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Comments

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director

Brenda Salter, Assistant Director

Doug Wheelwright, Utility Technical Consultant Supervisor

Gary Smith, Utility Technical Consultant

Date: December 22, 2025

Re: **Docket No. 25-999-03**, Miscellaneous Correspondence and Reports Regarding Telecommunications Utility Services; 2025.

Background

On November 15, 2021, President Joe Biden signed the Infrastructure Investment and Jobs Act, also known as, the Bipartisan Infrastructure Law. The Broadband Equity, Access, and Deployment (BEAD) program was established under the Bipartisan Infrastructure Law. BEAD is a \$42.45 billion federal initiative aimed at providing universal high-speed internet access across the United States. BEAD is designed to bridge the "digital divide" by funding broadband infrastructure in unserved (speeds below 25/3 Mbps) and underserved (speeds below 100/20 Mbps) areas. Congress charged the National Telecommunications and Information Administration (NTIA) within the Department of Commerce to manage the BEAD program. The program was designed to be administered in the following phases:

Planning and Allocation Phase (2022–2023)

In May 2022, the NTIA released the official NOFO, setting rules for how states could apply for and use the funds.

All 50 states, D.C., and five U.S. territories submitted Letters of Intent to participate.

In June 2023, following the release of updated FCC National Broadband Maps, the NTIA announced specific funding allocations for each state.



Division of Public Utilities

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Utah was allocated \$317,399,742 to expand high-speed internet access across the state in unserved or underserved areas.

Initial Proposal and Implementation (2023–)

After states had received their funding allocations, they could begin submitting their initial proposals for how to use the funding.

On June 12, 2023, Utah released its draft digital equity plan and five-year plan for public comment.

On July 22, 2024, Utah received federal BEAD approval for its Initial Proposal.

On October 3, 2025, Utah submitted its Final Proposal to the NTIA for final review, detailing the specific projects selected for funding (NTIA has 90 days to review and approve).

Other recent events related to the BEAD Program include the following:

On June 6, 2025, under the second Trump administration, the NTIA issued a "Restructuring BEAD Policy Notice." Key changes included:

Technological Neutrality: Shifting away from a "fiber-first" priority to allow more competition from satellite and wireless providers to lower costs.

Regulatory Reform: Removing certain labor and climate-resiliency requirements originally mandated by the 2022 Notice of Funding Opportunity to accelerate deployment.

Re-bidding: Rescinding some prior approvals and directing states to redo plans on an abbreviated timeline to reduce costs.

On October 28, 2025, the acting Assistant Secretary of NTIA, Arielle Roth, made comments during a meeting at the Hudson Institute that necessitated NTIA to issue its FAQ Version 16 with the following clarification:

5.1 What did Assistant Secretary Roth mean when she stated on October 28, 2025, at the Hudson Institute that “NTIA will require states to have providers certify in writing that they will not require or take additional federal subsidies—including operational subsidies—to complete or operate their BEAD projects”?

NTIA is requiring that all contracts between Eligible Entities and Subgrantees incorporate a provided templated certification from the Subgrantee that its application did not rely on the prospect of receiving speculative additional federal funding to fulfill its BEAD obligations, and that it will not need or accept such additional federal broadband funds to serve its BEAD-funded locations. The Eligible Entity must submit each certification as a standalone document (i.e., do not submit the subgrant agreement itself) to NTIA and inform all Subgrantees that NTIA may publish the certifications.

Summary

The 2026 Utah Universal Service Fund (UUSF) distributions recommended by the Division and provided to the Commission in November 2025 are based on a review of the annual reports provided by each eligible telecommunications company’s 2024 reported operations within its designated Utah service area. No Utah telecommunications providers reported BEAD funding received in 2024 as Utah’s final Proposal to the NTIA was not submitted until October 2025. BEAD funding, as presented in the NTIA’s FAQ Version 16 update, does not affect the UUSF approved by the Commission for distribution in 2026.

cc: Kira Slawson, URITA

Attachments: Remarks Oct 28,2025
BEAD_FAQs_V16 Nov 2025
Bead-restructuring-notice