

Title 12: Finance and Administration.

Part 12: Office of Broadband Expansion and Accessibility of Mississippi (BEAM)

Part 12 Chapter 1: General Information

Rule 1.1 Description of BEAM. BEAM is an Office within the Department of Finance and Administration established by the Mississippi Legislature in Section 3 of the Broadband and Accessibility of Mississippi (BEAM) Act (“BEAM Act”), 2022 Miss. Laws, Ch. 397 (H.B. No. 1029), (codified at Miss. Code Ann. §§ 77-19-1 *et seq.*).

(1) BEAM was established for the purpose of making determinations and awards from applications for projects to provide broadband services in the state using the Broadband Expansion and Accessibility of Mississippi (BEAM) Fund (“BEAM Fund”) created pursuant to Section 4(4) of the BEAM Act, Miss. Code Ann. § 77-19-7(4).

(2) BEAM is also tasked with coordinating all broadband expansion and accessibility efforts within the state to ensure an effective and efficient use of broadband grant funds and coordinating all information provided by broadband service providers to the state, including all broadband mapping efforts for the state. Any broadband service provider who fails or refuses to provide data and information requested and required by BEAM in furtherance of these tasks will be ineligible for grant funding.

Source: Miss. Code Ann. § 25-43-2.104; Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 1.2 Access to General Information. General information regarding BEAM, including contact information, is available at the BEAM website: www.beam.ms.gov.

Source: Miss. Code Ann. § 25-43-2-104; Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 1.3 Adoption of Rules. BEAM has authority under the BEAM Act to develop rules and procedures as necessary to implement broadband grant programs. Such rules will be adopted in accordance with the procedures required under the Mississippi Administrative Procedure Law, Miss. Code Ann. § 25-43-1.101 *et seq.*

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 1.4 Definitions. In these rules (Title 12, Part 12), the following definitions apply, unless otherwise noted:

(1) “Applicant” means an eligible broadband service provider that has authorization to do business in this state and has demonstrated that it has the technical, financial and managerial resources and experience to provide broadband services in the state to retail end users.

(2) “Broadband service” means a mass-market retail service by wire, cable, fiber, or radio provided to customers in the State of Mississippi that provides the capability to transmit data to,

and receive data from, all or substantially all Internet endpoints, at speeds of at least one hundred (100) megabits per second downstream and twenty (20) megabits per second upstream, and including, but not limited to, any capabilities that are incidental to and enable the operation of communications service, but excluding dial-up Internet access service.

(3) “Office” means the Office of Broadband Expansion and Accessibility of Mississippi (BEAM) within the Department of Finance and Administration created in Section 3 of the BEAM Act, and is also referred to herein as “BEAM.”

(4) “Deployed” means, with respect to availability of broadband service at a location, when the person or entity has access regardless of whether a person or entity subscribes to the broadband service at the location.

(5) “Eligible broadband service provider” means any company, firm, corporation, limited liability company, partnership, or association (i) that has been providing broadband service to at least one hundred (100) residences and businesses in Mississippi for at least three (3) consecutive years; (ii) is an electric power association’s broadband affiliate operating pursuant to Miss. Code Ann. § 77-17-1 *et seq.*; or (iii) that has demonstrated financial, technical, and operational capability in building and operating a broadband network.

(6) “Eligible project” means a discrete and specific project located in an unserved or underserved area of the state seeking to provide broadband services to residences, businesses, and community institutions not currently available for service in accordance with the applicable federal guidelines.

(7) “Shapefile” means a digital storage format containing geospatial or location-based data and attribute information regarding the availability of broadband Internet access service, and that can be viewed, edited, and mapped in geographic information system software.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 1.5 Applicable Federal Law. In accordance with Miss. Code Ann. § 77-19-9(b), federal laws, rules, regulations, and guidance specific to any federal grant programs from which BEAM grants are awarded shall supersede in any instance where the BEAM Act or any BEAM Rule conflicts with said federal authorities.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Part 12 Chapter 2: BEAM Fund Grant Programs

Rule 2.1 BEAM Fund Capital Projects Fund (“CPF”) Grant Program. The United States Department of Treasury (“Treasury”) allocated to the State of Mississippi \$162,609,351.00 from the Coronavirus Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act (“ARPA”) of 2021, and has authorized BEAM to oversee the awarding of grants from these funds to eligible subrecipients for broadband projects.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.1.2 Categories of CPF Grants. The BEAM Fund CPF Grant Programs will provide grants in different categories to provide opportunities for the variety of circumstances, subscribers, and providers in Mississippi. The categories existing as of the time of the adoption of this rule are:

(1) Broadband Infrastructure: This category will provide grants to fund large scale projects designed to serve sizable numbers of targeted addresses and will reimburse awardees for actual capital expenses up to a maximum project cost identified in the award. Costs must be a directly related upfront investment associated with installing or upgrading existing broadband facilities on the proposed project on a one-time, capital improvement basis. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least 20% are required and additional matching funds will have a positive impact on application scoring.

(2) Line Extension and Deployment: This category will provide grants for the extension of existing last-mile cable modem and fiber broadband networks, provided the extension can be constructed quickly. Internet service providers are eligible if they have an existing fiber to the premises or an existing cable network offering service of at least 100 Mbps download and 20 Mbps upload to mass-market users that can be extended to unserved premises. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least \$500 per address passed by fiber or cable lines funded by the program are required.

(3) ARPA Broadband Communities: This category will promote private and public partnerships for projects where the applicant partners with a county, municipality, or an affiliated organization (economic development corporation, regional planning and development council, etc.) that dedicates funds through the American Rescue Plan Act (ARPA), or other funding, to a broadband development initiative. Before applying for such grants, the applicant must have in place a written agreement with the county, municipal government, or affiliated organization and provide appropriate documentation, including official board action of the county, municipality, or affiliated organization authorizing said agreement and reflecting the commitment of ARPA or other funding. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least 50% are required and additional matching funds will have a positive impact on application scoring.

