

Final Proposal

Updated September 2025

State of West Virginia

West Virginia Department of Commerce

Division of Economic Development, Office of Broadband



Disclaimer: The responses herein and relevant attachments (collectively “this document”) are intended to meet West Virginia’s requirement for submitting a Final Proposal to the National Telecommunications and Information Administration (NTIA)—as mandated in the BEAD Program Notice of Funding Opportunity (NOFO) and expounded in the BEAD Program Final Proposal Guidance for Eligible Entities Version 2.1. Should there be any inconsistencies between this document and the NOFO or any applicable laws, regulations, and statutory requirements, the latter should be considered authoritative.

This document should be considered a draft until it is approved by NTIA. This means the information contained within it, including financial information, subgrantee award conditions, and commitments, is subject to change until its approval.

Funding amounts and locations awarded to each applicant may be adjusted after a location verification process and prior to contract finalization.

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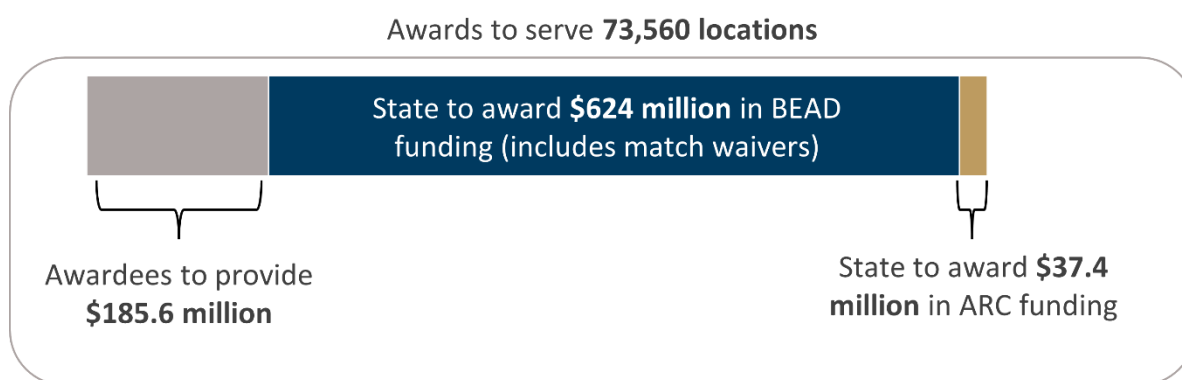
Overview

The West Virginia Department of Commerce Division of Economic Development, Office of Broadband (WVDED) has prepared the following Final Proposal for consideration by the National Telecommunications and Information Association (NTIA) in compliance with the Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity and the BEAD Restructuring Policy Notice (Policy Notice).

Final Proposal

WVDED conducted a competitive subgrantee selection process for BEAD deployment funding and, in compliance with the terms of the Policy Notice, included a Benefit of the Bargain Round to maximize cost efficiency. Upon review of applications, WVDED has selected nine awardees for provisional awards with the following provisional funding results. The selected projects cover 73,560 locations, including all unserved and underserved locations in the State.

West Virginia BEAD Program Subgrantee Selection Results



The following document details West Virginia's subgrantee selection process, location determinations, and further compliance with NTIA requirements.

Following the NTIA's Final Proposal Guidance issued June 2025, this Final Proposal describes the result of West Virginia's selection process for deployment subgrantees. This process has resulted in substantial cost savings and will require subgrants that total only approximately half of the \$1.21 billion allocated to West Virginia for BEAD under the Infrastructure Investment and Jobs Act (IIJA). The Policy Notice states that funding for other allowable uses of this funding is under review and NTIA will issue updated guidance in the future. WVDED looks forward to the future opportunity to respond with support for initiatives that will deepen the impact of these broadband infrastructure investments for West Virginia.

Final awards are subject to location verification and NTIA approval. WVDED has and will continue to comply with Federal and state requirements, including subgrantee monitoring. This Program is consistent with NTIA guidelines and aligns with material presented in West Virginia's corrected Initial Proposal.

Subgrantee Selection Process Outcomes (Requirement 1)

1.1 Text Box: Describe how the Eligible Entity’s deployment Subgrantee Selection Process undertaken is consistent with that approved by NTIA in Volume II of the Initial Proposal as modified by the BEAD Restructuring Policy Notice.

West Virginia successfully completed its subgrantee selection process in line with the proposed methodology in its approved Initial Proposal Volume 2, as modified by the Policy Notice.

Subgrantee Selection Timeline

In compliance with the Policy Notice, WVDED provided an updated list of eligible locations and issued a revised set of Program Procedures for applicant guidance. The updated Program Procedures replaced prior procedures, eliminated or reduced requirements as designated by the Policy Notice, and established for both new and prior applicants a Benefit of the Bargain Round, which was held from July 10 to July 20, 2025.

WVDED provided all eligible entities with the opportunity to apply during the Benefit of the Bargain Round, even if they had not participated in previous phases of the program, such as the Full Application from August to October 2024 that collected the first round of proposed projects or the Extension from November to December 2024 that solicited additional projects in select Target Areas. In the Benefit of the Bargain Round, applicants could submit Pre-Application materials alongside proposed projects, if not completed previously. Applicants with existing project applications were prompted to revise project costs with updated locations or submit new projects.

Both pre-applications and applications were reviewed, then scored and ranked according to the West Virginia BEAD Benefit of the Bargain Round Program Procedures. After WVDED ranked and scored project combinations in a manner consistent with the Policy Notice, as described in Requirement 13, projects were provisionally selected for award.

Project Area Definitions

West Virginia used the project area definitions proposed in its approved Initial Proposal Volume 2. WVDED created and published a set of “**Target Areas**,” which were groupings of “**Target Locations**.” Applicants used the Target Areas to create “Proposed Projects” to provide service. WVDED created these through a clustering method that created approximately homogeneous and contiguous groupings of Target Locations. Most community anchor institutions (CAIs) were grouped into Target Areas with nearby unserved and underserved locations. However, those CAIs that could not be grouped became their own independent Target Areas. Nearby Target Areas were then further grouped into “**Target Regions**.” All applicants had access to the updated list of broadband serviceable locations (BSLs) to use to propose projects.

