any household seeking to subscribe to broadband internet access service that is eligible for the FCC's Lifeline Program criteria.

Grantees are responsible for verifying the eligibility of LCSO subscribers and may ask potential subscribers to provide the same documentation used for Lifeline eligibility verification.

Applicants are encouraged to design affordability offerings that align with their proposed service areas and customer base while meeting statutory requirements.

## I. Letters of Credit

Applicants are required to submit a letter from a bank that meets eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, in the required form, to the prospective grantee. The letter shall at a minimum provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of PBDA's model letter of credit (included in the BEAD application and available on PBDA's BEAD webpage).

Because LEO satellite providers will receive funding for solely reserving capacity rather than constructing a physical network, LEO Letters of Credit may be reduced by 50% at the point of certification that service is available to each location in the project area. The letter of credit can be reduced by an additional 25% of the original amount after subscription rate reaches at least 25% of all locations in the project area and may be closed out once the subscription rate reaches 50%. Regardless of the subscription rate, the letter of credit may be terminated four years after the LEO Capacity grantee certifies to PBDA that it can initiate broadband service within 10 business days of a request to any covered BSL in the project area.

## J. Risk Management Plans for Infrastructure Reliability and Resiliency

To ensure that BEAD projects incorporate best practices for reliability and resilience of broadband infrastructure, applicants are required to submit risk management plans that account for technology infrastructure reliability and resilience, including from natural disasters (e.g., wildfires, flooding, tornadoes, hurricanes, etc.), as applicable, as well as cybersecurity best practices. Both plans must be included in the BEAD application. The Cybersecurity Plan must reflect the [National Institute of Standards and Technology \(NIST\) Framework for Improving Critical Infrastructure Cybersecurity](#). The plans should detail and describe the following:

- Technology reliability and resilience best practices, including from natural disasters (e.g., wildfires, flooding, tornadoes, hurricanes, etc.);
- Cybersecurity best practices;
- All security and privacy controls being implemented.

## K. Other Requirements

1. **Conflict of Interest Provision:** An officer, director, or employee of an applicant who is a party to, or who has a private interest in a project shall disclose the nature and extent of the interest to the governing body of the grantee and may not vote on action of the applicant concerning the project, nor participate in the deliberations of the applicant concerning the project. Applicants with existing contracts for wireless asset management with an agency of the Commonwealth must disclose the nature of such contracts within the application, which may be considered in the evaluation of any application.
2. **Nondiscrimination:** No assistance shall be awarded to an applicant under this program unless the applicant certifies that it shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with grant funds must contain the Commonwealth's official nondiscrimination clause.

3. **Use of Commonwealth-Owned Assets:** As project plans are developed, applicants are encouraged to consider incorporating assets owned and managed by the Commonwealth of Pennsylvania that are located within the proposed project boundaries. This could include land, buildings, telecommunications infrastructure, towers, fiber, etc. To determine eligible Commonwealth-associated assets, PBDA is working with the Pennsylvania Department of General Services' [Office of Enterprise Wireless Management \(OEW\)](#). OEW oversees the Commonwealth's efforts to manage telecommunications projects on Commonwealth-owned wireless assets in support of the development, improvement, and expansion of digital telecommunications in Pennsylvania. Applicants interested in utilizing Commonwealth towers, buildings, and property (including rights-of-way) at fair-market rates are encouraged to contact OEW for policy recommendations and guidance, or to reference its full list of Commonwealth assets.
4. **Project Records:** The grantee must maintain full and accurate records with respect to the project and must ensure adequate control over related parties in the project. PBDA requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request from PBDA, grantees must furnish all data, reports, contracts, documents, and other information relevant to the project. PBDA reserves the right to conduct formal project audits throughout the project period of performance.
5. **Certification of Expenses:** Grantees must sign a payment request form certifying that the expenses were incurred and were in accordance with the scope of work approved by PBDA.
6. **Underground Utility Line Protection Law:** Grantees must adhere to the Pennsylvania Underground Utility Line Protection Law (PA Act 287 of 1974, as amended by Act 50 of 2017), which states that excavation or demolition work must notify PA One Call between three and ten business days prior to commencing excavation work.
7. **Grant Reporting Requirements:** At a minimum, grantees will be required to submit quarterly progress reports through to the completion of the project. A list of reporting activities that will be monitored and used to measure grantee performance can be found in Appendix II of these guidelines. PBDA reserves the right to request additional reports and to undertake audits as may be necessary to ensure compliance with BEAD program objectives and/or to comply with any federal or state laws, regulations, or requirements.
8. **Transparency:** Pennsylvania's Right-to-Know Law (RTKL) 65 P.S. §§ 67.101-3104, was designed to increase transparency in the government's decision-making and activities. The RTKL generally provides public access to the records of Commonwealth agencies, local agencies, courts, and legislative agencies. BEAD grantees shall contractually agree that they understand that the grant agreement and records related to, or arising out of the grant agreement, are subject to requests made pursuant to the Pennsylvania Right-to-Know Law.
9. **Federal Law Compliance:** Applicants are responsible for complying with all applicable federal laws throughout the grant process. Including, but not limited to the Build America, Buy America Act<sup>12</sup>; the Secure and Trusted Communications Networks Act of 2019<sup>13</sup>; and the National Defense Authorization Act of 2019<sup>14</sup>. Applicants also will be required in the BEAD contract to comply with applicable federal contracting provisions regarding federal grant programs.

