

Washington State Broadband Office 2022 Legislative Report



Biennial report per RCW 43.330.538

**WASHINGTON STATE
BROADBAND OFFICE**

December 9, 2022

Report to the Legislature

Director Lisa Brown

Acknowledgments

Washington State Department of Commerce

Mark K. Barkley, assistant director,
Local Government Division

Jasmine Vasavada, director,
Government Affairs and Policy

Buck Lucas, manager, Policy and Communications

Mark Vasconi, director,
Washington State Broadband Office

Washington State Broadband Office

Erika Henry, deputy director

Connie Rivera, manager, Broadband Infrastructure
Programs

Al Alden, supervisor, Broadband Infrastructure

Tammy Mastro, broadband senior specialist

Chelsea Bagwell, broadband infrastructure
specialist

Jason Freeze, broadband infrastructure specialist

Sean Ardussi, interim manager, Digital Equity

Natasha Davis, administrative assistant 3

WASHINGTON STATE BROADBAND OFFICE

Mark Vasconi, director

mark.vasconi@commerce.wa.gov

Phone: 360-918-0326

1011 Plum St. SE
P.O. Box 42525
Olympia, WA 98504-2525

www.commerce.wa.gov

For people with disabilities, this report is available on
request in other formats. To submit a request, please
call 360-725-4000 (TTY 360-586-0772)

Table of Contents

Executive summary	2
Introduction	4
Section 1. Availability and use of broadband through incumbent broadband providers	5
Section 2. Anchor institution broadband speed and capacity	7
Section 3. Overview of non-construction broadband expansion efforts	8
Section 4. Coordinating broadband infrastructure development	11
Section 5. Suggested policies, incentives, and legislation to accelerate the achievement of RCW 43.330.536 goals	14
Section 6. Proposed legislative and policy initiatives	15
Section 7. Retail telecommunications services provided by public utility and port districts	16
Section 8. Digital equity	18
Appendix A – WSBO-funded services to communities	20
Appendix B – WSBO IAG broadband construction grants	23
Appendix C – CERB Rural Broadband Program	24
Appendix D – PWB Broadband Construction Program applications and awards	25

Executive summary

Overview

Without equal access to quality, affordable broadband, Washington cannot continue to build an equitable economic recovery that strengthens every community throughout the state. Universal broadband infrastructure allows Washington communities and individuals to continue to:

- Attract global investments
- Encourage innovation and research
- Support strong economic performance and long-term prosperity
- Meet the daily demands of modern society

In an effort to assess the state of broadband service in Washington, the Washington State Broadband Office (WSBO) has maintained the availability of a voluntary public speed test survey. The survey results map, found online at broadband.wa.gov, provides details that allows the state, local communities and interested providers to identify potential areas of need and to determine the best fit for funding opportunities and technologies. The WSBO is building capacity to continue adding information that will be useful in expanding broadband across the state. This information includes public/state assets, provider infrastructure, federal and state funds awarded by census block, federal infrastructure and detailed demographic data. Centralizing this data and making it public empowers communities to be engaged and informed. Broadband Action Teams at the community level use this data to focus their decision-making and priorities; these discussion must be community conversations unique to each region.

Key findings

The WSBO continues to identify unserved and underserved areas. Now that we have baseline information to identify and quantify need, we are building partnerships and leveraging federal, local and private funding to overcome the barriers that have prevented access and adoption. We learned from the COVID-19 pandemic that broadband standards, locally and nationally, were not created for the historical moment. Our new normal — where a home serves as medical office, classroom, workplace, hub of commerce and entertainment center — means these deficiencies must be addressed. There are three primary network deficiency types:

- Bandwidth demands exceed network design and scalability.
- Currently deployed technology is incapable of scaling to universally meet state speed goals.
- Incomplete residential and business access to affordable, reliable, high-speed internet service.

Each of these situations requires a significant capital investment to correct.

WSBO initiatives

To meet Washington's 2024-2028 broadband goals, substantial federal funding, future-proof infrastructure, effective last mile¹ solutions, and community leadership supporting digital equity and inclusion is required. Below are the WSBO initiatives to accomplish these goals.

¹ [Chapter 237, Laws of 2022](#) defines last mile infrastructure as "... broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment."

Foster broadband stakeholder collaboration to increase project planning

- Contract with Washington State University Extension to develop and support proactive Broadband Action Team (BAT) leadership, training, outreach, engagement and sharing of best practice to ensure economies of scale in each county.
- Support local BAT formation and initiatives.

Identify service gaps and develop proposals for shovel-ready projects

- Contract with Breaking Point Solutions, LLC (GEO) and Learn Design Apply, Inc. (LDA) to provide rapid design, feasibility and grant writing services.
- Continue to build on county mapping efforts with a digital equity dashboard that gives local partners the information they need to guide local decisions.

Maximize access to all funding opportunities

- Administer state funding to assist local partners in securing federal funds.
- Administer federal funding received by the state.

Ensure scalable, sustainable, future-proof networks

- Work collaboratively with communities and providers to identify an ongoing state funding mechanism for infrastructure and service in high-cost areas to ensure sustainability of last mile delivery.

Support digital equity and inclusion initiatives

The WSBO will:

- Coordinate digital equity and inclusion initiatives across state partners and develop planning grants for locally led efforts
- Administer pass-through funding to partners who can build the capacity of community-based organizations and develop a workforce of [digital navigators](#)
- Require recipients of state infrastructure funding to demonstrate they have made available affordable, low-income service options
- Support legislative efforts to identify an ongoing state funding mechanism to subsidize affordability programs, devices and digital literacy skills training

Recommendations

Investigate and build consensus around the following policies to enhance rural broadband deployment:

- Request that the Legislature [modify WSBO proviso language](#) in the 2021-23 State Capital Budget to require a 15-year public benefit period, rather than the 25-year period, to achieve parity with other state broadband funders.
- Request that the Legislature [provide state match](#) to leverage federal funding opportunities, like Broadband Equity, Access and Deployment (BEAD) funding.
- The WSBO will explore the development of dig-once policies at the state/county/community level to reduce capital costs of deployment.
- The WSBO will explore the development of a make-ready cost subsidy program to offset high costs to providers.
- Request that the Legislature develop and resource a state universal broadband fund to augment federal end-user subsidies.