Prior to the start of the Benefit of the Bargain Round and in compliance with the Policy Notice, the State made three sets of information requests to providers to inform the list of Target Locations. WVDED provided the opportunity for eligible broadband service providers in the state to submit evidence of non-subsidized service to reclassify such BSLs as served. West Virginia also provided the opportunity for providers of unlicensed fixed wireless service to submit evidence demonstrating that BEAD funding is not required for

locations they serve, in a manner consistent with the requirements in Appendix A of the Policy Notice. Further, WVDED permitted prior and potential applicants to identify those locations considered “excessively high cost” or “economically unviable.” WVDED created Target Areas to contain Target Locations so identified and permitted applicants to apply for them in the Benefit of the Bargain Round.

Evaluation Procedures and Strategies

WVDED evaluated projects using the updated ranking and scoring required by the Policy Notice.

WVDED first assessed application completeness and compliance with BEAD requirements, including the ability of the proposed project to meet technical performance standards. WVDED conducted project-by-project assessments of Priority Broadband Project status, as detailed in Requirement 12. To select projects, WVDED followed this process:

1. WVDED identified all possible combinations of non-overlapping Proposed Projects for each Target Region.
2. WVDED prioritized combinations of Projects within Target Regions that served all, or the greatest number of, Target Locations in the Target Region with service via a Priority Broadband Project.
3. If there were multiple combinations of Projects in a Target Region with the same or substantially similar levels of service from Priority Broadband Projects, those competed based on the primary then secondary scoring criteria.
4. For the primary criterion, Minimal BEAD Program Outlay, WVDED selected the competing combination of projects covering each Target Region with the lowest overall grant cost for that Region.
5. If one or more combinations fell within 15% of the cost of the lowest-cost combination, WVDED made a selection based on the secondary criteria:
 - a. 10 points – Speed to Deployment. Applicants with credible plans to deployment in 18, 24, or 36 months were awarded 10, 7, or 5 points, respectively.
 - b. 45 points – Speed of Network & Other Technical Capabilities. Applicants able to provide symmetrical gigabit service to all Target Locations, regardless of technology, were awarded 45 points.
 - c. 45 points – Potential Subgrantees. Applicants that would have been selected for the Target Area under prior Program Procedures were awarded 45 points.

If a combination of projects in a Target Region with substantially the same mix of Priority projects contained one or more projects with excessive costs, WVDED selected a combination without those projects, if there was a lower-cost, viable non-Priority project alternative proposed. West Virginia also eliminated “excessive cost” locations as described above in “Project Area Definitions” by allowing applicants to identify locations they considered “excessively high cost” and submit a lower-cost application.

WVDED conducted Benefit of the Bargain Round reviews with the same applicant support and review team trainings as described in the Initial Proposal Volume 2. As in previous phases, applicants could submit questions and review answers in an updated Frequently Asked Questions document. The BEAD application review and scoring process involved teams with specialized technical, financial, and GIS expertise. West

Virginia received applications for all Target Areas and determined proposed projects would successfully cover all Target Locations in the State.

WVDED's selected provisional awards include nine awardees and \$624 million in BEAD funding, covering 73,560 Target Locations in the State. This set of regional outcomes is within potential awardee capacity, reflects these considerations and risk mitigation strategies, supplies universal coverage of eligible locations, and demonstrates a technology-neutral approach prioritizing low-cost projects.

1.2 Text Box: Describe the steps that the Eligible Entity took to ensure a fair, open, and competitive process, including processes in place to ensure training, qualifications, and objectiveness of reviewers.

Every component of West Virginia's BEAD Program was designed to ensure a fair, open, and competitive process.

Ensuring a Fair Process

- **Access to the rubric and program procedures.** WVDED ensured all applicants had access to the scoring rubric and program procedures prior to submitting applications. Program procedures were posted on WVDED's home page in an easily accessible location for both interested entities and the public to access. WVDED encouraged interested entities to submit questions either via online form or direct email to WVDED's office.
- **Providing technical assistance for interested participants.** WVDED provided 15 workshops, webinars, and other sessions to provide interested participants with application information.
- **Sharing information asked through questions.** Any time WVDED was asked a question that may pertain to more than one specific entity/applicant, WVDED published them in a publicly accessible FAQ document. In all such cases, WVDED generalized the question and did not include the name of the entity inquiring.
- **Access to a detailed FAQ.** Beginning on April 29, 2024, WVDED began publishing an FAQ document on its website that contained both questions asked of WVDED and any additional information that WVDED wanted to publicly communicate to all interested parties. FAQs were regularly updated, including during the Benefit of the Bargain Round, to ensure equal and quick access to new information.
- **Ensuring consistent application of eligibility and scoring criteria by qualified reviewers.** All reviewers from each of the financial, technical, and GIS teams were required to undergo training on eligibility, applying the criteria, and how to abide by the guidance documents provided to them. This included an orientation prior to beginning review, regularly scheduled meetings to discuss applications, and review guidance. All reviewers used the same set of materials when conducting their evaluations. After applications were reviewed, team leads who had not originally reviewed the applications would review the initial assessments to ensure consistency and objectivity.
- **Comprehensive training materials for all reviewers.** All reviewers consulted training materials, including guides for each reviewer's roles and responsibilities and walk-throughs of relevant trackers, file systems, and reports. All programmatic, financial, and technical review training materials outlined which application items would be evaluated for program eligibility and which would score points for ranking and how. Guidance for each application question was included within review cards where reviewers recorded their assessments and additional comments, as applicable. Lead reviewers managed review trackers, established queues of applications, and reviewed assessments for alignment with guidance and scoring criteria. Distribution and continuous consultation of training materials contributed to a fair and open review process by ensuring reviewers consistently applied criteria in alignment with evaluation guides.
- **Preventing conflicts of interest.** All members of the review team were required to report any conflicts of interest that could impact that individual's judgment or objectivity in carrying out their tasks.
- **Prevention of collusion.** Applicants were required to review the Anti-Collusion and Prohibited Communications Policy and certify they had reviewed the Policy, understood its terms, and agreed

to abide by them to protect the integrity of the selection process. Applicants were prohibited from corruptly communicating, colluding, combining, or conspiring on their own behalf or with one or more other persons or entities in applying for Program funding.

