
West Virginia BEAD Program Guidance and Notice Alternative Technologies

State of West Virginia

West Virginia Department of Economic Development

Updated as of January 3, 2025



INTERNET FOR ALL West Virginia

1. Introduction

On August 26, 2024, the NTIA published a draft, pre-decisional Proposed BEAD Alternative Broadband Technology Guidance, subject to public comment and proposing to subsequently issue “A BEAD Alternative Broadband Technology Policy Notice to provide Eligible Entities with additional guidance regarding the use of alternative technologies to serve unserved and underserved locations within their jurisdiction.”¹ The final Policy Notice was published by NTIA on January 2, 2025.² The West Virginia Office of Broadband (the “Office”) is publishing this guidance document so Alternative Technology providers to satisfy the timelines associated with notification requirements for Case 3, described below and previously described in the guidance issued by the Office on November 15, 2024 (found at <https://broadband.wv.gov/wp-content/uploads/2024/11/West-Virginia-BEAD-Program-Alternative-Technologies-Guidance-2024.11.15.pdf>).

In the final NTIA guidance, the term “Alternative Technologies” describes any broadband access technology that terminates at a location or household and does not qualify as Reliable Broadband Service but meets the BEAD Program’s minimum technical requirements of speeds of not less than 100 Mbps for downloads and 20 Mbps for uploads and latency less than or equal to 100 milliseconds. Alternative Technologies may include unlicensed fixed wireless (ULFW) and low earth orbit (LEO) satellite. The Office encourages all interested parties to review the final guidance from the NTIA.

After conducting a competitive subgrantee selection process to find the most robust Reliable Broadband technology, the Office may have project areas with Unserved or Underserved locations where no prospective subgrantee has submitted an offer for Reliable Broadband service or has submitted an offer that is above the Extremely High Cost Per Location Threshold. In these cases, the Office must make determinations based on three Cases presented in the draft guidance. The Office must determine:

- **Case 1:** if any Alternative Technology providers have enforceable funding commitments to provide broadband service meeting BEAD Program performance requirements, or
- **Case 2:** if any Alternative Technology providers can demonstrate they already serve these BEAD eligible locations with service meeting BEAD Program performance requirements, or
- **Case 3:** if Alternative Technology providers can demonstrate they currently cannot serve these BEAD eligible locations with service meeting BEAD Program performance requirements but can do so with BEAD funding.

If BEAD eligible locations included in the West Virginia BEAD Program Application Extension Round and subsequent, transparent direct negotiations receive no fundable applications proposing Reliable broadband technology, the Office will determine which of the three Cases above are applicable to those

¹ Proposed BEAD Alternative Broadband Technology Guidance page 1.

² See [NTIA BEAD Alternative Broadband Technology Policy Notice](#), published January 2, 2025.

locations. Per the previous public notice³ relating to Case 2, the Office will only consider providers who followed direction to notify the Office by end of day 11/25/2024.

Alternative Technology providers that were identified as serving locations under Case 2 but did not respond to the Office in a timely manner may be determined to be incapable of “carrying out activities funded by the subgrant in a competent manner” and lack the “managerial capacity” to “meet [...] such other requirements as have been prescribed by the Assistant Secretary.”⁴ In this situation, such providers are ineligible to become BEAD subgrantees for these locations.

Alternative Technology Providers seeking to participate in the process as it pertains to Case 3 must submit an email to the Office as noted in the Case 3 description below.

2. Case 3: BEAD Investment in Alternative Technologies

If BEAD eligible locations included in the West Virginia BEAD Program (including the Application Extension Round) receive no fundable applications proposing Reliable broadband technology, and if Alternative Technology providers able to serve these locations choose to not demonstrate their service meets BEAD Program performance requirements, the Office must determine if that service does not meet BEAD performance requirements and determine if it would meet BEAD program requirements with the addition of BEAD funding. If Alternative Technology providers are currently reporting service meeting BEAD program speed and latency requirements to the Federal Communications Commission Broadband Data Collection program to the locations in question, they must sufficiently demonstrate why that service does not meet BEAD program requirements for the BEAD eligible locations in question.

Any proposal to use Alternative Technologies for BEAD funded projects must include a certification and documentation that the applicant is able to provide at least 5 Mbps of capacity (or 2 TBs of usage per month) to each Broadband Serviceable Location in the project area within four years. Any proposal to use Alternative Technologies for BEAD funded projects must include detailed information about how the applicant calculated the cost of the network capacity per Broadband Serviceable Location.

Timeline

Providers offering Alternative Technologies interested in qualifying should send an email to luke.n.peters@wv.gov indicating that interest ***not later than 11:59 p.m., January 9, 2025.***

The Office will confirm receipt of your submission by January 10, 2025, and make any additional information requests and schedule a video conference for further discussion.

³ See <https://broadband.wv.gov/wp-content/uploads/2024/11/West-Virginia-BEAD-Program-Alternative-Technologies-Guidance-2024.11.15.pdf> published 11/15/2024.

⁴ Proposed BEAD Alternative Broadband Technology Guidance page 9.

The Office intends to make decisions regarding the need for Alternative Technology providers not later than January 30th, 2025.

Required Materials

If the Office determines to move forward with a discussion of your interest in providing services related to BEAD Alternative Technology, the Office will forward, with their request for a video conference, a list of materials that will need to be provided at least 48 business hours before the meeting.