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<sup>12</sup> Build America, Buy America Act: All funds expended through the BEAD program must comply with the Build America, Buy America Act, or BABA. The Act requires that all of the iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.

<sup>13</sup> Secure and Trusted Communications Networks Act of 2019: Grantees may not use BEAD funding to purchase or support any covered communications equipment or service, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608)

<sup>14</sup> National Defense Authorization Act of 2019: The Infrastructure Act expressly prohibits grantees from using BEAD funding to purchase or support fiber optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver of this requirement is received from PBDA and NTIA. Waivers of the ban on Chinese-made fiber will be based on a demonstration from grantees that application of this prohibition would unreasonably increase the cost of or delay the project or other eligible activities. Waiver applicants will need to provide concrete evidence of this circumstance and will be held to a high burden of proof.

10. **Governance and Project Management:** Proposals must describe how the project will be managed, and by what entity (public or private) as well as the governance structure overseeing the management of the project. Responsible parties should also be included on the project timeline and list of deliverables included in the “Application Questions” section of these guidelines. And,
11. **Commonwealth Contracting and Reporting Requirements:** Contractual arrangements between a grantee and the Commonwealth of Pennsylvania will include standard Commonwealth contracting terms and conditions, along with BEAD special conditions.

## **Section VI – Application Evaluation and Scoring Criteria**

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### **A. Application Evaluation**

Evaluation will be objective in nature, to include:

1. Completeness of proposed service(s) by defined project area;
2. Proposed broadband speeds;
3. Reliability;
4. Technical specifications sufficient to meet the definitions of a Priority Broadband Project;
5. Detailed cost estimates and budget;
6. Commitment to obtain a letter of credit or performance bonds pursuant to BEAD Letter of Credit Waiver guidance issued by NTIA. Two Letters of Credit issued by credit unions are permissible; and,
7. Planning and Permitting acknowledgment.

### **B. Scoring Criteria for Priority Broadband Projects**

#### **1. Primary Scoring Criteria**

Applications will be evaluated based on the minimal BEAD outlay for each Broadband Serviceable Area (BSA) in the applicant’s proposal. The minimal BEAD outlay is based on the lowest subsidy requested for each BSA divided by the number of locations proposed to be served in that BSA.

An applicant’s proposed project may consist of one or more contiguous BSAs. An applicant with multiple BSAs may vary its subsidy request for each BSA. Per the Policy Notice, PBDA will select the combination of BSAs with the lowest overall cost to the Program. This may involve selecting a BSA that is not the lowest-cost option for a given set of locations but is part of the combination of selected BSAs with the lowest overall cost to the BEAD program.