Introduction

Background

Established in 2019 under [RCW 43.330.530](#), the Governor's Statewide Broadband Office (WSBO) is housed in the Department of Commerce. Our key mandate: to have high-speed internet access for all by 2024, and 150 Megabits per second (Mbps) symmetrical (upload and download speeds) services by 2028. We have built and continue to expand key partnerships, helped launch projects and most importantly, established a foundation for action at a larger scale.

[RCW 43.330.538](#) requires a biennial report on the activities of the WSBO to include:

- An analysis of the current availability and use of broadband ([Section 1](#))
- Information on service delivery to anchor institutions ([Section 2](#))
- An overview of the incumbent broadband infrastructure within the state ([Section 3](#))
- Coordination and funding efforts of broadband funding agencies ([Section 4](#))
- Suggestions related to legislation to facilitate the achievement of state broadband goals ([Sections 5 and 6](#))
- The status of retail communications service provided by public utility and port districts ([Section 7](#))

WSBO staffing updates

Every successful state agency requires a collection of skilled and dedicated staff. This year, the following new staff joined Tammy Mastro, broadband infrastructure senior specialist, in the WSBO:

- Mark Vasconi, director
- Erika Henry, deputy
- Connie Rivera, broadband infrastructure programs manager
- Alden Andy, broadband infrastructure programs supervisor
- Chelsea Bagwell, broadband infrastructure specialist
- Jason Freeze, broadband infrastructure specialist
- Natasha Davis, administrative assistant
- Sean Ardussi, interim digital equity manager

As of this writing, plans are moving forward to further enhance the WSBO's capabilities with additional staff.

Section 1. Availability and use of broadband through incumbent broadband providers

Table 1. WSBO voluntary speed test responses July 1, 2021 – June 30, 2022

Speed	Overall		Fixed Service		Cellular Service	
	Download	Upload	Download	Upload	Download	Upload
No Service	332	332	332	332	0	0
<3 Mbps	721	2,218	561	1,916	140	302
3-25 Mbps	2,267	2,279	1,862	1,921	405	358
25-100 Mbps	1,314	612	1,134	527	180	85
>100 Mbps	971	162	949	36	22	1

The above table reflects [voluntary residential WSBO speed tests](#) taken between July 1, 2021 and June 30, 2022. This is a very limited snapshot of the state of broadband service statewide, and encompasses responses from 5,605 locations. Even though limited, WSBO speed test mapping does lend itself to a greater level of detail and better understanding of the current state of service in Washington than relying on something like the US Census Bureau’s American Community Survey (ACS), which does not include service delivery speeds. ACS data is valuable: highlighting the 9.9% of Washington households without a broadband internet subscription.

Comparing WSBO speed test data to the state minimum speed goal for 2024 of 25/3 Mbps universal service, we find that 59.2% of the respondents are under the goal for download and 45.5% are below the goal for upload. This data becomes significantly more concerning when looking forward to the state’s 2028 goal of 150 Mbps symmetrical service. In that context, less than 3% of the respondents showed speeds meeting that goal.

At this time, the incomplete speed test data is the best the WSBO has to evaluate the current state of service in Washington. We are cognizant that there are many short-comings to the data including:

- Sub-standard sample size (0.19% of Washington households).
- Aging of data (data may not reflect recent broadband access).
- Subscriber selection of speed delivery (such as service plans purchased by end-users) versus the maximum speeds offered.
- Age and set-up of residential user equipment.

Increasing the reliability and accuracy of current WSBO speed test mapping would require the ability to:

- Consistently apply testing methodology.
- Identify user equipment and set-up deficiencies.

- Verify subscriber options for offered speeds from incumbent internet service providers (ISPs).
- Provide introductory digital literacy.

Such an approach on a statewide level, even if targeted at 5% coverage, would require a significant investment of time, expertise and funding. This need may be mitigated with the creation and adoption of new Federal Communications Commission (FCC) mapping, which the WSBO has yet to see.

Current FCC mapping efforts are critical in maximizing state and federal investment in broadband network deployment. They will be the federal standard in identifying served versus under- or unserved populations. However, the details and accuracy of these maps is unknown at this time, and previous efforts have been woefully inaccurate and problematic for use in understanding local need. Nationwide, states are already showing concerns with the accuracy of these new maps in determining served and unserved areas.

Section 2. Anchor institution broadband speed and capacity

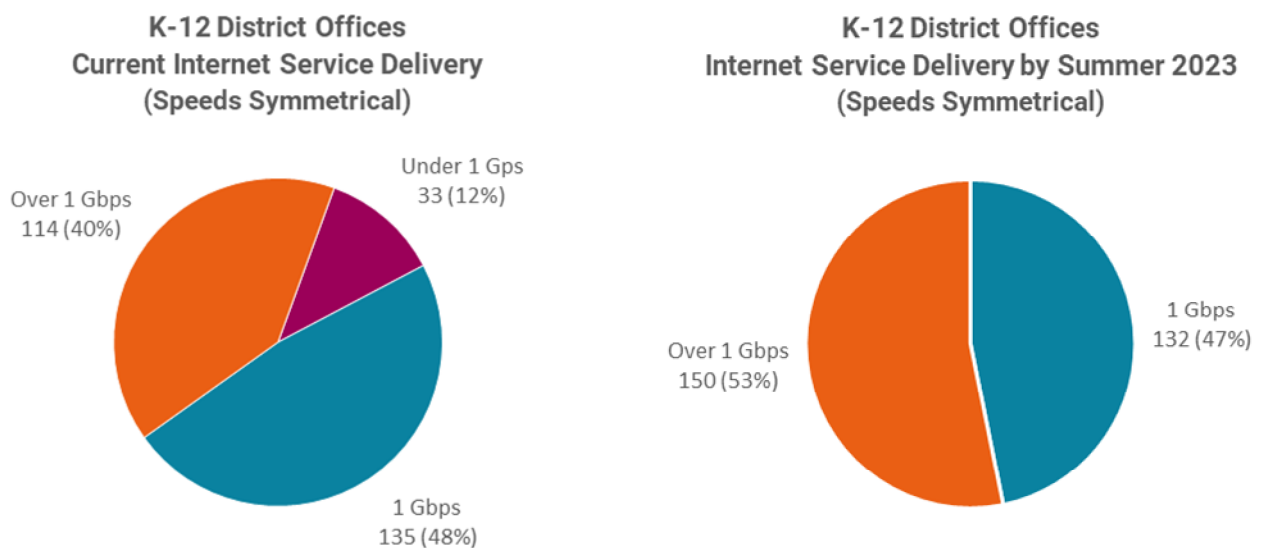
The WSBO has been tasked with reporting information concerning actual speed and capacity of broadband currently delivered to key anchor institutions: schools, libraries, hospitals and public safety facilities. State speed goals are for 1 Gbps symmetrical service to all anchor institutions by 2026. At this time, there is limited new information beyond what was reported in the 2020 State Broadband Office Report.

