

VPS Consulting Memo

FCC Releases BEAD State and Tribal Engagement Guidance for Enhanced A-CAM and Other High-Cost Support Recipients

Summary

On November 29, 2023, the Federal Communications Commission (FCC) released a [Public Notice](#) providing guidance to High-Cost support recipients regarding their obligations to collaborate with states and Tribal governments to avoid duplication with Broadband Equity, Access, and Deployment (BEAD) Program funding.¹ High-Cost support includes Enhanced A-CAM, RDOF, CAF Phase II Auction, Bringing Puerto Rico Together Fund and the Connect USVI funding.

It is expected that High-Cost support recipients will engage directly with their respective state broadband offices by participating in the BEAD Program challenge processes and provide the information as requested by the states in the advancement of the BEAD Program. Such information includes supported locations, timing of deployments, service areas, technologies used, and speeds offered.

If a High-Cost support recipient's supported service area includes Tribal Lands, the service provider must demonstrate on an annual basis that it has engaged the Tribal government regarding a range of issues including compliance with local rights of way, land use permitting, facilities siting, environmental and cultural preservation review processes, Tribal business and licensing requirements, and deployment plans. To ensure these locations are deemed ineligible for BEAD funding, the High-Cost support recipient will need to have a legally binding agreement with the Tribe and be prepared to provide a copy to the state as part of its BEAD Challenge.

What's Next?

Each state will have differing timelines as to when the BEAD challenge process will occur. VPS recommends being engaged with your respective state broadband office in order to participate in the BEAD challenge to ensure the state is accounting for supported locations correctly. As it relates to Tribal lands, High-Cost support recipients must certify annually to the FCC that they are complying with these engagement obligations with Tribal

¹ <https://docs.fcc.gov/public/attachments/DA-23-1115A1.pdf>

governments (these certifications are to be made July 1 each year on the FCC Form 481). In addition to the annual certification, be prepared to enter into an agreement with the Tribal Government if you need to challenge the area in the BEAD challenge process.

Additional Information

For more information on High-Cost support obligations, the BEAD Challenge process, or if you would like VPS guidance, please contact these members of the Vantage Point Solutions team:

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