When there are competing applications and subsidy requests are within 15% of the lowest cost application, PBDA will evaluate secondary scoring criteria, as set forth below, to determine the provisionally selected applicant.

**2. Secondary Scoring Criteria**

Overlapping applications that are within 15% of each other will be scored using the secondary criteria below. The application with the most points will be provisionally selected for that BSA or combination of BSAs. Secondary scoring is set forth as follows:

**a. Speed of Network and Other Technical Capabilities:**

Download Speed Range	Download Points	Upload Speed Range	Upload Points
Greater than or equal to 1 Gbps	25	Greater than or equal to 1 Gbps	25
700 Mbps - 999 Mbps	20	250 Mbps - 999 Mbps	20
250 Mbps - 699 Mbps	15	100 Mbps - 249 Mbps	15
100 Mbps - 249 Mbps	10	20 Mbps - 99 Mbps	10

**b. Speed to Deployment**

- i. Commitment to complete the project in two years or less – 10 points.

## **Section VII – Program Inquiries**

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Program Inquiries should be directed to:

Pennsylvania Broadband Development Authority  
Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120-0225

Telephone: 1-866-466-3972

Email: [ra-dcpbda\\_bead@pa.gov](mailto:ra-dcpbda_bead@pa.gov)

## Appendix I – Letter of Credit Waiver Option

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The National Telecommunications and Information Administration (NTIA) has determined that, for good cause shown, and in the best interest of the Federal Government, a conditional programmatic waiver of the letter of credit obligation should be granted as described herein. The Letter of Credit (LOC) requirement is waived only to the extent to and as described here:

### A. Use of Credit Unions

That portion of the LOC Requirement that requires the use of a bank that meets the eligibility requirements of 47 C.F.R. § 54.804(c)(2) is waived where the grantee otherwise meets the LOC Requirement using any US credit union that:

- Is insured by the National Credit Union Administration;
- Has a credit union safety rating issued by Weiss of B- or better.

### B. Use of Performance Bonds

The LOC Requirement is waived where:

- During the application process, prospective grantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective grantee. The letter shall, at a minimum, provide the dollar amount of the performance bond.
- Prior to entering into any grantee agreement, each prospective grantee obtains a performance bond in a value of no less than 100% of the awarded amount. While the grantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the grantee “provide with its letter of credit an option letter from a legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11, of the United State Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning grantee’s bankruptcy estate under Section 541 of the Bankruptcy Code” is waived.

### C. Reduction of LOC/Performance Bonds upon Completion of Milestones

The requirement that “In no event, however, shall the letter of credit have a value of less than 25% of the awarded amount” is waived, conditioned on the requirement that the grantee obtain a new letter of credit in a reduced amount upon achievement of specific deployment milestones that are publicly specified by PBDA and applicable to all grantees subject to the LOC Requirement. Where a grantee chooses to utilize a performance bond in lieu of a letter of credit, PBDA shall also have the option to reduce the amount of the performance bond by commensurate amount as grantees meet the same service milestones.

By way of example, PBDA could specify that a grantee may obtain a new letter of credit or renew its existing letter of credit to reduce its value in accordance with the following limitations:

- Upon demonstrating to the satisfaction of PBDA that it has completed the buildout of 40% of locations to be served by the project, a grantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 20% of the award amount.
- Upon demonstrating to the satisfaction of PBDA that it has completed the buildout of 60% of locations to be served by the project, a grantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 15% of the award amount.

- Upon demonstrating to the satisfaction of PBDA that it has completed the buildout of 80% of locations to be served by the project, a grantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 10% of the award amount.
- Upon demonstrating to the satisfaction of PBDA that it has completed the buildout of 100% of locations to be served by the project, a grantee may terminate its letter of credit under the terms set forth therein.