- **Use of a pre-application process.** WVDED employed a Pre-Application Phase to collect information relevant to all applications an entity would submit, screen for applicant eligibility, and develop key metrics for project selection such as Financial and Relative Capacity.

Ensuring an Open Process

- **Permitting all eligible participants to participate.** WVDED's program procedures permitted all eligible participants to participate in West Virginia's BEAD Program including cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments, and did not favor any of these types of applicants over another.
- **Promoting participation from a wide variety of potential applicants and supplying as much information as possible.** WVDED publicly posted updated Program Procedures and provided an opportunity for new applicants to express an intent to participate in advance of the Benefit of the Bargain Round. Interested applicants who had provided WVDED contact information were sent ongoing notices of information about the program, including application portal opening dates and Frequently Asked Questions updates.

Ensuring a Competitive Process

- **Different types of providers could participate.** As noted above under "Permitting all eligible participants to participate," WVDED did not restrict any entities from being able to participate. All providers were provided equal opportunity, access to materials, and information concerning the program. Varied types of providers submitted projects in West Virginia, ranging from small Internet service providers to regional and national ones. This included entities that used a variety of technologies, from fiber to terrestrial wireless, as well as Low Earth Orbit (LEO) satellite.
- **Focus on lowest cost.** By implementing the scoring framework of the Policy Notice, competing projects or sets of projects in the same general project area could be readily and automatically compared on the primary scoring criteria. Secondary scoring was also based on readily assessable criteria that were transparent to the applicants.
- **Transparently communicating the project deconfliction process to applicants and fairly applying it.** WVDED detailed the project deconfliction process both in its approved Initial Proposal Volume 2, which was made readily available to potential applicants, and its deployment program procedures. The creation of common bidding groups at the Target Region level encouraged creation of head-to-head competitive groupings of projects that could be directly compared.

1.3 Text Box: Affirm that, when no application was initially received, the Eligible Entity followed a procedure consistent with the process approved in the Initial Proposal.

West Virginia affirms that when no application was initially received, it followed a procedure consistent with the process approved in its Initial Proposal.

1.4 Text Box: If applicable, describe the Eligible Entity's methodology for revising its eligible CAI list to conform with Section 4 of the BEAD Restructuring Policy Notice.

To revise the list of eligible CAIs to conform with the statutory definition of a CAI as established by the Infrastructure Act and as required by Section 4 of the Policy Notice, WVDED removed an additional subcategory of CAIs, community support organizations, that was initially approved in West Virginia's Initial Proposal Volume 1. This was the only additional category of CAI approved in West Virginia; the remaining categories remain in the statutory definition. WVDED also removed CAIs with relevant reason codes, as applicable.

1.5 Question (Y/N): Certify that the Eligible Entity will retain all subgrantee records in accordance with 2 C.F.R. § 200.334 at all times, including retaining subgrantee records for a period of at least 3 years from the date of submission of the subgrant's final expenditure report. This should include all subgrantee network designs, diagrams, project costs, build-out timelines Page | 21 and milestones for project implementation, and capital investment schedules submitted as a part of the application process.

Yes.

Timeline for Implementation (Requirement 3)

3.1 Text Box: Has the Eligible Entity taken measures to: (a) ensure that each subgrantees will begin providing services to each customer that desires broadband service within the project area not later than four years after the date on which the subgrantee receives the subgrant; (b) ensure that all BEAD subgrant activities are completed at least 120 days prior to the end of the Eligible Entity's period of performance, in accordance with 2 C.F.R. 200.344; and (c) ensure that all programmatic BEAD grant activities undertaken by the Eligible Entity are completed by the end of the period of performance for its award, in accordance with 2 C.F.R. 200.344.

Yes, WVDED has taken and will continue to implement measures to ensure timely subgrantee implementation. In WVDED's BEAD Deployment Program Procedures and in updates for the Benefit of the Bargain Round, WVDED explicitly states that applicants must deploy the planned broadband network and begin providing service to each customer that desires broadband service within the project area not later than four years after the date on which the applicant receives an award from WVDED.

As part of the grant agreement, WVDED requires the subgrantee to agree to refrain from undertaking any construction activities pertaining to the project until the subgrantee or its contractors/subcontractors have submitted all applicable permits and clearances to WVDED, and WVDED has issued a Notice to Proceed with Construction Activities (NTPC) following its review of such permits and clearances.

WVDED created a wide range of resources and relevant information about the program to set clear expectations early in the application process and reiterate the importance of timely project completion.

These efforts included, but were not limited to:

- Fifteen workshops, webinars, and office hour sessions
- Deployment Program Procedures and Benefit of the Bargain Program Procedures, which were updated as new information became available
- A regularly updated Frequently Asked Questions (FAQ) document
- Blog posts announcing news related to the program, important dates and changes to the program, and the availability of other resources
- A questions submission form
- Email contact information through which applicants submitted many questions and could quickly and easily contact WVDED

West Virginia will rely on both its staff and contractor support to enforce post-award compliance and project reporting efforts throughout the life of the project. WVDED will ensure provisional subgrantees make reasonable progress toward meeting the four-year deployment guideline by submitting required progress reports and adhering to their provided construction and deployment timeline. This includes hitting required milestones for implementation and capital investment.

