

Mississippi Center for Justice's Comments to NTIA-2023-0002

Introduction

For twenty years, the Mississippi Center for Justice (MCJ) has been committed to preventing discrimination in Mississippi by advancing racial and economic justice through five advocacy campaigns focused on economic justice, education, health law, heirs' property, and housing. Digital equity is an objective within MCJ's campaigns. All Mississippians, regardless of their race, age, income or geographic location, should have the digital education, healthcare, and employment resources necessary for success in today's world. Some of the several ways MCJ has approached digital equity are by observing Mississippi's past broadband grant programs and the newly created state broadband office Broadband Expansion and Accessibility of Mississippi (BEAM).

MCJ welcomes the National Telecommunications and Information Administration (NTIA)'s upcoming Digital Equity Capacity Grant Program and Digital Equity Competitive Grant Program. The following comments are MCJ's recommendations to ensure that these programs will give Mississippians the access to all the broadband skills and resources they need. As MCJ's work focuses on the state of Mississippi, these comments will address the States' participation in the Digital Equity Act Grant Programs but could be applicable to Territories and Tribal Areas as well. These comments are based on a general principle of transparency in the

grant process. MCJ stresses that regardless of how NTIA proceeds on the Digital Equity Act Grant Programs, NTIA must guarantee transparency in the creation of the States' Digital Equity Plans, the grants' selection process, and the grants' reporting process.

State Digital Equity Planning Grant Program

Question 1

Guidance on Proper Community Notification

NTIA should provide guidance to the States on how to properly notify communities of the States' Digital Equity Plans' public comment period. NTIA should require States to make a public announcement on the Plans' comment period via official media channels with clear instructions and a clearly articulated deadline for comment submission. In our observations of BEAM, MCJ has noticed that the office failed to properly notify the public of the state's Capital Projects Fund (CPF) Grant Plan's comment period. BEAM published its CPF Grant Plan on its official government website without an official press release. BEAM also did not provide a clear deadline for when comments needed to be submitted. This lack of notice has carried over to the comment period for CPF's scoring rubric. BEAM published the scoring rubric on a website other than its official government website. While BEAM provided details on this website about the rubric comments' deadline, it did not provide instructions for the comments' submission.[1] The official government website currently does not have any mention of the CPF scoring rubric despite clearly stating on its front page that any updates to CPF would be displayed on the government website.[2] Because BEAM failed to properly notify the public on CPF,

Mississippi communities could not adequately review the grant program and provide actionable feedback.

Question 2

Rural-Focused Guidance

MCJ recommends that NTIA provide guidance that focuses on predominantly rural areas. Rural areas have unique barriers, such as sparsely populated areas and lack of broadband infrastructure, that make digital equity outreach and engagement difficult for States and community organizations. States and community organizations need guidance that is designed specifically for this type of geography. However, NTIA's resources have focused on digital equity efforts for largely populated urban areas. For example, the best practices in the NTIA's "State Digital Equity Plan: External Best Practices" are predominately from urban communities throughout the United States. Those lessons do not easily translate to rural communities' efforts.

BEAM's outreach on broadband mapping highlights the need for rural-level guidance. BEAM has been conducting outreach on its broadband mapping tool since November 2022. This outreach has been both statewide and community-level via community meetings. However, BEAM has struggled to reach communities in the Mississippi Delta, a predominantly rural and Black region. The Delta's barriers have resulted in low engagement with the mapping tool. Low engagement has caused Delta communities' broadband needs to be underrepresented in BEAM's CPF eligibility map. Better NTIA guidance and

resources could ensure that a similar issue would not occur with the Digital Equity Act Grant Programs.

Community-Focused Guidance

MCJ encourages NTIA to provide additional guidance to community and county leaders on the Digital Equity Act Grant Programs and the Broadband Equity, Access, and Deployment (BEAD) Grant Program. Digital equity and broadband infrastructure are complex subjects that require technical and engineering expertise for successful applications. Unlike States' broadband offices, most community and county leaders will not be engineers or information technologists, so they will not have the knowledge to understand how to best approach digital equity and broadband infrastructure in their communities. Community-focused NTIA guidance would assist these leaders as they navigate digital equity and ensure that these leaders choose the course of action that best suits their communities. Most NTIA resources are currently directed towards States with the assumption that States would then direct its own resources and guidance towards local communities. In Mississippi, BEAM has not stated that it would be providing its own set of resources and guidance to local communities. Therefore, Mississippi community and county leaders who wish to engage in digital equity work lack the needed assistance.