(4) Digital Connectivity Technology: The digital connectivity category of the BEAM Fund CPF Grant Programs will provide funds for technology projects installed as part of public wi-fi infrastructure (*e.g.*, access points, repeaters, routers). Before applying for such grants, applicants must have in place a written agreement with a county, municipality, or an affiliated organization (economic development corporation, regional planning and development council, etc.) seeking to provide public wi-fi service and must provide appropriate documentation, including official board action of the county, municipality, or affiliated organization authorizing said agreement. Applicants must also demonstrate affordability as a barrier to local broadband adoption and use. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of

funding for the initial round of awards in this category. A match of 33% of total project costs is required and additional matching funds will have a positive impact on application scoring.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.1.3 Common requirements of CPF broadband infrastructure categories. Categories 1, 2, and 3 of the BEAM Fund CPF Grant Programs share the following requirements:

(1) Limited to projects in locations in which at least 80 percent of the residences, businesses, and community institutions are without access to broadband service as defined in Rule 1.4(2);

(2) Download speeds of 100 Mbps and upload speeds of at least 20 Mbps, with demonstrated scalability to 100 Mbps;

(3) Project costs limited to new construction and may be directly related to the upfront investment associated with installing and/or upgrading existing broadband facilities on a one-time capital improvement basis.

(4) Awards limited to \$5 million per project unless substantial justification for a higher amount is presented to and approved by BEAM, with projects being reimbursed for actual capital expenses up to the maximum project cost identified in the award;

(5) Disbursements to be made from the BEAM Fund by the Department of Finance and Administration following provision by the grantee of verifiable information that moneys were expended consistent with the terms of the final determination awarded by BEAM and any requirements of applicable federal law;

(6) Projects which are selected may be reimbursed for actual capital expenses up to the maximum project cost identified in the award.

(7) Participation in the Affordable Connectivity Program or such other low-cost program as required by Treasury.

(8) Funding shall not be used for costs that are reimbursable by other federal funding streams but may be used for complementary funding;

(9) Projects that incidentally cover served addresses may be reimbursable if the expenditure is not solely to benefit a served address, but customer drops, installations, and equipment at incidentally served addresses are not eligible for reimbursement; and

(10) Compliance with all state and federal laws, rules, regulations, and guidance is required.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.1.4 Eligible entities for grants. Entities eligible for funding in these categories shall be those as defined in the Federal Guidance for the Coronavirus Capital Project Funds §1(A) or

other applicable federal law that also meet the definition of an applicant as set forth in Miss. Code Ann. § 77-19-3(a) and in these rules.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.1.5 Eligible areas for grants. All areas in Mississippi without broadband service as defined in Rule 1.2(4) are eligible for funding under the BEAM Fund CPF Grant Programs in the categories provided in Rule 2.2.1(1)-(4). No final award will be made if the proposed project includes an area where broadband is currently deployed, or where construction of a network to deploy broadband service is underway by a provider other than the applicant, and the construction is scheduled to be completed within one year after the date of the application. Areas with no current access to internet service with at least 25 Mbps download and 3 Mbps upload (25/3) are considered critical need areas. Addresses with current or future access to service only by satellite providers or mobile wireless networks are also considered critical need areas. Eligible areas of critical need will be determined by census block based on FCC data as supplemented by current state data and posted on BEAM’s website in advance of the opening of the application window.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.2 BEAM Fund Broadband Equity, Access, and Deployment (“BEAD”) Grant Program.

The BEAD program was authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title 1, Section 60102, Public Law 117-58, 135 Stat. 429 (November 15, 2021) also known as the Bipartisan Infrastructure Law. The BEAD program has allocated \$1,203,561,563.05 to Mississippi for the construction of broadband networks and other activities designed to close the digital divide in the state.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.1 Federal Agency. The BEAD program is administered by the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce. The NTIA has issued a Notice of Funding Opportunity (NOFO),¹ and other guidance documents which are available on NTIA’s website, broadbandusa.ntia.gov. Applicants for BEAD grants should be familiar and are required to comply with all applicable provisions of such documents and all controlling federal laws, rules, regulations, and guidance regarding the BEAD Program.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.2 BEAD Grant Program Description. The BEAD Grant Program provides federal funding for broadband planning, deployment, mapping, equity, and adoption activities. The BEAD Program’s focus is on deploying broadband service to unserved locations—defined by the NTIA as those without any broadband service at all or with service offering speeds less than 25 Mbps downstream/3 Mbps upstream—and underserved locations defined by the NTIA as those without broadband service with speeds of 100 Mbps downstream/20 Mbps upstream. The BEAD Program also seeks to prioritize deployment to community anchor institutions as defined in the

¹ Available at <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

federal BEAD NOFO. Deployment to unserved and underserved areas and to community anchor institutions are considered “last-mile broadband deployment projects.” Assuming those needs are met and any BEAD funding remains, the BEAD Program allows grants to be awarded for “non-deployment uses.”

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.3 BEAD Grant Program Procedures. The procedures for applying for a grant under the BEAD program and the governing parameters of such grants are set forth in BEAM’s Initial Proposal Volumes 1 and 2, as approved by the NTIA and available on BEAM’s website, and applicants will be required to comply with those terms.

As set forth more fully in Volumes 1 and 2 of BEAM’s Initial Proposal for the BEAD Grant Program, BEAM will seek applications from qualified applicants to provide broadband services to predefined geographic areas which BEAM has determined are unserved or underserved. As discussed in Sections 2.4.3 and 2.4.6 of Volume 2, to finalize its list of these predefined geographic areas, BEAM will require broadband service providers to complete, through a secure portal on BEAM’s website and in a format specified by BEAM, a letter of intent process addressing, among other things, the provider’s interest in specific project areas, and providing responses to prequalification questions to ensure the provider meets eligibility requirements. All information provided through the letter of intent process will be reviewed to gauge interest and assess alignment with the predefined project areas and to re-define the project areas, if necessary, to ensure optimal participation and broadband deployment. The timely submission of a completed letter of intent is a prerequisite to filing an application, and BEAM may waive the requirement only for good cause shown.

Once the project areas are finalized, BEAM will open the portal for applications to be submitted for BEAD grants as set forth in BEAM’s Initial Proposal.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.4 Coordination with Mississippi 811 to prevent buried utility damage. Broadband service providers receiving a BEAD Award (subgrantees) must agree to hold a preconstruction meeting with a representative from Mississippi 811, the subgrantee’s contractors and subcontractors, the relevant county administrators or their designees, and buried utility owners, operators, and locators, at least thirty (30) days prior to the commencement of excavation. The subgrantee shall coordinate with Mississippi 811 as to the date, time, location, and appropriate attendees for such meeting. The subgrantee shall present at the preconstruction meeting a proposed excavation plan and receive comments from the attendees regarding any recommended changes. Within ten (10) days following the preconstruction meeting, the subgrantee shall provide all attendees and BEAM with its written excavation plan, incorporating changes made to the excavation plan as a result of the preconstruction meeting, if any. The excavation plan shall include, at a minimum:

- A. Prints/maps of the excavation route that includes which side of the road/street excavation will take place;
- B. The expected start and end dates for excavation routes within the project area;
- C. A list of the types of equipment that will be used for excavation in the project areas;
- D. A list of all contractors and subcontractors that will be working in the area and their contact information;
- E. A timeline of the project;
- F. Contact information for the subgrantee’s project manager or someone with authority to resolve unexpected issues.