The Washington State Library anticipates being able to report on major changes in service delivery to public libraries statewide by 2024. Currently, there are a number of projects underway to increase service speeds to the 429 public libraries. In the 2019 Washington Public Libraries Internet Service Survey, 78% of public libraries had a fiber optic connection, yet only 36% met the 1 Gbps download goal and 9% met the 1 Gbps upload goal.

The WSBO anticipates being able to get baseline information from hospitals in the next year, as the COVID-19 pandemic's impact decreases and requires less intensive and time-sensitive data accumulation by hospital personnel.

K-12 schools are primed to meet the 2026 state goals for anchor institutions. All district offices will be connected to 1 Gbps or greater symmetrical service by summer of 2023. While this data does not reflect connection speeds to each individual school, it does evidence area service The Office of Superintendent of Public Instruction is monitoring movement for each individual school toward the 2026 goal.

Figure 1. Current and projected K-12 district offices internet service delivery



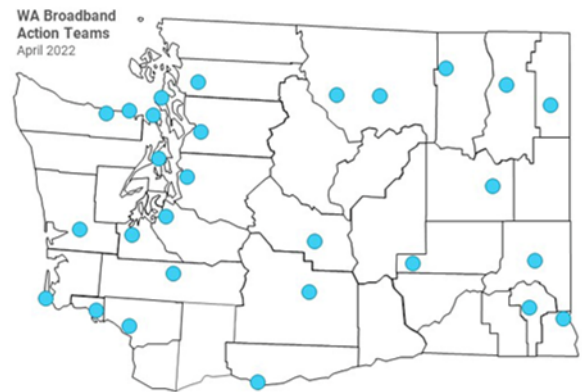
Section 3. Overview of non-construction broadband expansion efforts

Broadband stakeholder collaboration

Broadband action team (BAT) program development

The BAT model was founded by Washington State University Extension (Extension). The WSBO and Extension partnered to formalize and expand the use of the Extension BAT model across the state as a best practice for local community broadband engagement. Expanding the BAT program statewide requires partnership. Current collaborators include the Extension, Stevens County-Spokane Tribe BAT, WSBO and Washington State Library, which is a department of the Secretary of State. Development input was provided by the Public Works Board (PWB) and the Community Economic Revitalization Board (CERB).

Figure 2. Broadband action team locations.



BAT leadership directives

- Assist Washington tribes and communities in taking specific, efficient actions to leverage time, resources and funding to achieve identified broadband goals.
- Create a central hub and point of contact for information and support.
- Receive the maximum amount of infrastructure funding available to the state by identifying shovel-ready/application-ready projects.
- Expand resources and share community leadership and services facilitated by Washington State Libraries and Extension offices.

Benefits of BAT-facilitated local collaboration

- Centralize the conversation
- Digital equity and inclusion efforts
- Connect participants to collaborative project goals
- Early awareness and connection of projects to funding opportunities
- Direct connection to, and communication with, the WSBO
- Develop relationships with providers to support solutions and mitigate duplication of effort
- Community and anchor institution relationships established early in preparation for funding applications
- Statewide best practice and knowledge sharing
- Expose barriers to access and adoption
- Promote awareness of broadband survey/utilize survey resources and results
- Funding application best practice and debriefs

Broadband action team participants

- Elected officials and staff from local, city, county, state, and federal governments
- Tribal representatives
- Health care – hospitals, clinics, community

- Education – K-12, higher education, technical training, etc.
- Libraries
- Businesses – retail, farms, manufacturing, real estate, IT, etc.
- Workforce development
- Economic development
- Internet service providers
- Nonprofits
- Planning organizations
- Public safety/emergency management
- Social services
- Faith-based organizations
- Chambers of commerce
- Transportation planners
- Arts and culture
- Funding entities
- Grant writing
- Other community organizations
- Community members – civic leaders, youth, senior citizens

Washington State University Extension

The WSBO and Extension will pursue opportunities to collaborate further on projects of interest and benefit to those engaged in broadband expansion in Washington and across the country. WSBO and Extension will jointly explore grant, promotion, research, technical assistance and training opportunities.

Provide resources to communities to facilitate broadband infrastructure development

Grant writing assistance

The WSBO entered into contract with LDA in 2021 to provide grant writing services to applicants seeking federal broadband funding. During this reporting period, 12 federally recognized tribes have utilized the service to apply for \$129,596,236 in National Telecommunications and Information Administration (NTIA) funding. Ten of these applications have been awarded a total of \$54,643,321. The other two applications are still pending a final decision.

WSBO funded LDA services have also been used by applicants seeking non-tribal NTIA funding. Six applicants requested a total of \$37,274,510 in federal Broadband Infrastructure Program (BIP) funds, and received \$30,730,872.

Rapid design and feasibility studies

The WSBO has an existing contract with Breaking Point Solutions, LLC (GEO) to provide speed test mapping services. This contract was amended in July 2021 to provide up to 68 rapid design studies for communities. This provides the option for each county and federally recognized tribe in the state to access the service. Rapid design study reports provides analysis in the following areas:

- Local cost for fiber (aerial, trenched, bored) and the percentage of each type required in the project area
- The geography to be covered

- Regional providers for possible public private partnership
- With this information, the following are prepared for the community:
 - Up to six different broadband network designs, including 100% fiber to the home, 100% fixed wireless and various hybrid models
 - Alternative cost models based on the designs and recommendation for the most cost effective solution
 - A comprehensive financial model that allows communities to work through what-if scenarios and modify based on future inputs
 - The service also allows communities to ask further questions to ensure they select the solution that meets their unique situation and need

During fiscal year 2022, three tribes and two community organizations took advantage of rapid design studies.