ACP Resources

NTIA should also consider providing resources about the benefit claiming process for the Affordable Connectivity Program (ACP). While there has been low national engagement with the ACP enrollment process, there has been significantly less

engagement with the ACP benefit claiming process.[3] Many citizens who have enrolled in ACP are failing to claim the benefit with an Internet Service Provider (ISP). Some of the reasons for this gap may be a lack of consumer knowledge and difficulty with the ISP's claiming process.[4] This gap exists in Mississippi as well. Data from the Universal Service Administrative Company (USAC) shows that some Mississippi Delta counties have a difference as large as a thousand households. The Federal Communications Commission (FCC) has provided States and communities with its own set of resources, but NTIA's expertise would provide additional benefits to ACP efforts.

Guidance on Standardized System for Public Feedback

To ensure that unique communities' needs are considered in the Digital Equity Plans, NTIA should provide guidance to States on forming a standardized system for public feedback on the plans and other broadband concerns. Currently, BEAM does not have a resource that is exclusively for communities to voice broadband and general digital equity needs. Residents instead voice their communities' need on unrelated social media posts from BEAM's social media accounts.[5] This is not a reliable method for communities to voice feedback on BEAM's efforts. A standardized system would allow all Mississippians to have the opportunity to express their opinions on broadband and digital equity and be confident that BEAM would receive their feedback.

A standardized system could take the form of a hotline or of a website for individuals to submit a text response on broadband-related issues. An example for NTIA to consider is the FCC's Broadband Consumer Experience Form. If NTIA

provides guidance on a webpage, MCJ recommends that NTIA mandate that this webpage be on the States' broadband office's official government website.

Submissions to this system should be aggregated and made public for transparency purposes while simultaneously maintaining individuals' privacy. The FCC's Consumer Complaint Data Center is a model for NTIA to consider.

MCJ understands that a standardized system may be too laborious for States, given the age and staff size of some States' broadband offices. MCJ suggests that NTIA create its own portal for public feedback to further assist States as it create its Digital Equity Plans. Any submissions to NTIA's portal would then be relayed to the respective state broadband office. This portal would ensure that the public's opinions and concerns are heard. If a portal is created, NTIA should provide guidance for how States should promote the portal to its citizenry.

Guidance on Community Engagement Meetings

A reliable offline method for communities to voice their needs for the Digital Equity Plans is community engagement meetings. MCJ recommends that NTIA provide guidance to the States on properly conducting community engagement meetings. Meetings should be conducted in predominately unserved communities as these communities will be the primary target for the Digital Equity Plans. The data to determine whether a community is unserved can be from the FCC's National Broadband Map or from the States' own broadband data. States must announce the time and location of these meetings via the States' official media channels at least a week prior to the event. Summaries of these meetings must be clearly

displayed on the States' broadband offices' website for public viewing along with a timeline of all meetings that have taken place.

These recommendations stem from MCJ's concerns with BEAM's current community engagement meetings. BEAM has been conducting community engagement meetings in locations that are predominately served or underserved, which places a burden on unserved communities who wish to participate. Between October 2022 and March 2023, BEAM conducted 16 community engagement meetings, and only three of these meetings occurred in areas both the FCC and BEAM designated as predominantly unserved. MCJ notes that it hosted BEAM for a March 2023 community engagement meeting in the city of Indianola.

BEAM has also failed to provide adequate notice to the public for when these meetings would occur. BEAM has not released simultaneous notification on its official media channels about community engagement meetings with some notifications having a 10 day delay between social media accounts.[6] On some occasions, BEAM would provide less than 72 hours' notice of a meeting taking place.[7] For several of these meetings, BEAM notified the public after the meetings occurred.[8] BEAM currently does not have a list of past and upcoming meetings for the public to view nor does it provide transcripts or summaries of past meetings. These actions have created an environment where Mississippians do not know when they can voice their broadband concerns and are unprepared to properly do so when the opportunity arises.