#### **D. Alternative Initial LOC or Performance Bond Percentage**

The requirement that the initial letter of credit be for 25% of the award amount, or in the case where a grantee chooses to utilize a performance bond consistent with number two above, allow the initial amount of the performance bond to be lower than 100% of the award amount where:

1. PBDA issues funding on a reimbursable basis consistent with Section IV.C.1.b of the BEAD NOFO;
2. Reimbursement is for periods of no more than six months; and
3. The grantee commits to maintain a letter of credit or performance bond in the amount of 10% of the award until it has demonstrated to the satisfaction of PBDA that it has completed the buildout of 100% of locations to be served by the project or until the period of performance of the award has ended, whichever occurs first.

## Appendix II – Reporting Requirements

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The following is a non-exhaustive list of activities that will be monitored and used to measure performance of grantees and should include, at minimum:

1. Include a list of addresses or location identifications (including the BSL fabric established under 47 U.S.C. 642(b)(1)(B)) that constitute the service locations that will be served by the broadband infrastructure to be constructed and the status of each project;
2. Identify new locations served within each project area at the relevant reporting intervals, and service taken (if applicable);
3. Identify whether each address or location is residential, commercial, or a Community Anchor Institution;
4. Describe the types of facilities that have been constructed and installed;
5. Describe the peak and off-peak actual speeds of the broadband service being offered;
6. Describe the maximum advertised speed of the broadband service being offered;
7. Describe the non-promotional prices, including any associated fees, charged for different tiers of broadband service being offered;
8. List all interconnection agreements that were requested, and their current status;
9. Include any other data that would be required to comply with the data and mapping collection standards of the Commission under Section 1.7004 of title 47, Code of Federal Regulations, or any successor regulation, for broadband infrastructure projects;
10. For projects with an expected total cost of less than \$5,000,000, the reporting requirements will be outlined in the grant agreement between PBDA and the grantee. For projects of \$5,000,000 or more of expected total costs, an applicant may provide a certification that all laborers and mechanics employed by contractors and sub-contractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by Labor & Industry pursuant to the Pennsylvania State Prevailing Wage Act. If such certification is not provided, a grantee must provide a Project Employment and Local Impact Report detailing:
  - a. The number of contractors and subcontractors working on the project.
  - b. The number of employees on the project hired directly and hired through a third party.
  - c. The wages and benefits of workers on the project by classification and whether those wages are at rates less than those prevailing.
11. Comply with any other reasonable reporting requests determined by PBDA to meet the reporting established by NTIA; and certify that the information in the report is accurate. Grantees must maintain sufficient records to substantiate the information above upon request.

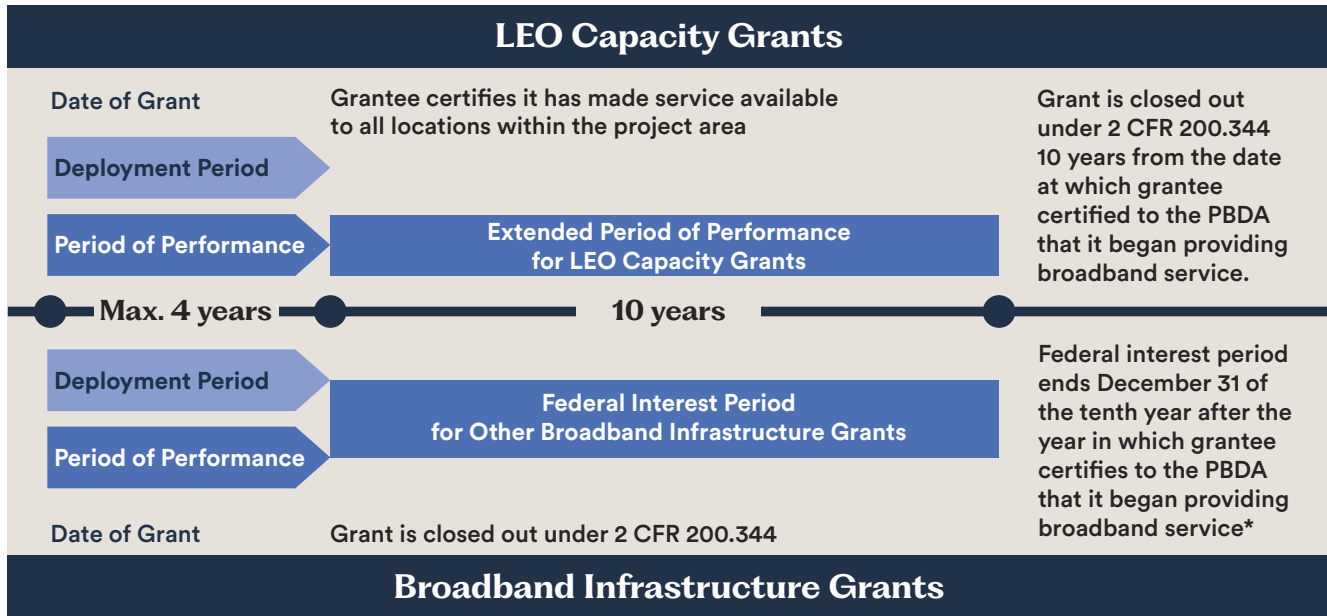
## Appendix III – Required Application Attachments