The contract with GEO was further amended in November 2021 to provide feasibility reviews for funding applications received by the WSBO. GEO reviewed all of the Fall 2021 Infrastructure Acceleration Grant applications (American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF)), and provided the following information:

- Identification of any tribal lands in the proposed project area
- Percentage of un/underserved households in the proposed project area using 25/3 Mbps wireline connection as the baseline, then the federal minimum of 100/20 Mbps
- Percentage of last mile connections identified in the project area
- Noteworthy geographic or topographic barriers or considerations
- Any Rural Digital Opportunity Funds (RDOF) areas in the proposed project area
- Any incumbent provider(s) and their offered speeds
- Number of fiber miles
- Cost per serviceable connection
- Cost per mile
- Any prohibitive factors to the proposal

Section 4. Coordinating broadband infrastructure development

WSBO participates in Sync

Sync is Washington's Infrastructure System Improvement team and a collaborative partnership among the Public Works Board (PWB), the departments of Commerce, Ecology, Health, and Transportation (WSDOT), and the Transportation Improvement Board. It formed to meet the objectives of [RCW 43.155.150](#) and in 2021, Sync expanded to include broadband infrastructure. To support the expanded focus of Sync, the WSBO:

- Engaged in monthly Sync meetings and discussed infrastructure resiliency and sustainability.
- Shared funding data to outline the state picture of overall infrastructure investment that totaled more than \$1 billion in fiscal year 2022.

WSBO activities with WSDOT, PWB and CERB

- Evaluated and funded the first round of WSBO Infrastructure Acceleration Grant in collaboration with external application reviewers including the PWB vice-chair and staff, CERB staff, and WSDOT
- Developed a shared broadband webpage: [Broadband Resources and Funding](#)
- Participated in PWB Broadband objections and application reviews in November/December 2021.
 - WSBO staff submitted a memo to the PWB on collaboration, including strategically investing state resources in a manner that best suits the state goals of both the WSBO and PWB.
- Participated in bi-weekly collaboration meetings with PWB and CERB to discuss best practices, coordinate outreach and funding efforts, partner on presentations to key stakeholders, etc.
- The WSBO BIP Manager provided leadership by:
 - Utilizing federal background and experience to provide training and technical assistance to CERB and PWB staff on federal funding and requirements under the Infrastructure Investment and Jobs Act
 - Sharing the ARPA Boilerplate contract and ARPA handbooks
 - Preparing ARPA webinars and invited PWB and CERB staff and their clients
 - Coordinating 21-02 cultural review consultation with CERB on joint clients
 - Developing a joint survey of future broadband projects to create a shared pipeline

Collaboration with WSDOT

As WSDOT makes changes enacted under [Chapter 258, Laws of 2021](#), there is a clear and obvious need for coordination with the WSBO. The bill elevates the dig-once concept and authorizes WSDOT to lay conduit and retain ownership of it for leasing to ISPs. In this case, broadband infrastructure is being treated as a utility when it comes to process and procedure. Funds for this activity come from the DOT-Motor Vehicle Fund. WSDOT is already moving forward with laying conduit, as evidenced by their recent placement from Darrington to Arlington. WSDOT has also been in discussions with the WSBO about timelines and coordination related to a WSBO funded project in King County impacts state roads.

WSDOT also provided valuable technical guidance to the WSBO related to poles and pole attachments as they pertain to fish passage areas for the WSBO funded Snohomish County and Ziplly Fiber SR 530 project. In areas where fish passage is being addressed, poles must be relocated one-quarter to one-half mile from the culvert.

This affects aerial attachments and any associated wireless transmission devices. It is a clarification that the WSBO is now able to relay to applicants.

WSBO, CERB and PWB Broadband programs and awards

WSBO Infrastructure Acceleration Grant, Broadband Infrastructure Program, State Matching Grant Program and direct appropriations²

The WSBO is tasked with developing strategies and plans to promote broadband infrastructure deployment and greater broadband access to unserved and underserved areas of the state. [Chapter 296, Laws of 2022, Section 1086](#) authorizes the WSBO to provide funding opportunities to:

- Local governments
- Tribes
- Nonprofit organizations
- Nonprofit cooperative organizations
- Multiparty entities comprised of at least one public entity

Infrastructure Acceleration Grant (IAG)

In FY 2022, the WSBO IAG program was funded by a sub-award of the state's allocation of American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF).³ The WSBO may only use this award to fund technology-neutral broadband projects designed to expand access at the lowest cost to the most unserved or underserved residents. In FY 2022, 13 applicants were awarded a total of \$141 million.

Broadband Infrastructure Program

In response to the NTIA's BIP grant announcement, the WSBO issued a request for information soliciting eligible projects. The WSBO submitted a single application requesting \$30 million in grant funding on behalf of the five partnership broadband projects, and received full funding.

State Matching Grant Program

The WSBO was appropriated \$50 million in state funds to provide match grants for eligible applicants to access funding opportunities from federal agencies, such as:

- National Telecommunications and Information Administration
- US Department of Agriculture
- Economic Development Administration

CERB Rural Broadband Program⁴

The CERB is authorized under [Chapter 296, Laws of 2022, Section 1011](#) to administer a non-competitive grant and loan program to promote the expansion of access to broadband service in rural and underserved communities for the purposes of economic or community development. Under this statute, awards are for the

² Listing of WSBO ARPA SLFRF awards in [Appendix B](#). Complete listing of WSBO programs applicants, requests and awards will be part of the WSBO Grant Programs Legislative Report – due to the Legislature January 30, 2023.

³ A second round of IAG funding is scheduled for FY23. This round will be funded by the ARPA Capital Project Fund.