Reimbursements will be granted only for completed deployment activities that comply with the terms included in the Grant Distribution Agreement. This process ensures subgrantees comply with all relevant program guidelines and ensures West Virginia achieves the objectives established by the BEAD Program. The WVDED post-award process includes phased review comprising a Desktop Review, Technical Review, Spending Analysis, and Field Review to ensure that subgrantees are meeting requirements and maintaining

progress toward required timelines. These reviews ensure that awarded subgrantees fulfill obligations established in grant agreements, and comply with local, state, and federal law and supports timely implementation of awarded projects.

WVDED will prepare a closeout agreement and submit it to the subgrantee for execution and ensure that all programmatic BEAD grant activities are completed by the end of the period performance for its award, in accordance with 2 C.F.R. 200.344.

Oversight and Accountability Processes (Requirement 4)

4.1 Question (Y/N): Does the Eligible Entity have a public waste, fraud, and abuse hotline, and a plan to publicize the contact information for this hotline?

Yes.

West Virginia's Code designates the State Auditor as the reporting agency for waste, fraud, and abuse of public funds. To report potential fraud, residents can contact the Public Integrity & Fraud Unit at 833-WV-FRAUD or submit a form at wvsao.gov/PublicIntegrityFraudUnit/Default. WVDED will post this information on its website at broadband.wv.gov at the time of subgrantee awards.

4.2 Attachments: Upload the following two required documents:

(1) BEAD program monitoring plan;

(2) Agency policy documentation which includes the following practices:

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize) or on a basis determined by the terms and conditions of a fixed amount subaward agreement; and**
- b. Timely subgrantee (to Eligible Entity) reporting mandates.**

See attached Monitoring Plan and Subrecipient Agreement.

4.3 Question (Y/N): Certify that the subgrant agreements will include, at a minimum, the following conditions:

- a. Compliance with Section VII.E of the BEAD NOFO, as modified by the BEAD Restructuring Policy Notice, including timely subgrantee reporting mandates, including at least semiannual reporting, for the duration of the subgrant to track the effectiveness of the use of funds provided;**
- b. Compliance with obligations set forth in 2 C.F.R. Part 200 and the Department of Commerce Financial Assistance Standard Terms and Conditions;**
- c. Compliance with all relevant obligations in the Eligible Entity's approved Initial and Final Proposals, including the BEAD General Terms and Conditions and the Specific Award Conditions incorporated into the Eligible Entity's BEAD award;**
- d. Subgrantee accountability practices that include distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis;**
- e. Subgrantee accountability practices that include the use of clawback provisions between the Eligible Entity and any subgrantee (i.e., provisions allowing recoupment of funds previously disbursed);**
- f. Mandate for subgrantees to publicize telephone numbers and email addresses for the Eligible Entity's Office of Inspector General (or comparable entity) and/or subgrantees' internal ethics office (or comparable entity) for the purpose of reporting waste, fraud or abuse in the Program. This includes an acknowledge of the responsibility to produce copies of materials used for such purposes upon request of the Federal Program Officer; and**
- g. Mechanisms to provide effective oversight, such as subgrantee accountability procedures and practices in use during subgrantee performance, financial management, compliance, and program performance at regular intervals to ensure that subgrantee performance is consistently assessed and tracked over time.**

Yes.

Local Coordination (Requirement 5)

5.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received by the Eligible Entity during the public comment period, including how the Eligible Entity addressed the comments. The response must demonstrate how the Eligible Entity met the following requirements:

a. The public comment period was no less than 7 days; and

b. Political subdivisions were afforded an opportunity to submit comments during the comment period.

WVDED held the 7-day public comment period from August 19 to August 26, 2025. WVDED and its partners promoted this opportunity via internet publication and through a press release from Governor Patrick Morrisey. West Virginians were encouraged to share their comments on the BEAD subgrantee selection results in this proposal. The State received **28 comments**. **Error! Reference source not found.** table below provides a categorical breakdown of the comments. Note comments addressing more than one category were counted in each relevant topic.

Public Comment Categorization

Category	# of comments	% of comments
Plans for Remaining BEAD Allocation	10	35.7%
Technology	9	32.1%
Coverage and Resiliency Concerns	9	32.1%
Location Eligibility	9	32.1%
Affordability of Internet Service	1	3.6%
Subgrantee Requirements	1	3.6%

Technology

WVDED received 9 comments requesting specific technologies for certain areas of the State and additional funding plans.

Residents requested fiber optic cable and expressed issues with satellite, including loss of service in weather or inability to receive satellite service at all. Commenters noted concerns about satellite meeting the required performance standards and the lack of jobs and infrastructure for satellite service. Internet service providers requested additional consideration of fixed wireless and satellite technologies in place of the proposed fiber projects.

In compliance with NTIA requirements, WVDED adopted a technology-neutral approach prioritizing low-cost projects. WVDED considered the ability of all proposed broadband technologies to meet the performance requirements of the Infrastructure Investment and Jobs Act (IIJA). WVDED first considered the status of Priority and non-Priority projects, followed by the Minimum BEAD Program Outlay and secondary scoring, where required, as outlined in NTIA's June Policy Notice. The selected projects included in this

proposal reflect careful technical review and use of industry standards to determine the capability of the proposed project to supply the service required. See the Deployment Projects CSV file for details on selected awards across the State.

Plans for Remaining BEAD Allocation

Commenters also expressed interest in how West Virginia will utilize what remains of its BEAD allocation. WVDED received comments on proposed uses, including high-capacity fiber infrastructure, Wi-Fi, broadband subsidies, permitting support, and other non-deployment uses. The content of this Final Proposal matches specific guidance provided by NTIA for information required within the 90-day timeline set forth in the June Policy Notice. NTIA has indicated updated guidance will be issued on other allowable uses of funding. As noted, WVDED looks forward to the future opportunity to respond with support for initiatives that will deepen the impact of these broadband infrastructure investments for West Virginia.