The subgrantee shall periodically update such excavation plan, as necessary, and provide any updates to all meeting attendees and BEAM.

BEAM reserves the right to require additional meetings to be held if BEAM determines such to be necessary.

The requirements in this rule do not alter, amend, or abrogate any party’s legal obligation to comply with the Mississippi DIG Law, Miss. Code Ann. § 77-13-1, *et seq.*

A subgrantee’s failure to comply with the foregoing may result in loss/delay of grant funds.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3 BEAM Fund Digital Skills and Accessibility (“DSA”) Capacity Grant Program. The federal government has allocated to the State of Mississippi approximately \$10.7 million under the State Digital Equity Capacity Grant Program authorized by § 60304(d) of the Infrastructure Investment and Jobs Act of 2021, Division F, Title III, Public Law 117-58, 135 Stat. 429, 1209 (November 15, 2021) (“Infrastructure Act”), also known as the Digital Equity Act of 2021, 42 U.S.C. § 1701 *et seq.* In accordance with 47 U.S.C. § 1723(b), and pursuant to BEAM’s authority under Miss. Code Ann. § 77-19-7(2)(a), (b), and (e), Governor Tate Reeves has appointed BEAM to serve as the administering entity for the funds received by the State from this federal grant program.

Under this grant program, BEAM will be awarding funds for the implementation of the State of Mississippi Digital Skills and Accessibility Plan (“DSA Plan”), approved by the National Telecommunications and Information Administration (“NTIA”), U.S. Department of Commerce, in April 2024. A copy of the DSA Plan is available on BEAM’s website under the Digital Skills & Accessibility tab.²

A portion of Mississippi’s allocation will be provided by BEAM to other Mississippi public entities, as approved by the NTIA, in implementing the goals of the DSA Plan. In addition, BEAM will allocate approximately \$5 million of its Capacity Grant funding to awarding grants through a competitive process to eligible entities as defined by federal laws, rules, regulations, and guidance governing the Capacity Grant Program. Applicants for these awards should be

² See <https://www.beam.ms.gov/sites/beam/files/23.04%20DSA%20Plan%20Final%20Approved%20Version.pdf>.

familiar with, and are expected to comply with, all applicable federal laws, rules, regulations, and guidance, including the Notice of Funding Opportunity State Digital Equity Capacity Grant Program issued by the NTIA.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.1 Purposes of Capacity Grant Program Awards. Grants awarded through the competitive process will be made to entities who can assist in implementing the goals and objectives discussed in the DSA Plan except for those regarding broadband deployment. “Covered populations” discussed in the DSA Plan are defined in 47 U.S.C. § 1721(8).

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.2 Eligible Entities. In accordance with the Digital Equity Act, 42 U.S.C. § 1723(d)(3)(D)(iii)(I), eligible entities for awards in the competitive grant program of the BEAM Capacity Fund Grant Program will be those entities listed in 47 U.S.C. § 1724(b) that are located in the State of Mississippi. Any conflict with the definitions provided in Rule 1.4 herein is superseded by the federal statute.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.3 Application Process. Because the grants to be awarded under this Capacity Grant Program focus on the DSA Plan’s goals of ensuring affordability of broadband services, training of digital skills, and the provision of devices to make use of broadband services, many of the factors to be considered in grants regarding broadband deployment are not applicable. The Capacity Grant Program application process will be governed by Rules 3.1, 3.2, and 4.1 herein. Information required to be included in the applications will be shown in the application form made available on BEAM’s website prior to the opening of the application portal.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.4 Initial Review of Applications. After the closing of the application portal, BEAM will conduct an initial review of all applications to ensure they meet the stated eligibility criteria and contain all required information. BEAM will follow Rule 4.3 herein if any additional information is needed.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.5 Evaluation Process. Those applications passing the initial review will then be evaluated based on the predefined criteria set forth in the scoring rubric. Each application will be objectively scored, and then scores from the initial eligibility review and the evaluation will be compiled and analyzed to identify the top-scoring applications.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.6 Publication of Preliminary Results. All applicants will receive timely notification of whether their application was successful or not. BEAM will also publicly disclose the list of selected subgrantees, along with brief descriptions of their proposed projects or actions for which funds will be awarded.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.7 Objections to Preliminary Determinations and Investigation of Same. Following publication of the preliminary results, BEAM will allow objections to be submitted in accordance with Rule 5.1 herein, and will expeditiously investigate said objections in accordance with the first sentence of Rule 5.2 herein. Thereafter, final results will be published as provided in Rule 5.4 herein. Selected subgrantees will then enter into a formal subgrant agreement with BEAM.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Part 12 Chapter 3: BEAM Fund Grant Programs – Application Process

Rule 3.1 Notification. BEAM will provide on its website: advance notice of the date any application window will be opened for acceptance of applications; the date that any application window will be closed; an application form for the grant in question; and the scoring criteria to be used by BEAM in reviewing the grant applications. A link on BEAM’s website will allow persons to submit an email address to which they wish to receive automatic email notifications from BEAM.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 3.2 Electronic submission of applications. Grant applications must be submitted electronically through BEAM’s online grant portal, the link of which will be on BEAM’s website at www.beam.ms.gov.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 3.3 Required information. Each applicant for grants funding broadband deployment will be required to provide the following information:

- (1) The location of the project by use of a shapefile and, if required, address level location data;
- (2) The type and amount of broadband infrastructure to be deployed for the project, including the amount the applicant intends to invest in the project from private funds;
- (3) Evidence regarding the nature of the broadband service, if any, available in the community in which the project is to be located;

- (4) The number of households, businesses, community anchor institutions, or other entities that will have access to broadband service as a result of the project, or whose Internet access service will be upgraded to broadband service as a result of the project;
- (5) The significant community institutions that will benefit from the proposed project;
- (6) Evidence of community support for the project with a narrative description of the impact that the investment will have on community and economic development efforts in the area;
- (7) The total cost of the project and a detailed budget and schedule for the project (showing major milestones), including the submission of a business plan that provides for the use of funds provided under the BEAM Act, shows all other sources of funding for the project, and confirms that BEAM grant funds shall not be used to support the operational expenses of the network or to subsidize any other service provided by the applicant;
- (8) The broadband service provider's experience and financial capabilities to deploy, operate, and manage the proposed project and broadband service offerings, including any evidence of the applicant's successful operations of broadband services to retail end users, as well as evidence that the broadband service provider can meet all applicable federal grant program requirements;
- (9) The network technology standard to be used;
- (10) Service tiers and costs where applicable, including any low cost options;
- (11) Whether the applicant is willing to use Mississippi-based employees to the fullest extent possible if awarded grant funds; and
- (12) Any additional information that BEAM may deem necessary for its consideration of the application and is requested by BEAM during the review process.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Part 12 Chapter 4: Application Review Process and Preliminary Determinations.