⁴ Listing of CERB Rural Broadband ARPA SLFRF awards in [Appendix C](#). More information can be found in the [CERB Rural Broadband 2020 Legislative Report](#). Another CERB Rural Broadband Report is due to the Legislature in January 2023.

acquisition, installation and construction of middle mile and last mile broadband infrastructure. Funds may also be used for strategic planning in the deployment of broadband service. Eligible applicants include:

- Local governments
- Tribes
- Municipal corporations
- Quasi-municipal corporations

Since its inception, the CERB Rural Broadband Program has awarded more than \$35.3 million in loans and grants to 27 recipients. These awards require a 25% cash match and the total of CERB Rural Broadband awards cannot exceed 50% grant for the biennium.

PWB Broadband Grant and Loan Program⁵

The PWB is authorized under [RCW 43.155.160](#) to administer a competitive grant and loan program to promote the expansion of access to broadband service in unserved areas of the state. Funds may also be used for strategic planning in the deployment of broadband service. Eligible applicants include:

- Local governments
- Tribes
- Nonprofit organizations
- Cooperative associations
- Special purpose districts
- Quasi-municipal corporations
- Limited liability corporations organized for the purpose of expanding broadband access
- Incorporated businesses or partnerships

The PWB is allowed to fund up to 50% of the total project cost in non-distressed and non-Indian Country areas. In distressed or Indian Country areas, the PWB may fund up to 90% of the total project cost.

Applications for PWB funding are competitive and must evidence that the project:

- Is maintained for public use for at least 15 years
- Connects the unserved (25 Mbps download and 3 Mbps upload or less)

In FY 2021, the PWB Broadband program awarded \$11.7 million in state funds to seven construction projects. In FY 2022, the program awarded \$44.7 million in federal grant funds to 15 construction projects.

⁵ Complete listing of PWB Broadband applicants, requests and awards included in Appendix D. Additional information about PWB and its programs can be found in its [2022 Legislative Report](#)

Section 5. Suggested policies, incentives, and legislation to accelerate the achievement of RCW 43.330.536 goals

At this time, the WSBO does not have significant suggestions for policies, incentives or legislation to accelerate the achievement of [RCW 43.330.536](#) goals. Any recommendation must be developed in conjunction with and be informed by ongoing digital equity work to ensure equitable access to broadband service statewide. Below are some of the areas that are being investigated by the WSBO for future policy development.

Access and affordability

Access and affordability are the primary concerns when seeking to achieve the state goals for universal high speed broadband. This impacts where and how residents live, the development and competitiveness of businesses, equality in access to medical and social services, and the attainment of education K-12 and beyond. While access through the construction of new networks and upgrading old is being worked on through the state's three broadband funding programs, affordability is an area that is lagging.

The federal [Affordable Connectivity Program](#) (ACP) is one way to start to approach affordability. It is a necessary and vital program that reduces monthly internet subscription costs for low-income residents. Continuing such programs in perpetuity should be a priority for the state's federal delegation. However, ACP needs to be a starting point, not an end point, if Washington is committed to universal access and adoption.

The state has the opportunity to expand assistance to low-income residents for both monthly subscription fees, and for acquiring and upgrading technology, digital literacy and training. Additionally, the need for these types of assistance are not limited to residents in the lowest income brackets, but can be extended to middle class families with nominal disposable income. These are not short term needs and, to be effective, must be maintained in perpetuity.

A further area of concern for universal adoption is connecting existing residences in areas considered served that were not connected to a network at the time of construction. The cost of connecting a home to an existing network when the last mile line is not in place is something beyond many working families. There is merit in investigating the state's capacity to provide funding, either directly to incumbent ISPs or to individual home owners, to connect these homes. Without such a program, many people in served areas will be left behind without true access.

State match

As the state focuses on open access requirements for state funded networks, there is the potential for an unintended consequence – alienation of private funders. For private organizations, the desirability of making a significant investment in a network that benefits competing companies can be diminished with adherence to open access requirements. When we look forward to programs such as the [Broadband Equity, Access, and Deployment \(BEAD\) program](#), significant match requirements (25% minimum) require either significant local or state investment. Developing a program for BEAD-fund disbursement that attracts applications involving private investment is one way to try to drive private investment and lessen the amount of public monies required to meet BEAD's match requirement.

Section 6. Proposed legislative and policy initiatives

The WSBO budget proviso contains, on page 76, a budget note requiring 25 years of demonstrated public ownership. This language does not appear in the statute for the WSBO or other broadband funders.

The Public Works Board has a 15-year requirement written into its statute ([RCW 43.155.160\(8\)](#)):

To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

Further, CERB does not have a policy on ownership. They do have policy requirements for long-term economic impact reporting, as follows:

- Project Completion Report, the Contractor shall continue, for up to five years or as may be required by THE BOARD, to provide updates on the economic impact of the project. The updates shall be in a format acceptable to THE BOARD and describe, but not be limited to:
 - Number of household connections
 - Number of business connections
 - Number of Anchor Institutions connections
 - Speed of each connection
 - Number of ISPs providing service on the system

Requiring 25-year public benefit in a rapidly evolving service and delivery environment might add undue risk to applicants when service provision may change substantially over a 25-year period. Additionally, there are no mechanisms in place to ensure the system is maintained for 25 years, let alone any enforcement mechanism if it is not. Therefore, in its 2023-2025 capital budget request the WSBO requested an update to its authority so that it aligned with Public Works Board's 15-year requirement.

Section 7. Retail telecommunications services provided by public utility and port districts

Public utility districts (PUD) and port districts are authorized to provide retail broadband internet services under [RCW 51.16.330\(10\)](#) and [RCW 53.08.370\(10\)](#) respectively. At this time, there are no active PUD or port retail providers of broadband service. Jefferson County PUD is in the process of transitioning into retail service. They intend to utilize the open access network they are currently constructing as their jumping off point for retail service. The network is anticipated to be fully operational in 2023.

Of the 122 PUDs and ports within Washington, 22 currently provide or are in the process of constructing networks to provide wholesale broadband service. Most of these networks involve partnerships with multiple ISPs to provide retail connection. The table below provides details.