State Digital Equity Capacity Grant Program

Question 5

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Factors for Consideration

When NTIA assesses States' actions towards their Digital Equity Plans, NTIA should consider how capacity grants are being distributed throughout the States and how the intersectionality of the Covered Populations in those grants' locations are being addressed. Capacity grants must be equally distributed throughout the States with a consideration of where Covered Populations are concentrated.

Mississippi's Broadband COVID-19 Grant Program highlights the need for NTIA to consider these factors. The Broadband COVID-19 Grant Program was a CARES Act-funded state broadband infrastructure grant program that was designed to bring broadband access to rural Mississippi residents, a population considered a Covered Population by the Digital Equity Act. The grant program was successful in providing broadband access to over 39,000 households and jumpstarting a movement of electric cooperatives providing broadband that has reached over 100,000 broadband subscribers.[9] However, the grant program's projects were concentrated in Northeast Mississippi. While Northeast Mississippi is predominantly rural, the region is also predominantly White and has an average median income of over \$45,000. Comparatively, the Mississippi Delta is a predominantly rural, predominantly Black area with an average median income of less than \$35,000. Yet, only two broadband projects were administered in the Delta. While data has proven that low-income communities and communities of color disproportionately lack broadband access, especially in the rural American South, the Broadband COVID-19 Grant Program did not address these factors in its criteria, and thus, digital equity was further delayed for these communities. MCJ is concerned that if NTIA does not consider grant distribution and Covered

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Populations' intersectionality, Mississippi will experience a repeat of the Broadband COVID-19 Grant Program.

MCJ also recommends that NTIA consider both the organizations to which the State provides a capacity grant and the organizations to which the State did not provide a capacity grant. Local organizations have a history of successfully providing outreach and services to communities such as the Digital Equity Act's Covered Populations. By focusing exclusively on the local communities, these types of organizations are capable of overcoming barriers that a state-focused, regional-focused, or national-focused organization may not have the skills to address. Communities are also more willing to trust organizations' outreach and services if the organizations have years of experience providing outreach and services to the local area. If a State is awarding capacity grants to larger, politically-backed organizations at the expense of smaller, community-based organizations, then the State risks executing an ineffective grant program and failing to meet the stated goals of its Digital Equity Plan. Transparency in the capacity grant selection process would enable NTIA to consider how the States' grant choices factor into their Digital Equity Plans. NTIA and the greater public should be able to review both which applicants received a capacity grant and which applicants were denied a capacity grant.

Measurements for Consideration

A measurement for NTIA to consider in its assessment is Covered Populations' rate of broadband adoption with respect to the current rate of broadband access in these Covered Populations' communities. An increase in broadband adoption

would indicate that the States are properly addressing all three aspects of the digital divide: access, literacy, and affordability. Other federal agencies have data that NTIA can reference when determining the benchmarks for the Digital Equity Plans' short-term and long-term progress. The U.S. Census has data on the rate of broadband subscriptions and device ownership that is aggregated by state, county, and population demographic. USAC releases monthly summaries of ACP enrollment and claims by state, county, and zip code. An increase in ACP enrollments and claims would further indicate an increase in broadband adoption, especially for low-income communities.

Question 6

Reporting Requirements

In order to ensure that communities most impacted by the digital divide are included in the Digital Equity Plan's implementation, NTIA should require all grantees' applications to be public for review and should require a comment period for community members to voice any concerns with the winning applications. The grantees' applications should be available on the States' broadband offices' official government website and be composed in a manner that is easily understandable for the average citizen. The States must notify the community impacted by the grantee's project. NTIA should not allow the States to only release a general statewide notification as the impacted community may not receive this message. If an organization was awarded a grant to serve the community of Indianola, Mississippi, then Mississippi should direct an announcement to the community of Indianola, Mississippi.

MCJ advises NTIA to be cognizant of the prevalence of news deserts in rural and small communities when forming guidance on community-based notification. According to the University of North Carolina, 78% of Mississippi counties are a news desert.[10] Therefore, NTIA guidance that requires States to only use local media in its community-based notification would be ineffective in Mississippi. MCJ suggests that NTIA guidance include direct notification to city and county officials as a possible solution to this problem.