Rule 4.1 Scoring Rubric. Applications will be competitively scored using the rubric of requirements published on the BEAM website prior to the opening of the application window.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 4.2 Initial review of applications. After the closing of the application window, the Office will review all applications thoroughly and expeditiously. In conducting this review, the Office shall consider the following guidelines and factors for grants funding broadband deployment:

- (1) Funds for the grant programs must only be used by applicants for projects that exclusively extend broadband service as defined herein into areas of the state without such service;

- (2) Funds from federal broadband grant programs must be spent in accordance with federal laws, rules, regulations, and guidance, and federal laws, rules, regulations, and guidance shall supersede in any instance where the BEAM Act conflicts;
- (3) The applicant's experience and financial wherewithal to deploy, operate, and manage the proposed project and broadband service offerings, including evidence of the applicant's successful operations of broadband services to retail end users;
- (4) The readiness to build, operate, and maintain the project;
- (5) Projects that will deploy broadband service to critical need areas;
- (6) The scalability of the proposed project network to support the deployment of higher broadband speeds over time;
- (7) The likelihood that the area will not be served with broadband service without such state or federal funding;
- (8) The applicant's ability to demonstrate the community's support for the project and a collaborated plan to leverage broadband services for community needs and economic development, such as rural development, education, tourism, new investment, or business attraction or retention;
- (9) A preference for those applications seeking to deploy and provide broadband services to areas in which there is currently no fixed terrestrial internet access service available;
- (10) Subject to subparagraph 9 above, no discrimination or preference to applications on the basis of the type of technology proposed by any applicant to be used to provide broadband services so long as the technology proposed meets the federal guidelines;
- (11) The size and scope of the project area to be deployed; and
- (12) The broadband service speed thresholds proposed in the application and the scalability of the broadband service network infrastructure proposed to be deployed to provide broadband service to households and businesses (with projects that do not meet the 100/100 Mbps symmetrical speed being subject to heightened review unless the applicant demonstrates excessive deployment costs per location or geographic barriers precluding such speeds).

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 4.3 Requests for Additional Information or Clarification. The Office may seek additional information or clarification from an applicant during the initial review process if the Office determines such is necessary for an informed review of an application. An applicant's refusal to provide such information will be a basis for denial of the application being considered.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 4.4 Preliminary Determinations. After its initial review is completed, for grants funding broadband deployment, BEAM will publish on its website: the identity of each application project receiving a preliminary determination; the proposed geographic broadband service area for each application that receives a preliminary determination illustrated by a shapefile; and the proposed broadband service speeds for each application that receives a preliminary determination. No information exempt from disclosure under the BEAM Act shall be published.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Part 12 Chapter 5: Investigation of Comments and Objections; Final Determinations.

Rule 5.1 Comments or Objections. For a period of thirty (30) days following the publication on BEAM's website of the preliminary determinations for grants funding broadband deployment, BEAM shall accept comments or objections concerning the preliminary determinations. Said comments or objections should be submitted BEAM via email addressed to comments@beam.ms.gov and must be received by BEAM within this thirty-day period.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 5.2 Investigation of Comments or Objections. The Office will investigate all comments and objections received, and the findings from those investigations will be considered in determining whether an applicant is eligible for a final determination and award for grants funding broadband deployment. A final determination and award shall not be made to an applicant if verifiable information is made available that shows the proposed project includes an area where broadband services currently are deployed, or where construction of a network to deploy broadband service is underway by a provider other than the applicant, and the construction is scheduled to be completed within one (1) year after the date of the application.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 5.4 Final Determinations. The Office will publish final determinations on its website as to applications to be awarded grant funds. No information exempt from disclosure under the BEAM Act will be included in the publication.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Part 12 Chapter 6: Compliance Monitoring.

Rule 6.1 Monitoring of compliance with grant requirements. Ongoing compliance with the requirements of any grant award will be monitored by the BEAM Office. Any such monitoring shall comply with state and federal law.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Part 12 Chapter 7: Protection of Confidential Information; Public Records Access.

Rule 7.1 Limitation on data required to be submitted by broadband service providers. In accordance with Section 4(2)(d) of the BEAM Act, a broadband service provider shall in no instance be required to provide any data beyond that which it is required to provide to the Federal Communications Commission pursuant to 47 U.S.C. § 641 *et seq.*

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 7.2 Protection of Confidential Information from Disclosure under BEAM Act. Information described below in subsections (1) and (2) that is received by the Office is confidential and not subject to disclosure except as provided by the BEAM Act or any applicable federal law.

(1) All information provided by a broadband service provider pursuant to the BEAM Act shall be presumed to be confidential, proprietary, and subject to exemption from disclosure under state and federal law and shall not be subject to disclosure except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service providers is not disclosed. Such provider-specific information shall not be released to any person without written permission of the submitting broadband service provider.

(2) Any trade secrets, financial information, or proprietary information submitted under the BEAM Act by any person or entity as part of an application or challenge are exempt from disclosure under the Mississippi Public Records Act, Section 25-61-1 *et seq.*

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 7.3 Requests for access to public records. Records of the Office not protected from disclosure under the BEAM Act or other laws are available for inspection and copying pursuant to the procedures set forth in the Mississippi Administrative Code, Title 12 (Finance and Administration), Part 2 (Public Records Request Procedures), Chapter 1 (Rules for Accessing Public Documents), as adopted by the Mississippi Department of Finance and Administration.

Source: Miss. Code Ann. §§ 77-19-1 *et seq.*; Miss. Code Ann. § 25-61-5.