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The following documents must be included with each application. Documents with a \* next to the title must be provided by the applicant (all others will be provided by PBDA and are available through ESA as well as PBDA's BEAD Program Webpage).

1. Forms, Templates, and Other
  - a. Letter of Credit\*
  - b. Key Project Management template
  - c. Project Timeline Gantt Chart with Project Milestones template
  - d. Matching Commitment Letter\*
  - e. Project Proforma
  - f. Audited financial statements for each of the past three years. (which includes a balance sheet, a cash flow statement, an income statement,) \*
  - g. Funding Sources Worksheet
  - h. Detailed Project Cost Estimate\*
  - i. Capital Investment Schedule\*
  - j. Industry-standard network design diagram and narrative (in PDF format) \*
  - k. Cybersecurity Risk Management Plan\*
2. CSV File
  - a. BEAD Project BSA/BSL/CAI Worksheet
3. Affidavits
  - a. BEAD Umbrella Affidavit
  - b. Pennsylvania Prevailing Wage Adherence Affidavit
  - c. Planned Provision of Service Affidavit
  - d. Overbuild Affidavit
  - e. Planning and Permitting Approval Affidavit
  - f. Engineer's Certification Statement Affidavit

## Appendix IV – Period of Performance for LEO Capacity Grants and Federal Interest Period for Broadband Infrastructure Grants



\* See Tailoring the Application of the Uniform Guidance to the BEAD Program Policy Notice at 9: “The Federal interest in all real property or equipment acquired or improved as part of a subgrant for which the major purpose is a broadband infrastructure project will continue for 10 years after the year in which the subgrant for a project has been closed out in accordance with 2 CFR 200.344. For example, all subgrants closed out in 2027, regardless of the month, the Federal Interest Period will last until December 31, 2037.”

## Appendix V – Glossary of Terms

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**BROADBAND** – Commonly refers to high-speed Internet access that is faster than traditional dial-up access. Broadband includes high-speed transmission technologies, like Fiber, wireless satellite, digital subscriber line, cable modem, fiber, wireless, satellite, and broadband over powerlines (BPL)<sup>15</sup>. The type of broadband technology available to a particular area depends on several factors, including location (rural versus urban areas), how broadband internet is packaged with other services (such as voice telephone and home entertainment), price, and availability.

**BROADBAND INFRASTRUCTURE** – The physical and network components used to deliver high-speed internet service that meets the definition of advanced telecommunications capability under Section 706(d) of the Telecommunications Act of 1996<sup>16</sup>. This includes, but is not limited to, fiber optic cable, coaxial cable, fixed wireless equipment (licensed or unlicensed), Low Earth Orbit (LEO) satellite systems, and other transmission technologies capable of reliably providing broadband service that meets applicable performance standards. Infrastructure may be aerial, underground, satellite-based, or wireless, and must be capable of delivering consistent service to end users at locations across the network’s coverage area.

**BROADBAND SERVICEABLE AREA (BSA)** – An area within the Commonwealth of Pennsylvania containing one or an aggregation of multiple census block groups. A BSA contains eligible Broadband Serviceable Locations (BSLs) and Community Anchor Institutions (CAIs) for BEAD funding.