Table 2. Public utility and port district broadband wholesale service

District name	County	City	Network partnerships
Benton County PUD	Benton	Kennewick	Membership in NoaNet Partnered with 13 ISPs
Chelan County PUD	Chelan	Wenatchee	Partnered with 5 ISPs
Clallam County PUD	Clallam	Sequim	Membership in NoaNet Partnered with 6 ISPs
Douglas County PUD	Douglas	East Wenatchee	Partnered with 8 ISPs
Franklin County PUD	Franklin	Pasco	Partnered with 19 ISPs
Grant County PUD	Grant	Moses Lake	Partnered with 16 ISPs
Grays Harbor County PUD	Grays Harbor	Aberdeen	Partnered with 8 ISPs
Jefferson County PUD	Jefferson	Port Townsend	Partnered with 9 ISPs Future: Provide retail broadband with other ISPs on the PUD's open access network
Kitsap County PUD	Kitsap	Poulsbo	Partnered with 6 ISPs
Mason County PUD #3	Mason	Belfair	Partnered with 5 ISPs
Okanogan County PUD	Okanogan	Okanogan	Partnered with 9 ISPs
Pacific County PUD #2	Pacific	Raymond	Partnered with 4 ISPs
Pend Oreille County PUD	Pend Oreille	Newport	Partnered with 7 ISPs

District name	County	City	Network partnerships
Port of Bellingham	Whatcom	Bellingham	Member of Petrichor Service provided by partner ISPs
Port of Clarkston	Asotin	Clarkston	Partnered with 10 ISPs
Port of Columbia	Columbia	Dayton	Partnered with 3 ISPs
Port of Coupeville	Island	Greenbank	Partnered with 6 ISPs
Port of Ridgefield	Clark	Ridgefield	Currently building network. No ISP yet.
Port of Whitman County	Whitman	Colfax	Partnered with 7 ISPs
Port of Woodland	Cowlitz	Woodland	Currently building network. No ISP yet.
Stevens County PUD	Stevens	Loon Lake	Partnered with NoaNet
Whatcom County PUD	Whatcom	Ferndale	Partnered with Port of Bellingham and Petrichor Service provided through partner ISPs

Increasing the number of public utility and port districts engaged in retail broadband

At this time, the WSBO does not have any recommendations for expanding special purpose district engagement in providing retail broadband service.

Section 8. Digital equity

The WSBO is building new programming capacity to advance digital equity throughout Washington. The Legislature defines digital equity as “the condition in which individuals and communities in Washington have the information technology capacity that is needed for full participation in society and the economy.”⁶ To begin to address digital equity in Washington, the WSBO has begun implementation of the following efforts.

Digital navigators

To help increase digital equity, the WSBO implemented a digital navigator program. This program provides direct assistance to those most in need in terms of access to and knowledge of how to use technology devices and services. The National Digital Inclusion Alliance defines digital navigators as “trusted guides who assist community members in internet adoption and the use of computing devices.” Digital navigators can help individuals navigate the internet, sign up for the Affordable Connectivity Program (federal low-income internet assistance), connect with government and community services, acquire digital literacy skills, and more.

Funding to launch the digital navigator program was provided in the 2021 Operating Budget, with \$7,500,000 appropriated for these purposes. Funding to extend these services and expand the program to reach different communities statewide was secured in the 2021 Supplemental Budget, with the Legislature appropriating \$50,000,000 for digital equity and broadband access programs.⁷

The initial digital navigator program is conducted in close coordination with our community partners: Equity in Education Coalition, Goodwill of the Olympics & Rainier Region, Community Health Network of Washington, and the Seattle Housing Authority. Through June of 2022, our partners have provided the following services to nearly 40,000 clients throughout the state:

- Digital navigation: 20,893 (2,294 for clients receiving Medicaid)
- Digital literacy skills services: 15,901 (3,990 for clients receiving Medicaid)
- Device distribution with built in subscription assistance: 2,813 (1,685 for clients receiving Medicaid)

The WSBO is currently extending this program and is in the process of finalizing contracts and agreements for the following:

- Seventeen new organizations to provide digital navigator services statewide
- An interagency agreement with Department of Veterans Affairs to provide digital navigator services for veterans
- Digital navigator awards for organizations serving the recently incarcerated, or reentry populations in the state

Digital Equity Forum

Established in the 2021 Operating Budget, the Digital Equity Forum was formed to develop recommendations to advance digital connectivity in Washington.⁸ The forum is co-facilitated in close partnership with the Office of Equity. The forum has met since December 2021, with a number of associated workshops, stakeholder engagement efforts, listening sessions, and focus groups being conducted to listen to local communities and

⁶ [Chapter 265, Laws of 2022](#)

⁷ [Chapter 297, Laws of 2022, Sec. 128\(197\)](#)

⁸ [Chapter 334, Laws of 2021](#)

help identify barriers to digital equity. Recommendations of this group, once finalized, will be used to inform future digital equity planning efforts.

Appendix A – WSBO-funded services to communities

Learn Design Apply (LDA)

NTIA Tribal Broadband Connectivity Program grant application assistance		
Tribal applicant	Amount requested	Amount awarded
Confederated Tribes of the Chehalis Reservation	\$ 4,737,725	\$ 500,000
Confederated Tribes and Bands of the Yakama Nation	\$ 6,714,676	\$ Pending
Confederated Tribes of the Colville Reservation	\$ 50,000,000	\$ 50,000,000
Hoh Tribe	\$ 9,027,062	\$ 500,000
Jamestown S'Klallam Indian Tribe	\$ 1,727,967	\$ Pending
Nisqually Tribe	\$ 31,847,896	\$ 500,000
Nooksack Tribe	\$ 7,164,168	\$ 500,000
Port Gamble S'Klallam Tribe	\$ 443,321	\$ 443,321
Quileute Tribe	\$ 1,222,366	\$ 500,000
Samish Nation	\$ 700,000	\$ 700,000
Sauk-Suiattle Tribe	\$ 980,563	\$ 500,000
Swinomish Tribe	\$ 15,030,489	\$ 500,000
Total	\$ 129,596,235	\$ 54,643,321