Monitoring of Implementation Practices

MCJ recommends that NTIA does monitor a grantee's implementation practices. Monitoring is indispensable for the successful implementation of capacity grant projects. MCJ suggests that NTIA implements monitoring that focuses on the community-level. Some potential methods for NTIA to use would be community surveys and meetings about the effectiveness of the grantee's project and meetings with the local community anchor institutions about the grantee's project. Communities would provide a consumer perspective on the grantee's project, and community anchor institutions would provide a practitioner's perspective.

[1] "Capital Projects Fund Scoring Rubric". *BEAM: Broadband Expansion and Accessibility of Mississippi*. Accessed March 22, 2023.

<https://www.broadbandms.com/resources/cpf-rubric>.

[2] "Welcome". *BEAM: Broadband Expansion and Accessibility of Mississippi*.

Accessed March 22, 2023. <https://www.beam.ms.gov/>.

[3] “Not All Affordable Connectivity Enrollees Are Using the Benefit: A Look into 30 Major Metro Areas”. *Broadband Breakfast*. November 2, 2022. Accessed March 22, 2023. <https://broadbandbreakfast.com/2022/11/not-all-affordable-connectivity-enrollees-are-using-the-benefit-a-look-into-30-major-metro-areas/>.

[4] Diana Goovaerts. “Editor’s Corner: I Tried to Help a Friend Sign Up for the ACP- It Was Hard”. *Fierce Telecom*. August 9, 2022. Accessed March 22, 2023. <https://www.fiercetelecom.com/broadband/editors-corner-how-hard-it-enroll-affordable-connectivity-program>. Jon Brodtkin. “Comcast Agents Mistakenly Reject Some Poor People Who Qualify for Free Internet”. *Ars Technica*. December 20, 2022. Accessed March 22, 2023. <https://arstechnica.com/tech-policy/2022/12/comcast-agents-mistakenly-reject-some-poor-people-who-qualify-for-free-internet/?comments=1&comments-page=1>.

[5] Office of Broadband Expansion and Accessibility of Mississippi. BEAM Facebook Post about Delta Counties’ January Visit. *Facebook*. January 24, 2023. Accessed March 22, 2023. <https://www.facebook.com/BEAMOffice/posts/pfbid0kguShvs252Sg2aQLDJr4X97fapa3q2uENfa8kCyiYzBenGdrCfftYog14ntRnKHVI>.

[6] Office of Broadband Expansion and Accessibility of Mississippi. BEAM’s First Facebook Post of Clinton, MS Broadband Town Hall. *Facebook*. November 4, 2022. Accessed March 24, 2023. https://www.facebook.com/events/2064936340561165/?active_tab=discussion.

Office of Broadband Expansion and Accessibility of Mississippi. (BEAMOffice). “Join BEAM at the Wood Center in the @city_of_clinton THIS THURSDAY (11/17)

at 6pm for a Broadband Town Hall!...” *Twitter*. November 14, 2022. Accessed March 24, 2023. <https://twitter.com/BeamOffice/status/1592262058539888643>.

[7] Office of Broadband Expansion and Accessibility of Mississippi. BEAM’s First Facebook Post of January 19th Marks, MS and Tunica, MS Community Engagement Meetings. *Facebook*. January 17, 2023. Accessed March 24, 2023. <https://www.facebook.com/BEAMOffice/posts/pfbid04GPBXXVXWY6wXuvEX8zLUXpdGZrQTThTXAmTeiMVRjEKjE5PGWr4Mb5G52zsuPFZI>.

[8] BEAM Facebook Post about Delta Counties’ January Visit. This post includes BEAM’s first notification of visits to DeSoto County, Coahoma County, and the Delta Regional Authority.

[9] “Energy Committee-Senate-Room 216, 18 November 2021 10:00 A.M.”. Mississippi Legislature. *YouTube*. November 18, 2021. Accessed December 7, 2022. <https://www.youtube.com/watch?v=uEsEaJJP0IY>. “Co-ops Top 100,000 High-Speed Internet Subscribers”. *Today in Mississippi*. November 2022. Accessed March 24, 2023. <https://www.todayinmississippi.com/story/co-ops-top-100000-high-speed-internet-subscribers/>.

[10] “The Expanding News Desert’. UNC Hussman School of Journalism and Media. Accessed March 24, 2023. <https://www.usnewsdeserts.com/states/mississippi/>.

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