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Rule 1.3 Adoption of Rules. BEAM has authority under the BEAM Act to develop rules and procedures as necessary to implement broadband grant programs. Such rules will be adopted in accordance with the procedures required under the Mississippi Administrative Procedure Law, Miss. Code Ann. § 25-43-1.101 *et seq.*

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 1.4 Definitions. In these rules (Title 12, Part 12), the following definitions apply, unless otherwise noted:

(l) “Applicant” means an eligible broadband service provider that has authorization to do business in this state and has demonstrated that it has the technical, financial and managerial resources and experience to provide broadband services in the state to retail end users.

(2) “Broadband service” means a mass-market retail service by wire, cable, fiber, or radio provided to customers in the State of Mississippi that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, at speeds of at least one hundred (100) megabits per second downstream and twenty (20) megabits per second upstream, and including, but not limited to, any capabilities that are incidental to and enable the operation of communications service, but excluding dial-up Internet access service.

(3) “Office” means the Office of Broadband Expansion and Accessibility of Mississippi (BEAM) within the Department of Finance and Administration created in Section 3 of the BEAM Act, and is also referred to herein as “BEAM.”

(4) “Deployed” means, with respect to availability of broadband service at a location, when the person or entity has access regardless of whether a person or entity subscribes to the broadband service at the location.

(5) “Eligible broadband service provider” means any company, firm, corporation, limited liability company, partnership, or association (i) that has been providing broadband service to at least one hundred (100) residences and businesses in Mississippi for at least three (3) consecutive years; (ii) is an electric power association’s broadband affiliate operating pursuant to Miss. Code Ann. § 77-17-1 *et seq.*; or (iii) that has demonstrated financial, technical, and operational capability in building and operating a broadband network.

(6) “Eligible project” means a discrete and specific project located in an unserved or underserved area of the state seeking to provide broadband services to residences, businesses, and community institutions not currently available for service in accordance with the applicable federal guidelines.

(7) “Shapefile” means a digital storage format containing geospatial or location-based data and attribute information regarding the availability of broadband Internet access service, and that can be viewed, edited, and mapped in geographic information system software.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 1.5 Applicable Federal Law. In accordance with Miss. Code Ann. § 77-19-9(b), federal laws, rules, regulations, and guidance specific to any federal grant programs from which BEAM grants are awarded shall supersede in any instance where the BEAM Act or any BEAM Rule conflicts with said federal authorities.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Part 12 Chapter 2: BEAM Fund Grant Programs—General Information

~~*Rule 2.1 Objectives of BEAM Fund Grant Programs.* The goal of the State and BEAM is to use sources within the BEAM Fund to provide connectivity for as many Mississippians as possible by expanding accessibility of broadband service within the state.~~ **BEAM Fund Capital Projects Fund (“CPF”) Grant Program.** The United States Department of Treasury (“Treasury”)

allocated to the State of Mississippi \$162,609,351.00 from the Coronavirus Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act (“ARPA”) of 2021, and has authorized BEAM to oversee the awarding of grants from these funds to eligible subrecipients for broadband projects.

Source: 2022 Miss. Laws, Ch. 397 (H.B. No. 1029) Miss. Code Ann. §§ 77-19-1 et seq.

Rule 2.1.2 Categories of CPF Grants. The BEAM Fund CPF Grant Programs will provide grants in different categories to provide opportunities for the variety of circumstances, subscribers, and providers in Mississippi. The categories existing as of the time of the adoption of this rule are: ~~as discussed herein. Any additional categories will be addressed through amendment to this rule in accordance with the Mississippi Administrative Procedures Law, Miss. Code Ann. § 25-43-1.101 et seq.~~

(1) Broadband Infrastructure: This category will provide grants to fund large scale projects designed to serve sizable numbers of targeted addresses and will reimburse awardees for actual capital expenses up to a maximum project cost identified in the award. Costs must be a directly related upfront investment associated with installing or upgrading existing broadband facilities on the proposed project on a one-time, capital improvement basis. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least 20% are required and additional matching funds will have a positive impact on application scoring.

(2) Line Extension and Deployment: This category will provide grants for the extension of existing last-mile cable modem and fiber broadband networks, provided the extension can be constructed quickly. Internet service providers are eligible if they have an existing fiber to the premises or an existing cable network offering service of at least 100 Mbps download and 20 Mbps upload to mass-market users that can be extended to unserved premises. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least \$500 per address passed by fiber or cable lines funded by the program are required.

(3) ARPA Broadband Communities: This category will promote private and public partnerships for projects where the applicant partners with a county, municipality, or an affiliated organization (economic development corporation, regional planning and development council, etc.) that dedicates funds through the American Rescue Plan Act (ARPA), or other funding, to a broadband development initiative. Before applying for such grants, the applicant must have in place a written agreement with the county, municipal government, or affiliated organization and provide appropriate documentation, including official board action of the county, municipality, or affiliated organization authorizing said agreement and reflecting the commitment of ARPA or other funding. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. Matching funds of at least 50% are required and additional matching funds will have a positive impact on application scoring.

(4) Digital Connectivity Technology: The digital connectivity category of the BEAM Fund CPF Grant Programs will provide funds for technology projects installed as part of public wi-fi infrastructure (e.g., access points, repeaters, routers). Before applying for such grants, applicants must have in place a written agreement with a county, municipality, or an affiliated organization (economic development corporation, regional planning and development council, etc.) seeking to provide public wi-fi service and must provide appropriate documentation, including official board action of the county, municipality, or affiliated organization authorizing said agreement. Applicants must also demonstrate affordability as a barrier to local broadband adoption and use. Funding from the American Rescue Plan Capital Projects Fund will provide the sole source of funding for the initial round of awards in this category. A match of ~~20~~33% of total project costs is required and additional matching funds will have a positive impact on application scoring.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 2.1.3 Common requirements of CPF broadband infrastructure categories. All ~~e~~Categories 1, 2, and 3 of the BEAM Fund CPF Grant Programs share the following requirements:

- (1) Limited to projects in locations in which at least 80 percent of the residences, businesses, and community institutions are without access to broadband service as defined in Rule 1.4(2);
- (2) Download speeds of 100 Mbps and upload speeds of at least 20 Mbps, with demonstrated scalability to 100 Mbps;
- (3) Project costs limited to new construction and may be directly related to the upfront investment associated with installing and/or upgrading existing broadband facilities on a one-time capital improvement basis.
- (4) Awards limited to \$5 million per project unless substantial justification for a higher amount is presented to and approved by BEAM, with projects being reimbursed for actual capital expenses up to the maximum project cost identified in the award;
- (5) Disbursements to be made from the BEAM Fund by the Department of Finance and Administration following provision by the grantee of verifiable information that moneys were expended consistent with the terms of the final determination awarded by BEAM and any requirements of applicable federal law;
- (6) Projects which are selected may be reimbursed for actual capital expenses up to the maximum project cost identified in the award.
- (7) Participation in the Affordable Connectivity Program or such other low-cost program as required by Treasury.
- (8) Funding shall not be used for costs that are reimbursable by other federal funding streams but may be used for complementary funding;

(9) Projects that incidentally cover served addresses may be reimbursable if the expenditure is not solely to benefit a served address, but customer drops, installations, and equipment at incidentally served addresses are not eligible for reimbursement; and

(10) Compliance with all state and federal laws, rules, regulations, and guidance is required.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~Miss. Code Ann. §§ 77-19-1 et seq.