NTIA BIP grant application assistance		
Applicant	Amount requested	Amount awarded (includes state and federal award)
Declaration Networks Group	\$ 6,025,000	\$ 5,422,500
City of Ellensburg	\$ 437,573	\$ 437,573
Hood Canal Communications	\$ 12,622,243	\$ 10,065,313
Jefferson County Public Utility District	\$ 12,191,477	\$ 10,114,204
Zipty Fiber	\$ 730,872	\$ 730,872
Total	\$ 32,007,165	\$ 26,770,462

Breaking Point Solutions, LLC (GEO)

Rapid design studies jurisdictions

- Mighty Tieton
- Skamania County
- Suquamish Tribe
- Swinomish Indian Tribal Community
- Yakima Valley Community Foundation

Feasibility reviews of IAG applications jurisdictions

- Adams County
- Clallam County
- Confederated Tribes of the Colville Reservation
- Ferry County
- Foresee
- King County
- Lewis County
- Lincoln County
- Mill Creek
- Nisqually Tribe
- Port of Bellingham
- Port of Clarkston
- Port of Columbia
- Port of Kalama
- Port of Whitman County
- Public Utility District 1 of Jefferson County
- Public Utility District 1 of Pacific County
- Quinault Indian Nation

- Snohomish County
- Spokane Tribe of Indians
- Tri County Economic Development District
- Tukwila
- Washington State Department of Transportation
- Whatcom County
- Washington Independent Telecommunications Association

Appendix B – WSBO IAG broadband construction grants

FY22 WSBO IAG awards (ARPA SLFRF funds)				
Applicant	County	Project name	Award	Total project
Adams County	Adams	Adams WSBO	\$ 10,320,889	\$ 10,678,708
Clallam County	Clallam	Clallam County Broadband	\$ 16,074,985	\$ 17,861,094
PUD 1 of Jefferson County	Jefferson	Jefferson North Fiber	\$ 9,718,934	\$ 11,425,040
King County	King	King County Broadband	\$ 11,833,300	\$ 13,148,110
Lewis County	Lewis	Lewis County Broadband Expansion	\$ 23,500,000	\$ 25,850,000
Lincoln County	Lincoln	Connecting Lincoln County	\$ 5,218,072	\$ 5,218,072
Washington Independent Telecommunications Association	Mason, Island	WITA Member	\$ 14,865,747	\$ 16,517,497
Confederated Tribes of the Colville Reservation	Okanogan	Confederated Tribes of the Colville Reservation Broadband	\$ 4,097,518	\$ 4,507,274
Snohomish County	Snohomish	Snohomish County and Ziplly Fiber- SR 530 Project	\$ 16,713,615	\$ 27,582,318
Spokane Tribe of Indians	Stevens	Spokane Tribe Broadband	\$ 16,837,920	\$ 18,686,910
Nisqually Indian Tribe	Thurston	Nisqually Thurston County OAN Phase II	\$ 6,775,496	\$ 6,775,495
Port of Bellingham	Whatcom	Whatcom County Broadband	\$ 4,000,000	\$ 5,000,000
Port of Whitman County	Whitman	Port of Whitman County Broadband	\$ 1,062,000	\$ 1,329,500
Total			\$ 141,018,476	\$ 164,580,018

Appendix C – CERB Rural Broadband Program

FY22 CERB Rural Broadband awards (ARPA SLFRF funds)				
Applicant	County	Project name	Award	Total project
Port of Clarkston	Asotin	Northwest Clarkston Heights FTTX Project	\$ 1,155,885	\$ 1,455,885
Port of Columbia	Columbia	Dayton Community Broadband Project	\$ 2,000,000	\$ 2,500,000
Port of Woodland	Cowlitz	Ariel to Cougar Fiber to Home Project Phase II	\$ 1,976,496	\$ 2,470,620
Port of Garfield	Garfield	Phase 2 FTTH Garfield County Project	\$ 323,482	\$ 727,834
Chehalis Tribe	Grays	Chehalis Reservation Broadband	\$ 2,000,000	\$ 2,500,000
PUD #1 of Kitsap County	Kitsap	Larson Lane Fiber to the Home Project	\$ 1,565,363	\$ 1,956,704
PUD #1 of Kitsap County	Kitsap	Kitsap PUD Hintzville Fiber to the Home	\$ 2,000,000	\$ 4,273,613
Lincoln County	Lincoln	FTTx in Almira, Creston and Harrington Project	\$ 1,963,920	\$ 2,454,900
Mason County PUD 1	Mason	Hood Canal - 101 Broadband Project	\$ 1,024,133	\$ 996,300
Nisqually Indian Tribe	Thurston	Nisqually 2021 OAN Broadband Project Ph 1	\$ 2,000,000	\$ 5,925,902
Port of Walla Walla	Walla Walla	Walla Walla County Broadband - Rural County Install Project	\$ 2,000,000	\$ 2,567,650
Port of Bellingham	Whatcom	Whatcom County Rural Broadband Project	\$ 2,000,000	\$ 3,000,000
Port of Whitman County	Whitman	Malden/Pine City FTTx Project	\$ 1,734,921	\$ 2,168,651
Total			\$ 21,744,200	\$ 32,998,059

Appendix D – PWB Broadband Construction Program applications and awards

FY21 PWB Broadband Construction Grant awards (State funds)					
Applicant	County	Project name	Request	Grant	Loan
Makah Tribe	Clallam	Makah Communication Access Project	\$ 382,796	\$ 382,796	\$ 0
Kalispel Tribe	Pend Oreille	Kalispel Tribe Broadband Expansion	\$ 5,000,000	\$ 5,000,000	\$ 0
Grant County PUD	Grant	Area 15: Gloyd to Stratford	\$ 1,620,000	\$ 810,000	\$ 810,000
Port of Skagit	Skagit	Sauk-Suiattle Construction Grant	\$ 3,375,000	\$ 1,687,500	\$ 1,687,500
Wahkiakum County PUD	Wahkiakum	East County Broadband Deployment	\$ 4,917,382	\$ 809,084	\$ 4,108,298
Hood Canal Telephone	Mason	Mason County Line Broadband Expansion	\$ 196,202	\$ 0	\$ 196,202
Port of Ilwaco	Pacific	Rural Broadband Infrastructure Buildout	\$ 3,328,452	\$ 0	\$ 2,337,380
Hood Canal Telephone	Mason	Strong Rd. BB Expansion Project	\$ 410,410	\$ 0	\$ 0
Lewis County PUD	Lewis	West County Backbone and FTtH Extension	\$ 4,885,332	\$ 0	\$ 0
Mason County PUD	Mason	Cloquallum Communities Rural Broadband Fiber Project	\$ 3,157,450	\$ 0	\$ 0
Clallam County PUD 1	Clallam	BB Backbone Construction Project	\$ 4,187,700	\$ 0	\$ 0
Port of Columbia	Columbia	Port of Columbia	\$ 1,800,000	\$ 0	\$ 0
Okanogan PUD	Okanogan	Mid Methow Valley FTTx Project	\$ 5,000,000	\$ 0	\$ 0
Lummi Nation	Whatcom	Lummi Nation Fiber and Tower Project	\$ 2,898,161	\$ 0	\$ 0
Grays Harbor PUD	Grays Harbor	Porter/Malone/Cedarville/Oakville BB Constr.	\$ 1,500,000	\$ 0	\$ 0