Coverage and Resiliency Concerns

WVDED received nine comments related to coverage and resiliency concerns.

Commenters noted issues with signal and speed at their homes and expressed concern about receiving high-speed broadband internet service in rural West Virginia. Many rural areas of the State do have issues with existing service, and West Virginia's BEAD Program, as well as additional broadband projects in the State, will support infrastructure deployment that accommodates the unique factors of these areas.

One commenter asked if this proposal includes plans to provide for all unserved and underserved locations in the State. The selected projects included in this proposal will successfully cover all unserved and underserved locations in the State.

Commenters requested measures to ensure the provided service is reliable, including maintenance of right of ways and poles, as well as responses to outages. During the subgrantee selection process, WVDED assessed the likelihood that the applicants would be able to reliably and consistently provide scalable service to the specific locations in the proposed project areas. This evaluation of speed, latency, reliability, consistency of service, and scalability is reflected in the selected projects. Further, all subgrantees are required to establish risk management plans that account for technology infrastructure reliability and resilience, including from natural disasters, as applicable.

One commenter requested symmetrical speed internet across West Virginia. In compliance with BEAD program requirements, WVDED prioritized speeds of no less than 100 megabits per second download and 20 megabits per second upload. WVDED also asked applicants and evaluated responses about future upload speed, changes or additions to the network that will be required to provide the scale, and the projected timeframe for these upgrades. In addition, where project combinations met the required terms for using the secondary scoring criteria, WVDED awarded 45 points to projects with sufficient evidence demonstrating ability to provide symmetrical gigabit service to all proposed Target Locations.

Location Eligibility

WVDED received nine comments related to location eligibility, including requests for service at specific locations and concerns about locations considered served in the FCC Fabric. In preparation for the Benefit of the Bargain Round and in compliance with NTIA requirements, WVDED made three sets of information requests to providers on existing service. WVDED modified the list of BEAD-eligible locations through evaluation of provider evidence and where the latest version of the FCC Fabric demonstrated changes to

eligible locations. The selected BEAD awards described in this proposal include all 73,560 eligible locations, including unserved and underserved locations.

One commenter expressed concern about the lack of BEAD projects in areas with existing Rural Digital Opportunity Fund (RDOF) awards. In compliance with NTIA, WVDED removed from BEAD eligibility those locations already served by an enforceable commitment. WVDED acknowledges all residents deserve the same certainty of broadband access and has ensured that all awards, including RDOF, BEAD, and other broadband programs, support West Virginia's goal of universal service. WVDED is committed to supporting the successful completion of existing and planned broadband deployment projects in the State.

Affordability of Internet Service

One commenter described their high-cost internet service plan and requested affordable, faster, and more reliable internet through BEAD projects. Subgrantees awarded BEAD funds are required to offer a low-cost broadband service plan, meeting the speed and latency requirements of the program, for the entirety of the 10-year Federal interest period. WVDED will monitor subgrantees and ensure service is made available at the proposed locations and with a low-cost broadband service plan for eligible subscribers.

Subgrantee Requirements

WVDED received one comment requesting modifications to certain administrative requirements for subgrantees outlined in the Program Procedures, Monitoring Plan, and Subrecipient Agreement. WVDED has designed its subgrantee oversight to ensure high accountability for the public dollars invested in West Virginia. It believes that any revisions should be made thoughtfully to preserve this accountability and to ensure compliance with federal requirements. The brief period between the conclusion of public comment and the deadline for filing the Final Proposal does not permit careful consideration of changes that would substantially modify the proposed oversight of subgrants. Nevertheless, WVDED is open to future procedure improvements and will carefully consider feedback provided. It will consider modifications that may be appropriate prior to final awards and in doing so will consult as necessary with the NTIA.

Given the limited time between the public comment period and the NTIA submission deadline, public comments were given thorough consideration but did not result in material changes to the Final Proposal.

Challenge Process Results (Requirement 6)

6.1 Question (Y/N): Certify that the Eligible Entity has successfully completed the BEAD Challenge Process and received approval of the results from NTIA.

Yes.

6.2 Text Box: Provide a link to the website where the Eligible Entity has publicly posted the final location classifications (unserved/underserved/CAIs) and note the date that it was publicly posted.

WVDED posted the location classifications on August 21, 2024, on its website <https://broadband.wv.gov/>, on the main landing page's WV BEAD Program information, under the heading **Post Challenge Locations and CAIs**, which links to the files here:

<https://get.massive.io/01K076RWCX8FG33C1R4VNG1GEA?secret=HzLiuvexCHmdBThm>.

WVDED provided the updated location list in compliance with the Policy Notice in advance of the Benefit of the Bargain Round on July 16, 2025, in the same location as previous, which links to the files here: <https://get.massive.io/01K0AQFVWN1YMFVD5T5XF98B24?secret=VRtfpdpTXgAXczVS>.

Unserved and Underserved Locations (Requirement 7)

7.1 Question (Y/N): Certify whether the Eligible Entity will ensure coverage of broadband service to all unserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).

Yes.

7.2 Text Box: If the Eligible Entity does not serve an unserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonably excessive, explain and include a strong showing of how the Eligible Entity made that determination.

Not applicable.

7.3 Attachment (Optional): If applicable to support the Eligible Entity's response to Question 7.2, provide relevant files supporting the Eligible Entity's determination.

Not applicable.

7.4 Question (Y/N): Certify whether the Eligible Entity will ensure coverage of broadband service to all underserved locations within its jurisdiction, as identified upon conclusion of the Challenge Process required under 47 U.S.C. § 1702(h)(2).

Yes.

7.5 Text Box: If the Eligible Entity does not serve an underserved location because it is either financially incapable or has determined that costs to serve the location would be unreasonable excessive, explain and include a strong showing of how the Eligible Entity made that determination.

Not applicable.