Rule 2.1.4 Eligible entities for grants. Entities eligible for funding in these categories shall be those as defined in the Federal Guidance for the Coronavirus Capital Project Funds §1(A) or other applicable federal law that also meet the definition of an applicant as set forth in ~~the BEAM Act § 2(a)~~Miss. Code Ann. § 77-19-3(a) and in these rules.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~Miss. Code Ann. §§ 77-19-1 et seq.

Rule 2.1.5 Eligible areas for grants. All areas in Mississippi without broadband service as defined in Rule 1.2(4) are eligible for funding under the BEAM Fund CPF Grant Programs in the categories provided in Rule 2.2.1(1)-(4). No final award will be made if the proposed project includes an area where broadband is currently deployed, or where construction of a network to deploy broadband service is underway by a provider other than the applicant, and the construction is scheduled to be completed within one year after the date of the application. Areas with no current access to internet service with at least 25 Mbps download and 3 Mbps upload (25/3) are considered critical need areas. Addresses with current or future access to service only by satellite providers or mobile wireless networks are also considered critical need areas. Eligible areas of critical need will be determined by census block based on FCC data as supplemented by current state data and posted on BEAM's website in advance of the opening of the application window.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~Miss. Code Ann. §§ 77-19-1 et seq.

Rule 2.2 BEAM Fund Broadband Equity, Access, and Deployment (“BEAD”) Grant Program.

The BEAD program was authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title 1, Section 60102, Public Law 117-58, 135 Stat. 429 (November 15, 2021) also known as the Bipartisan Infrastructure Law. The BEAD program has allocated \$1,203,561,563.05 to Mississippi for the construction of broadband networks and other activities designed to close the digital divide in the state.

Source: Miss. Code Ann. § 77-19-1 et seq.

Rule 2.2.1 Federal Agency. The BEAD program is administered by the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce. The NTIA has issued a Notice of Funding Opportunity (NOFO),³ and other guidance documents which are available on NTIA's website, broadbandusa.ntia.gov. Applicants for BEAD grants should be familiar and are required to comply with all applicable provisions of such documents and all controlling federal laws, rules, regulations, and guidance regarding the BEAD Program.

³ Available at <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.2 BEAD Grant Program Description. The BEAD Grant Program provides federal funding for broadband planning, deployment, mapping, equity, and adoption activities. The BEAD Program’s focus is on deploying broadband service to unserved locations—defined by the NTIA as those without any broadband service at all or with service offering speeds less than 25 Mbps downstream/3 Mbps upstream—and underserved locations defined by the NTIA as those without broadband service with speeds of 100 Mbps downstream/20 Mbps upstream. The BEAD Program also seeks to prioritize deployment to community anchor institutions as defined in the federal BEAD NOFO. Deployment to unserved and underserved areas and to community anchor institutions are considered “last-mile broadband deployment projects.” Assuming those needs are met and any BEAD funding remains, the BEAD Program allows grants to be awarded for “non-deployment uses.”

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.3 BEAD Grant Program Procedures. The procedures for applying for a grant under the BEAD program and the governing parameters of such grants are set forth in BEAM’s Initial Proposal Volumes 1 and 2, as approved by the NTIA and available on BEAM’s website, and applicants will be required to comply with those terms.

As set forth more fully in Volumes 1 and 2 of BEAM’s Initial Proposal for the BEAD Grant Program, BEAM will seek applications from qualified applicants to provide broadband services to predefined geographic areas which BEAM has determined are unserved or underserved. As discussed in Sections 2.4.3 and 2.4.6 of Volume 2, to finalize its list of these predefined geographic areas, BEAM will require broadband service providers to complete, through a secure portal on BEAM’s website and in a format specified by BEAM, a letter of intent process addressing, among other things, the provider’s interest in specific project areas, and providing responses to prequalification questions to ensure the provider meets eligibility requirements. All information provided through the letter of intent process will be reviewed to gauge interest and assess alignment with the predefined project areas and to re-define the project areas, if necessary, to ensure optimal participation and broadband deployment. The timely submission of a completed letter of intent is a prerequisite to filing an application, and BEAM may waive the requirement only for good cause shown.

Once the project areas are finalized, BEAM will open the portal for applications to be submitted for BEAD grants as set forth in BEAM’s Initial Proposal.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.2.4 Coordination with Mississippi 811 to prevent buried utility damage. Broadband service providers receiving a BEAD Award (subgrantees) must agree to hold a preconstruction meeting with a representative from Mississippi 811, the subgrantee’s contractors and subcontractors, the relevant county administrators or their designees, and buried utility owners, operators, and locators, at least thirty (30) days prior to the commencement of excavation. The

subgrantee shall coordinate with Mississippi 811 as to the date, time, location, and appropriate attendees for such meeting. The subgrantee shall present at the preconstruction meeting a proposed excavation plan and receive comments from the attendees regarding any recommended changes. Within ten (10) days following the preconstruction meeting, the subgrantee shall provide all attendees and BEAM with its written excavation plan, incorporating changes made to the excavation plan as a result of the preconstruction meeting, if any. The excavation plan shall include, at a minimum:

- A. Prints/maps of the excavation route that includes which side of the road/street excavation will take place;
- B. The expected start and end dates for excavation routes within the project area;
- C. A list of the types of equipment that will be used for excavation in the project areas;
- D. A list of all contractors and subcontractors that will be working in the area and their contact information;
- E. A timeline of the project;
- F. Contact information for the subgrantee’s project manager or someone with authority to resolve unexpected issues.

The subgrantee shall periodically update such excavation plan, as necessary, and provide any updates to all meeting attendees and BEAM.