**BROADBAND SERVICEABLE LOCATION** – A broadband serviceable location (BSL) is a business or residential location in the United States at which mass-market fixed broadband internet access service is, or can be, installed.

**COMMUNITY ANCHOR INSTITUTION** – An entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals<sup>17</sup>.

**ELIGIBLE SUBSCRIBER** – Any household seeking to subscribe to broadband internet access service that is eligible for the FCC’s Lifeline Program. This includes consumers with a household income at or below 135% of the Federal Poverty Guidelines or be enrolled in federal assistance programs like SNAP, Medicaid, or Federal Public Housing Assistance<sup>18</sup>.

**ENFORCEABLE COMMITMENT** – Broadband serviceable locations (BSL)s that are subject to federal, state, and local funding for the purposes of broadband infrastructure buildout, excluding the BEAD program. The enforceable funding commitment must provide a minimum of 100/20 Mbps of service. These BSLs will be considered ineligible for BEAD funding.

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<sup>15</sup> NTIA. (2016). Broadband USA: Connecting America’s Communities: [https://broadbandusa.ntia.doc.gov/sites/default/files/publication-pdfs/bbusa\\_connecting\\_americas\\_communities.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/publication-pdfs/bbusa_connecting_americas_communities.pdf)

<sup>16</sup> Telecommunications Act of 1996: <https://www.congress.gov/104/plaws/publ104/PLAW-104publ104.htm>

<sup>17</sup> NTIA BEAD Notice of Funding Opportunity: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>. See also, 64 Pa.C.S. § 6102.

<sup>18</sup> FCC Lifeline Program: <https://www.fcc.gov/general/lifeline-program-low-income-consumers>

**HIGH-SPEED BROADBAND SERVICE** – Wireless, wireline, or fixed wireless technology having a latency sufficient to support real time, interactive applications, and the capacity to reliably and consistently transmit data from or to the internet<sup>19</sup>:

- Minimum speeds of at least 100 Mbps downstream and 20 Mbps upstream
- Minimum speeds adopted by the Federal Communications Commission or
- Minimum speeds otherwise required to comply with funding opportunities from the federal government, whichever is greater.

**LAST MILE** – Last mile networks are networks that connect end users via an area node to a middle mile network<sup>20</sup>.

**LOW EARTH ORBIT SATELLITE** – Satellites that operate anywhere from 311 miles to 1,243 miles above the earth’s surface, in order to provide internet service to subscribers. To be eligible for BEAD funding, LEO providers must offer sufficient capacity to deliver broadband service that meets the BEAD performance and technical requirements to each BSL in the project area<sup>21</sup>.

**MIDDLE MILE** – Any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and includes— (i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links<sup>22</sup>.

**OVERBUILD** – The development of high-speed broadband service infrastructure in an area that is not unserved or underserved<sup>23</sup>.

**PERIOD OF PERFORMANCE** – A four-year timeframe starting from the date when the grant agreement is executed. During this period, applicable grant recipients are required to complete all project activities as outlined in their grant proposals, including planning, implementation, and finalization of approved activities. While the period of performance is set at four years, extensions may be requested and granted if additional time is needed, subject to NTIA approval. Throughout this period, grantees must comply with all program requirements, including regular reporting and performance assessments. The extended period of performance for LEO grant recipients is ten years, which begins when a grantee certifies that it has made service available to all locations within the project area<sup>24</sup>.

**PRIORITY BROADBAND PROJECT** – The term “Priority Broadband Project” means a project that will provide broadband service at speeds of no less than 100 megabits per second for downloads and 20 megabits per second for uploads, has a latency less than or equal to 100 milliseconds, and can easily scale speeds over time to meet the evolving connectivity needs of households and businesses and support the deployment of 5G, successor wireless technologies, and other advanced services<sup>25</sup>.