FY21 PWB Broadband Construction Grant awards (State funds)					
Pend Oreille PUD	Pend Oreille	Northern Pend Oreille County	\$ 5,000,000	\$ 0	\$ 0
TV Assoc. of Republic	Ferry	Ferry County Broadband Expansion	\$ 2,834,406	\$ 0	\$ 0
Charter	Columbia	Dayton Project	\$ 1,754,674	\$ 0	\$ 0
Woden	Klickitat	Goldendale	\$ 1,714,340	\$ 0	\$ 0
City of Cheney	Spokane	Broadband Infrastructure Construction	\$ 512,000	\$ 0	\$ 0
Port of Whitman	Whitman	Fiber Extensions in Rural Whitman County	\$ 2,000,000	\$ 0	\$ 0
Woden	Yakima	Mabton-Pasco Middle Mile	\$ 4,454,948	\$ 0	\$ 0
Woden	Yakima	Grandview/ Mabton	\$ 1,647,514	\$ 0	\$ 0
Whidbey Telephone	Island	Bounty Loop/Pioneer Park	\$ 659,016	\$ 0	\$ 0
Below scoring threshold for funding consideration					
Colville Tribes	Okanogan/ Ferry	Colville Tribes Broadband Expansion	\$ 4,832,520	\$ 0	
Charter	Walla Walla	Prescott Project	\$ 731,403	\$ 0	\$ 0
City of Brewster	Okanogan	Broadband Project	\$ 3,888,888	\$ 0	\$ 0
AspenWorks	Mason	Lake Cushman Rural Broadband	\$ 387,306	\$ 0	\$ 0
Mitchell Hill	King	Mitchell Hill POA	\$ 167,305	\$ 0	\$ 0
Total			\$ 76,140,832	\$ 8,689,380	\$ 9,139,380

FY22 PWB Broadband Construction Grant Awards (ARPA SLFRF)

	Jurisdiction	County	Project name	Request	Award
Conditional Awards	Kittitas County	Kittitas	Thorp and Edgemont FTTx Project	\$ 3,338,946	\$ 3,338,946
	Port of Clarkston	Asotin	Census Tract 9604 FTTH	\$ 1,944,381	\$ 1,944,381
	Lewis County PUD	Lewis	Connecting the Mineral, Elbe, & Ashford	\$ 4,733,011	\$ 4,733,011
	Lincoln County	Lincoln	Connecting Lincoln County	\$ 4,162,072	\$ 4,162,072
	Port of Clarkston	Asotin	POC Grantham Elementary Service Area	\$ 1,775,282	\$ 1,775,282
	Town of Skykomish	King	Skykomish Broadband	\$ 598,023	\$ 598,023
	Jefferson County PUD	Jefferson	Discovery Bay East Fiber	\$ 1,096,046	\$ 1,096,046
	Port of Columbia	Columbia	Touchet Valley Broadband	\$ 1,165,000	\$ 1,165,000
	Clallam County	Clallam	Clallam County Broadband Project	\$ 4,525,174	\$ 4,525,174
	Pacific County PUD	Pacific	Pacific Co. Build Bay City to Nemah	\$ 5,000,000	\$ 5,000,000
	Lewis County PUD	Cowlitz/Lewis	Connecting the Greater Vader Community	\$ 4,726,647	\$ 4,726,647
	Port of Garfield	Garfield	NE Garfield Co. Rural FTTH Project	\$ 3,827,365	\$ 3,827,365
	Port of Skagit	Skagit	Fir Island FTTx	\$ 2,152,791	\$ 2,152,791
	Port of Coupeville	Island	Central Whidbey FTTx	\$ 4,842,933	\$ 4,842,933
	Town of Washtucna	Adams	Washtucna FTTH	\$ 788,946	\$ 788,946

FY22 PWB Broadband Construction Grant Awards (ARPA SLFRF)

Insufficient funds	Kitsap PUD	Kitsap	Kitsap PUD - FTTH	\$ 1,939,356	
	Port of Whitman County	Whitman	Port of Whitman	\$ 4,919,378	
	Port of Kalama	Cowlitz	West Cowlitz Access	\$4,285,794	
	Town of Fairfield	Spokane	Fairfield FTTH Project	\$2,356,168	
	Douglas County PUD	Douglas	Highway 17	\$1,522,000	
Credible objection	Franklin County PUD	Franklin	Rural Broadband	\$3,557,700	
	Pend Oreille PUD	Pend Oreille	Ione & Tiger Fiber	\$5,000,000	
	Adams County	Adams	Adams County Broadband Project	\$4,724,964	
	City of Ritzville	Adams	City of Ritzville FTTH Project	\$2,478,334	
	Grays Harbor PUD	Grays Harbor	SE Grays Harbor Broadband Project	\$5,000,000	
	Nisqually Indian Tribe	Thurston	Unserved Areas Thurston County	\$3,923,265	
	Port of Bellingham	Whatcom	Port of Bellingham Project	\$2,000,000	
Below threshold	Port of Ridgefield	Clark	Hope Neighborhood BB Project	\$1,653,250	
	City of Tukwila	King	Municipal CBRS Network	\$2,000,000	
Total				\$90,036,826	\$44,676,617