BEAM reserves the right to require additional meetings to be held if BEAM determines such to be necessary.

The requirements in this rule do not alter, amend, or abrogate any party’s legal obligation to comply with the Mississippi DIG Law, Miss. Code Ann. § 77-13-1, *et seq.*

A subgrantee’s failure to comply with the foregoing may result in loss/delay of grant funds.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3 BEAM Fund Digital Skills and Accessibility (“DSA”) Capacity Grant Program. The federal government has allocated to the State of Mississippi approximately \$10.7 million under the State Digital Equity Capacity Grant Program authorized by § 60304(d) of the Infrastructure Investment and Jobs Act of 2021, Division F, Title III, Public Law 117-58, 135 Stat. 429, 1209 (November 15, 2021) (“Infrastructure Act”), also known as the Digital Equity Act of 2021, 42 U.S.C. § 1701 *et seq.* In accordance with 47 U.S.C. § 1723(b), and pursuant to BEAM’s authority under Miss. Code Ann. § 77-19-7(2)(a), (b), and (e), Governor Tate Reeves has appointed BEAM to serve as the administering entity for the funds received by the State from this federal grant program.

Under this grant program, BEAM will be awarding funds for the implementation of the State of Mississippi Digital Skills and Accessibility Plan (“DSA Plan”), approved by the National Telecommunications and Information Administration (“NTIA”), U.S. Department of Commerce,

in April 2024. A copy of the DSA Plan is available on BEAM’s website under the Digital Skills & Accessibility tab.⁴

A portion of Mississippi’s allocation will be provided by BEAM to other Mississippi public entities, as approved by the NTIA, in implementing the goals of the DSA Plan. In addition, BEAM will allocate approximately \$5 million of its Capacity Grant funding to awarding grants through a competitive process to eligible entities as defined by federal laws, rules, regulations, and guidance governing the Capacity Grant Program. Applicants for these awards should be familiar with, and are expected to comply with, all applicable federal laws, rules, regulations, and guidance, including the Notice of Funding Opportunity State Digital Equity Capacity Grant Program issued by the NTIA.

Source: Miss. Code Ann. § 77-19-1 et seq.

Rule 2.3.1 Purposes of Capacity Grant Program Awards. Grants awarded through the competitive process will be made to entities who can assist in implementing the goals and objectives discussed in the DSA Plan except for those regarding broadband deployment. “Covered populations” discussed in the DSA Plan are defined in 47 U.S.C. § 1721(8).

Source: Miss. Code Ann. § 77-19-1 et seq.

Rule 2.3.2 Eligible Entities. In accordance with the Digital Equity Act, 42 U.S.C. § 1723(d)(3)(D)(iii)(I), eligible entities for awards in the competitive grant program of the BEAM Capacity Fund Grant Program will be those entities listed in 47 U.S.C. § 1724(b) that are located in the State of Mississippi. Any conflict with the definitions provided in Rule 1.4 herein is superseded by the federal statute.

Source: Miss. Code Ann. § 77-19-1 et seq.

Rule 2.3.3 Application Process. Because the grants to be awarded under this Capacity Grant Program focus on the DSA Plan’s goals of ensuring affordability of broadband services, training of digital skills, and the provision of devices to make use of broadband services, many of the factors to be considered in grants regarding broadband deployment are not applicable. The Capacity Grant Program application process will be governed by Rules 3.1, 3.2, and 4.1 herein. Information required to be included in the applications will be shown in the application form made available on BEAM’s website prior to the opening of the application portal.

Source: Miss. Code Ann. § 77-19-1 et seq.

Rule 2.3.4 Initial Review of Applications. After the closing of the application portal, BEAM will conduct an initial review of all applications to ensure they meet the stated eligibility criteria and contain all required information. BEAM will follow Rule 4.3 herein if any additional information is needed.

Source: Miss. Code Ann. § 77-19-1 et seq.

⁴ See <https://www.beam.ms.gov/sites/beam/files/23.04%20DSA%20Plan%20Final%20Approved%20Version.pdf>.

Rule 2.3.5 Evaluation Process. Those applications passing the initial review will then be evaluated based on the predefined criteria set forth in the scoring rubric. Each application will be objectively scored, and then scores from the initial eligibility review and the evaluation will be compiled and analyzed to identify the top-scoring applications.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.6 Publication of Preliminary Results. All applicants will receive timely notification of whether their application was successful or not. BEAM will also publicly disclose the list of selected subgrantees, along with brief descriptions of their proposed projects or actions for which funds will be awarded.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Rule 2.3.7 Objections to Preliminary Determinations and Investigation of Same. Following publication of the preliminary results, BEAM will allow objections to be submitted in accordance with Rule 5.1 herein, and will expeditiously investigate said objections in accordance with the first sentence of Rule 5.2 herein. Thereafter, final results will be published as provided in Rule 5.4 herein. Selected subgrantees will then enter into a formal subgrant agreement with BEAM.

Source: Miss. Code Ann. § 77-19-1 *et seq.*

Part 12 Chapter 3: BEAM Fund Grant Programs – Application Process

Rule 3.1 Notification. BEAM will provide on its website: advance notice of the date any application window will be opened for acceptance of applications; the date that any application window will be closed; an application form for the grant in question; and the scoring criteria to be used by BEAM in reviewing the grant applications. A link on BEAM’s website will allow persons to submit an email address to which they wish to receive automatic email notifications from BEAM.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 3.2 Electronic submission of applications. Grant applications must be submitted electronically through BEAM’s online grant portal, the link of which will be on BEAM’s website at www.beam.ms.gov.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 *et seq.*

Rule 3.3 Required information. Each applicant for grants funding broadband deployment will be required to provide the following information:

- (1) The location of the project by use of a shapefile and, if required, address level location data;
- (2) The type and amount of broadband infrastructure to be deployed for the project, including the amount the applicant intends to invest in the project from private funds;

- (3) Evidence regarding the nature of the broadband service, if any, available in the community in which the project is to be located;
- (4) The number of households, businesses, community anchor institutions, or other entities that will have access to broadband service as a result of the project, or whose Internet access service will be upgraded to broadband service as a result of the project;
- (5) The significant community institutions that will benefit from the proposed project;
- (6) Evidence of community support for the project with a narrative description of the impact that the investment will have on community and economic development efforts in the area;
- (7) The total cost of the project and a detailed budget and schedule for the project (showing major milestones), including the submission of a business plan that provides for the use of funds provided under the BEAM Act, shows all other sources of funding for the project, and confirms that BEAM grant funds shall not be used to support the operational expenses of the network or to subsidize any other service provided by the applicant;
- (8) The broadband service provider's experience and financial capabilities to deploy, operate, and manage the proposed project and broadband service offerings, including any evidence of the applicant's successful operations of broadband services to retail end users, as well as evidence that the broadband service provider can meet all applicable federal grant program requirements;
- (9) The network technology standard to be used;
- (10) Service tiers and costs where applicable, including any low cost options;
- (11) Whether the applicant is willing to use Mississippi-based employees to the fullest extent possible if awarded grant funds; and
- (12) Any additional information that BEAM may deem necessary for its consideration of the application and is requested by BEAM during the review process.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Part 12 Chapter 4: Application Review Process and Preliminary Determinations.