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<sup>19</sup> PA Act 96 of 2021: [https://www.palegis.us/statutes/unconsolidated/law-information?sessYr=2021&sessInd=0&actNum=96#:~:text=Amending%20Title%2064%20\(Public%20Authorities,the%20authority%20and%20for%20grant](https://www.palegis.us/statutes/unconsolidated/law-information?sessYr=2021&sessInd=0&actNum=96#:~:text=Amending%20Title%2064%20(Public%20Authorities,the%20authority%20and%20for%20grant). See also 64 Pa.C.S. § 6102.

<sup>20</sup> Broadband Network Deployment Engineering: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-03/Broadband%20Network%20Deployment%20Engineering%20PDF.pdf>.

<sup>21</sup> US Congress: <https://www.congress.gov/crs-product/R46896>.

<sup>22</sup> Enabling Middle Mile Broadband Infrastructure: <https://broadbandusa.ntia.doc.gov/funding-programs/enabling-middle-mile-broadband-infrastructure-program#:~:text=Overview,underserved%20to%20the%20Internet%20backbone>.

<sup>23</sup> PA Act 96 of 2021: 64 Pa.C.S. § 6102: [https://www.palegis.us/statutes/unconsolidated/law-information?sessYr=2021&sessInd=0&actNum=96#:~:text=Amending%20Title%2064%20\(Public%20Authorities,the%20authority%20and%20for%20grant](https://www.palegis.us/statutes/unconsolidated/law-information?sessYr=2021&sessInd=0&actNum=96#:~:text=Amending%20Title%2064%20(Public%20Authorities,the%20authority%20and%20for%20grant)

<sup>24</sup> NTIA BEAD Restructuring Policy Notice, Appendix C: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

<sup>25</sup> NTIA BEAD Restructuring Policy Notice, page 9: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>

**RIGHTS-OF-WAY (ROW)** – Legal rights to pass through property owned by another. ROWs are frequently used to secure access to land for digging trenches, deploying fiber, constructing towers, and deploying equipment on existing towers and utility poles<sup>26</sup>.

**UNDERSERVED LOCATION** – A location that is not an unserved location and as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with a speed not less than 100 Mbps for downloads and 20 Mbps for uploads and a latency sufficient to support real-time, interactive applications<sup>27</sup>.

**UNLICENSED FIXED WIRELESS** – Fixed terrestrial wireless service using entirely unlicensed spectrum, including services provided over Wi-Fi as a fixed solution<sup>28</sup>.

**UNSERVED AREA** – A project area that has no access to broadband service or lacks access to reliable broadband service with a speed of not less than 25 Mbps for downloads and three Mbps for uploads and a latency sufficient to support real-time, interactive applications<sup>29</sup>.

**UNSERVED LOCATION** – A broadband-serviceable location, as determined in accordance with the broadband DATA maps, that has no access to broadband service or lack access to reliable broadband service offered with a speed not less than 25 Mbps for downloads and three Mbps for uploads and a latency sufficient to support real-time, interactive applications<sup>30</sup>.

**USEFUL LIFE OF NETWORKS** – The federal interest period for infrastructure networks and equipment. NTIA has defined this as a minimum of ten years after an asset is operational<sup>31</sup>.

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<sup>26</sup> Broadband USA Broadband Glossary: [https://broadbandusa.ntia.doc.gov/sites/default/files/publication-pdfs/bbuser\\_broadband\\_glossary.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/publication-pdfs/bbuser_broadband_glossary.pdf)

<sup>27</sup> NTIA: BEAD Frequently Asked Questions: [https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29\\_Version-2.0.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29_Version-2.0.pdf). See also: See also, 64 Pa.C.S. § 6102.

<sup>28</sup> FCC: <https://help.bdc.fcc.gov/hc/en-us/articles/5290793888795-Fixed-Technology-Codes>

<sup>29</sup> NTIA BEAD Frequently Asked Questions: [https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29\\_Version-2.0.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29_Version-2.0.pdf)

<sup>30</sup> NTIA: BEAD Frequently Asked Questions: [https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29\\_Version-2.0.pdf](https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29_Version-2.0.pdf). See also: See also, 64 Pa.C.S. § 6102.

<sup>31</sup> NTIA BEAD Restructuring Policy Notice: <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>