7.6 Attachment (Optional): If applicable to support the Eligible Entity's response to Question 7.5, provide relevant files supporting the Eligible Entity's determination.

Not applicable.

7.7 Question (Y/N): Certify that the Eligible Entity has utilized the provided reason codes to investigate and account for locations that do not require BEAD funding, that the Eligible Entity will utilize reason codes 1, 2, and 3 for the entire period of performance, and that the Eligible Entity will maintain documentation, following the guidelines provided by NTIA, to justify its determination if there is a reason to not serve any unserved or underserved location on the NTIA-approved Challenge Process list through a BEAD project. The documentation for each location must be relevant for the specific reason indicated by the Eligible Entity in the fp_no_BEAD_locations.csv file. The Eligible Entity shall provide the documentation for any such location for NTIA review, as requested during Final Proposal review or after the Final Proposal has been approved.

Yes.

7.8 Question (Y/N): Certify that the Eligible Entity has accounted for all enforceable commitments after the submission of its challenge results, including state enforceable commitments and federal enforceable commitments that the Eligible Entity was notified of and did not object to, and/or federally-funded awards for which the Eligible Entity has discretion over where they are spent (e.g., regional commission funding or Capital Projects Fund/State and Local Fiscal Recovery Funds), in its list of Proposed Projects.

Yes.

Implementation Status of Plans for Cost and Barrier Reduction, Compliance with Labor Laws, Low-Cost Plans, and Network Reliability and Resilience (Requirement 11)

11.1 Text Box: Provide the implementation status (Complete, In Progress, or Not Started) of plans described in the approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment.

In its approved Initial Proposal, WVDED outlined its plans for reducing costs and barriers to broadband deployment in West Virginia. WVDED stated that it will assist State, local, and private partners and ensure BEAD Program funds are utilized efficiently and without delay. Priorities for West Virginia include:

1. Promoting and adopting dig-once policies
2. Streamlining permitting processes
3. Encouraging expedited pole attachment application processes
4. Identifying early efforts to reduce delays and future opportunities
5. Coordinating across jurisdictions

The following are the items (plans) as described in WVDED's approved Initial Proposal Requirement 14 related to reducing costs and barriers to deployment and the implementation status (Complete, In Progress, Not Started) of each such plan:

Plan Element 1: Dig Once Policy	Implementation Status: In Progress
To facilitate permits and licensing, WVDED indicated in its Initial Proposal that it would support improvements to the State's Dig Once policy. Because these improvements are outside the jurisdiction of WVDED, the improvements were yet to be determined at the time of the Initial Proposal approval. In its approved Initial Proposal, WVDED stated that it was undertaking planning with its partners to detail improvements to support the establishment of guidelines for laying conduit during major highway construction or reconstruction.	

Plan Element 2: Streamlined Permitting	Implementation Status: In Progress
In its approved Initial Proposal, WVDED stated that it would advocate for State and local permitting processes and franchises to have: • clear, up-to-date, and publicly accessible standards, • certainty regarding common construction methods, and • swift permit approvals. WVDED also indicated in the approved Initial Proposal that this work will be achieved through coordination with local and regional entities in order to find the best proposals that will aid this effort.	

Plan Element 3: Expedited Pole Attachment Applications	Implementation Status: In Progress
In its approved Initial Proposal, WVDED stated that to address pole attachment delays, WVDED would collaborate with pole-owning utilities and the West Virginia Public Service Commission to expedite the pole attachment application process, decreasing delays and eliminating unnecessary costs. By Commission Order dated August 23, 2024, in Case No. 24-0703-T-ECTV-GI, the Public Service Commission of West Virginia ("Commission") created a Task Force to consider and recommend incorporating either through General Order or rule modification to the Commission's current Pole Attachment Rules. WVDED and the West Virginia Broadband Enhancement Council have actively participated in this proceeding alongside broadband service providers and pole-owning utilities. As of June 2025, the Commission adopted an Order that created a Pole Attachment Working Group and pole inspection database, required pole owners to file annual reports and pole inspection data, required attachers to execute non-disclosure agreements and notification to pole owners 60 days in advance of major projects, and set timelines for future proposed rules and draft amendments to Pole Attachment Rule 10.9.3 on temporary attachments.	

Plan Element 4: Identification of early efforts to reduce delays and future opportunities	Implementation Status: In Progress
In its approved initial Proposal, WVDED stated that it would complete a Guide to Broadband Construction in West Virginia, which would detail applicable permits, clearances, and policies related to broadband construction. Pole attachments have been identified as one of the most significant barriers to broadband expansion, so WVDED is prioritizing efforts to support timely attachments. The Guide to Broadband Construction will be modified to primarily focus on the pole attachment process, applicable laws, and permitting. WVDED will also continue working with the WVPSC Pole Attachment Task Force.	

Plan Element 5: Coordination Across Jurisdictions	Implementation Status: In Progress
In its Initial Proposal, WVDED noted that the overall achievement of Requirement 14 and reducing costs and barriers to broadband deployment would require coordination with other state agencies, local governments, and, where necessary, executive and legislative action. WVDED stated that it would formalize and chair a Permits and Licensing Coordination Committee that also would include the West Virginia Division of Highways, West Virginia Public Service Commission, West Virginia Division of Environmental Protection, State Historic Preservation Office; county governments in Target Areas; pole owners; and deployment subgrantees. Building upon the goals established in the <i>Five-Year Action Plan</i>, WVDED will establish a Permits and Licensing Coordination and Capacity Initiative (PLCC) to address identified deployment barriers and promote coordination between stakeholders. Chaired by WVDED, the PLCC's committee will include: State agencies, such as the West Virginia Division of Highways, West Virginia Public Service Commission, and West Virginia Division of Environmental Protection, State Historic Preservation Office; county governments in Target Areas; pole owners; and deployment subgrantees. Furthermore, West Virginia Governor Patrick Morrisey has established the West Virginia Energy, Infrastructure and Competitiveness Council. The Council will facilitate coordination among State agencies to help streamline business processes and improve efficiency. This will compound the streamlining efforts taken by WVDED across all areas of government, including those related to permits and licensing.	