Rule 4.1 Scoring Rubric. Applications will be competitively scored using the rubric of requirements published on the BEAM website prior to the opening of the application window.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 4.2 Initial review of applications. After the closing of the application window, the Office will review all applications thoroughly and expeditiously. In conducting this review, the Office shall consider the following guidelines and factors for grants funding broadband deployment:

- (1) Funds for the grant programs must only be used by applicants for projects that exclusively extend broadband service as defined herein into areas of the state without such service;
- (2) Funds from federal broadband grant programs must be spent in accordance with federal laws, rules, regulations, and guidance, and federal laws, rules, regulations, and guidance shall supersede in any instance where the BEAM Act conflicts;
- (3) The applicant's experience and financial wherewithal to deploy, operate, and manage the proposed project and broadband service offerings, including evidence of the applicant's successful operations of broadband services to retail end users;
- (4) The readiness to build, operate, and maintain the project;
- (5) Projects that will deploy broadband service to critical need areas;
- (6) The scalability of the proposed project network to support the deployment of higher broadband speeds over time;
- (7) The likelihood that the area will not be served with broadband service without such state or federal funding;
- (8) The applicant's ability to demonstrate the community's support for the project and a collaborated plan to leverage broadband services for community needs and economic development, such as rural development, education, tourism, new investment, or business attraction or retention;
- (9) A preference for those applications seeking to deploy and provide broadband services to areas in which there is currently no fixed terrestrial internet access service available;
- (10) Subject to subparagraph 9 above, no discrimination or preference to applications on the basis of the type of technology proposed by any applicant to be used to provide broadband services so long as the technology proposed meets the federal guidelines;
- (11) The size and scope of the project area to be deployed; and
- (12) The broadband service speed thresholds proposed in the application and the scalability of the broadband service network infrastructure proposed to be deployed to provide broadband service to households and businesses (with projects that do not meet the 100/100 Mbps symmetrical speed being subject to heightened review unless the applicant demonstrates excessive deployment costs per location or geographic barriers precluding such speeds).

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 4.3 Requests for Additional Information or Clarification. The Office may seek additional information or clarification from an applicant during the initial review process if the Office

determines such is necessary for an informed review of an application. An applicant's refusal to provide such information will be a basis for denial of the application being considered.

Source: ~~2022 Miss. Law, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 4.4 Preliminary Determinations. After its initial review is completed, for grants funding broadband deployment, BEAM will publish on its website: the identity of each application project receiving a preliminary determination; the proposed geographic broadband service area for each application that receives a preliminary determination illustrated by a shapefile; and the proposed broadband service speeds for each application that receives a preliminary determination. No information exempt from disclosure under the BEAM Act shall be published.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Part 12 Chapter 5: Investigation of Comments and Objections; Final Determinations.

Rule 5.1 Comments or Objections. For a period of thirty (30) days following the publication on BEAM's website of the preliminary determinations for grants funding broadband deployment ~~on BEAM's website~~, BEAM shall accept comments or objections concerning the preliminary determinations. Said comments or objections should be submitted ~~in writing~~ to BEAM via email addressed to comments@beam.ms.gov (email is acceptable) and must be received by BEAM within this thirty-day period.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 5.2 Investigation of Comments or Objections. The Office will investigate all comments and objections received, and the findings from those investigations will be considered in determining whether an applicant is eligible for a final determination and award for grants funding broadband deployment. A final determination and award shall not be made to an applicant if verifiable information is made available that shows the proposed project includes an area where broadband services currently are deployed, or where construction of a network to deploy broadband service is underway by a provider other than the applicant, and the construction is scheduled to be completed within one (1) year after the date of the application.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 5.4 Final Determinations. The Office will publish final determinations on its website as to applications to be awarded grant funds. No information exempt from disclosure under the BEAM Act will be included in the publication.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Part 12 Chapter 6: Compliance Monitoring.

Rule 6.1 Monitoring of compliance with grant requirements. Ongoing compliance with the requirements of any grant award ~~may~~ will be monitored by the BEAM Office. Any such

monitoring shall comply with state and federal law.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Part 12 Chapter 7: Protection of Confidential Information; Public Records Access.

Rule 7.1 Limitation on data required to be submitted by broadband service providers. In accordance with Section 4(2)(d) of the BEAM Act, a broadband service provider shall in no instance be required to provide any data beyond that which it is required to provide to the Federal Communications Commission pursuant to 47 U.S.C. § 641 et seq.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 7.2 Protection of Confidential Information from Disclosure under BEAM Act. Information described below in subsections (1) and (2) that is received by the Office is confidential and not subject to disclosure except as provided by the BEAM Act or any applicable federal law.

(1) All information provided by a broadband service provider pursuant to the BEAM Act shall be presumed to be confidential, proprietary, and subject to exemption from disclosure under state and federal law and shall not be subject to disclosure except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband service providers is not disclosed. Such provider-specific information shall not be released to any person without written permission of the submitting broadband service provider.

(2) Any trade secrets, financial information, or proprietary information submitted under the BEAM Act by any person or entity as part of an application or challenge are exempt from disclosure under the Mississippi Public Records Act, Section 25-61-1 et seq.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.

Rule 7.3 Requests for access to public records. Records of the Office not protected from disclosure under the BEAM Act or other laws are available for inspection and copying pursuant to the procedures set forth in the Mississippi Administrative Code, Title 12 (Finance and Administration), Part 2 (Public Records Request Procedures), Chapter 1 (Rules for Accessing Public Documents), as adopted by the Mississippi Department of Finance and Administration.

Source: ~~2022 Miss. Laws, Ch. 397 (H.B. No. 1029)~~ Miss. Code Ann. §§ 77-19-1 et seq.; Miss. Code Ann. § 25-61-5.