11.2 Question (Y/N): Affirm that the Eligible Entity required subgrantees to certify compliance with existing federal labor and employment laws.

Yes.

11.3 Text Box (Optional – Conditional on a ‘No’ Response to Question 11.2): If the Eligible Entity does not affirm that subgrantees were required to certify compliance with federal labor and employment laws, explain why the Eligible Entity was unable to do so.

Not applicable.

11.4 Question (Y/N): Certify that all subgrantees selected by the Eligible Entity will be required to offer the low-cost broadband service option for the duration of the 10-year Federal interest period.

Yes.

11.5 Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 11.4): If the Eligible Entity does not certify that all subgrantees selected by the Eligible Entity will be required to offer a low-cost broadband service option for the duration of the 10- year Federal interest period, explain why the Eligible Entity was unable to do so.

Not applicable.

11.6 Question (Y/N): Certify that all subgrantees have planned for the reliability and resilience of BEAD-funded networks.

Yes.

11.7 Text Box (Optional – Conditional on a ‘No’ Response to Intake Question 11.6): If the Eligible Entity does not certify that subgrantees have ensured planned for the reliability and resilience of BEAD-funded networks in their network designs, explain why the Eligible Entity was unable to do so.

Not applicable.

Substantiation of Priority Broadband Projects (Requirement 12)

12.1 Text Box: Describe how the Eligible Entity applied the definition of Priority Project as defined in the Infrastructure Act and the BEAD Restructuring Policy Notice.

WVDED applied the definition of Priority Broadband Project as defined in the BEAD Restructuring Policy Notice: speeds of no less than 100 megabits per second download and 20 megabits per second upload; latency no more than 100 milliseconds; and ability to easily scale over time to meet evolving connectivity needs of households and businesses, support the deployment of 5G, successor wireless technologies, and other advanced services. WVDED determined Priority Broadband Project status by evaluating documentation submitted for each project application and analyzing the projected scalability of the technology in the project area.

To obtain information corresponding to the scalability elements of the statutory language, WVDED asked applicants to respond to questions related to those elements. This included asking specifically about:

1. Future upload speed, changes or additions to the network that will be required to provide the scale, and the projected timeframe for these upgrades. WVDED asked applicants particularly about achievable speeds over 5 and 10 year horizons. WVDED evaluated responses both in terms of the absolute future speeds and achievable speeds relative to alternative projects within the same general project area.
2. Ability to scale to meet evolving connectivity needs of households and businesses. WVDED asked how the proposed networks would be technologically capable of reducing bandwidth shared among users to improve the user experience during peak times and how network capacity would be able to absorb and serve newly built broadband serviceable locations in the area proposed. WVDED looked for a scalable path to add network capacity with growth in users or growth in usage among users.
3. Support for deployment of 5G, wireless technologies, and other advanced services. WVDED asked applicants for any plan to utilize the network to provide 5G or successor wireless technologies or provide important supporting infrastructure or services (e.g. backhaul/fronthaul). It also asked for any technical approach that includes implementing equipment and practices for latency reduction in the local network that is consistent with high performance standards appropriate to the network technology used.

When evaluating the scalability of an applicant's general technical approach over time, WVDED's technical reviewers considered the applicant's claims and the strength of the available evidence that could validate the applicant's claims about future performance. Examples of evidence that could support applicant claims could include:

- Use of network technology standards and architectures already widely adopted in the industry with a track record of achieving claimed future performance.
- Plans to use network technology standards developed by industry standards groups and subject to multi-party and independent verification.
- Plans to use evolving closed or company-specific technology standards and architectures not yet commercially deployed at scale, where there is sufficient technical detail provided to reach an

independent assessment of likely future performance, beyond the applicant's own assertion of future performance.

Beyond an evaluation of the scalability of the applicant's general technical approach, WVDED considered the direction of the *Restructuring Policy Notice*, "Applicants must provide supporting documentation sufficient for the Eligible Entity to assess the network application and determine that the proposed network architecture for each specific project area meets [the statutory standard]." WVDED considered whether applicants had provided information that allowed its technical reviewers to assess the likelihood that the applicants would be able to reliably and consistently provide scalable service to the specific locations in the proposed project areas. General information about the applicant's technical approach and its ability to scale over time was considered as important context for this analysis, but the review team also looked for evidence supplied by the applicant that would show how it would be able to successfully implement its proposed general approach at the specific locations in the project.

When evaluating the likelihood that an applicant would be able to reliably and consistently provide scalable service throughout the particular locations in the proposed project areas, WVDED's technical reviewers considered evidence if provided by the applicants regarding their ability to serve those particular locations in the proposed project. An example of such evidence could be a high-level network design that is consistent with the applicant's proposed general technical approach and network architecture and passes all locations in the proposed project. For projects that do not rely on physical passings (such as fixed wireless or satellite networks), WVDED considered any information provided by the applicant that would demonstrate reliable, available, and unobstructed service consistent with the overall technical approach the applicant had proposed. For example, WVDED sought received signal predictions, with enough granularity for location-specific results and with key assumptions stated that considered factors such as terrain, vegetation, and other clutter that commonly influence the ability of radiofrequency networks to reach individual locations. For Unlicensed Fixed Wireless (ULFW) Networks, WVDED requested the additional detail outlined in Appendix A of the *Restructuring Policy Notice*.

WVDED also considered other information that might indicate the applicant's ability to reliably and consistently provide scalable service throughout the proposed project areas, especially in cases where the applicant did not supply location-specific documentation for a proposed project. WVDED considered specific characteristics of West Virginia, such as its heavy tree cover, steep valleys and mountainous terrain, and how those characteristics varied locally within the state. It considered density of Target Locations, the variability of that density locally in different proposed project areas and its potential impact on the capacity of applicants' networks. It both conducted statewide analysis of the characteristics of Target Areas, and sampled locations for more in-depth location-by-location analysis, such as skyline visibility analysis, overhead obstructions observable at a Target Location and in its immediate vicinity, and obstructions indicated by LIDAR data. This additional information supplements but does not fully compensate for a lack of location-specific documentation provided by the applicant.

In summary, WVDED defined as a priority project those that provided documentation of an overall technical approach that is scalable, applying the characteristics in the statutory definition, and that demonstrated how that approach could be consistently and reliably applied to the particular locations the project proposed to serve.

Subgrantee Selection Certification

(Requirement 13)

13.1 Text Box: Provide a narrative summary of how the Eligible Entity applied the BEAD Restructuring Policy Notice’s scoring criteria to each competitive project application and describe the weight assigned to each Secondary Criteria by the Eligible Entity. Scoring criteria must be applied consistent with the prioritization framework laid out in Section 3.4 of the BEAD Restructuring Policy Notice.

The BEAD Restructuring Policy Notice directs Eligible Entities to score competing applications “covering the same general project areas” first using a primary criterion, Minimal BEAD Program Outlay, and then three secondary criteria. WVDED created Target Regions which allowed well-defined combinations of Eligible Projects in the same general project areas, facilitating identification of “competing” applications. WVDED evaluated these primary and secondary scoring criteria as applied to non-overlapping combinations of Projects in the same Target Region.

To begin this process, WVDED identified all possible combinations of non-overlapping Proposed Projects that completely covered all Target Areas in each Target Region. WVDED prioritized combinations of Projects within Target Regions that served all, or the greatest number of, Target Locations in the Target Region with service via a Priority Broadband Project. If there were multiple combinations of Projects in a Target Region with the same or substantially similar levels of service from Priority Broadband Projects, those would compete based on the primary then secondary scoring criteria.

For the primary criterion, **Minimal BEAD Program Outlay**, WVDED selected the competing combination of projects covering each Target Region with the lowest overall grant cost for that Region. If one or more combinations fell within 15% of the cost of the lowest-cost combination, WVDED selected based on the secondary criteria. WVDED used the following weighting for each of the secondary criteria for a total of 100 points:

Speed to Deployment (10 points)

To qualify for points in this section, applicants committed to providing WVDED its final network design(s) within six months of award. Applicants were awarded points on credible plans for deployment within 18 months (10 points), 24 months (7 points), or 36 months (5 points).

Speed of Network & Other Technical Capabilities (45 points)

WVDED awarded 45 points to projects with sufficient evidence demonstrating ability to provide symmetrical gigabit service to all proposed Target Locations.

Potential Subgrantees

WVDED awarded 45 points to projects previously selected as the provisional subgrantee for an Area prior to the BEAD Restructuring Policy Notice.

Environmental and Historic Preservation (EHP) Documentation (Requirement 14)

14.1 Attachment: Submit a document which includes the following:

- Description of how the Eligible Entity will comply with applicable environmental and historic preservation (EHP) requirements, including a brief description of the methodology used to evaluate the Eligible Entity's subgrantee projects and project activities against NTIA's programmatic and National Environmental Policy Act (NEPA) guidance. The methodology must reference how the Eligible Entity will use NTIA's Environmental Screening and Permitting Tracking Tool (ESAPTT) to create NEPA project records, evaluate the applicability of categorical exclusions, consider and document the presence (or absence) of Extraordinary Circumstances, and transmit information and draft NEPA documents to NTIA for review and approval.
- Description of the Eligible Entity's plan to fulfill its obligations as a joint lead agency for NEPA under 42 U.S.C. 4336a, including its obligation to prepare or to supervise the preparation of all required environmental analyses and review documents.
- Evaluation of the sufficiency of the environmental analysis for your state or territory that is contained in the relevant chapter of the FirstNet Regional Programmatic Environmental Impact Statement (PEIS), available at <https://www.firstnet.gov/network/environmentalcompliance/projects/regional-programmatic-environmental-impact-statements>.
- Evaluation of whether all deployment related activities anticipated for projects within your state or territory are covered by the actions described in the relevant FirstNet Regional PEIS.
- Description of the Eligible Entity's plan for applying specific award conditions or other strategies to ensure proper procedures and approvals are in place for disbursement of funds while projects await EHP clearances.

See attachment.

Consent from Tribal Entities (Requirement 15)

15.1 Attachment(s) (Required if any deployment project is on Tribal Lands): Upload a Resolution of Consent from each Tribal Government (in PDF format) from which consent was obtained to deploy broadband on its Tribal Land. The Resolution(s) of Consent submitted by the Eligible Entity should include appropriate signatories and relevant context on the planned (f)(1) broadband deployment including the timeframe of the agreement. The Eligible Entity must include the name of the Resolution of Consent PDF in the Deployment Projects CSV file.

Not applicable.

Prohibition On Excluding Provider Types (Requirement 16)

16.1 Question (Y/N): : Does the Eligible Entity certify that it did not exclude cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility for a BEAD subgrant, consistent with the requirement at 47 U.S.C. § 1702(h)(1)(A)(iii)?

Yes.

Waivers and Public Comment

17.1 Text Box: If any waivers are in process and/or approved as part of the BEAD Initial Proposal or at any point prior to the submission of the Final Proposal, list the applicable requirement(s) addressed by the waiver(s) and date(s) of submission. Changes to conform to the BEAD Restructuring Policy Notice should be excluded. If not applicable to the Eligible Entity, note 'Not applicable.'

Not applicable.

17.2 Attachment (Optional): If not already submitted to NTIA, and the Eligible Entity needs to request a waiver for a BEAD program requirement, upload a completed Waiver Request Form here. If documentation is already in process or has been approved by NTIA, the Eligible Entity does NOT have to upload waiver documentation again.

See attachment.