

# **BROADBAND EXPANSION IN LOUISIANA**

**LOUISIANA PUBLIC SERVICE COMMISSION  
AND OFFICE OF BROADBAND DEVELOPMENT  
AND CONNECTIVITY**

**PERFORMANCE AUDIT SERVICES**

**Issued May 29, 2024**

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May 29, 2024

The Honorable J. Cameron Henry, Jr.  
President of the Senate  
The Honorable Phillip DeVillier,  
Speaker of the House of Representatives

Dear Senator Henry and Representative DeVillier:

This report provides information on three federally-funded broadband expansion programs in Louisiana – the Rural Digital Opportunity Fund (RDOF) program, the American Rescue Plan Act Capital Projects Fund (ARPA-CPF) program, and the Broadband Equity, Access, and Deployment (BEAD) Program.

The purpose of this report was to provide information on the broadband expansion programs, evaluate the Louisiana Public Service Commission's (LPSC) role in designating and re-certifying telecommunication providers that receive RDOF funds, provide information on ConnectLA's coordination of the expansion and accessibility of broadband services, and identify challenges and opportunities related to broadband expansion.

We found that it is unclear whether all RDOF providers will meet the service milestones set by the Federal Communications Commission (FCC). The FCC requires RDOF providers to provide broadband service to 40% of their awarded locations by the end of the third calendar year. However, as of December 2023, three of the 12 providers in Louisiana were still in planning, and approximately 14,500 of the 146,203 RDOF-funded locations had broadband access.

In addition, as of March 2024, the majority of the Granting Unserved Municipalities Broadband Opportunities (GUMBO) 1.0 projects were in the planning and execution stages. According to ConnectLA (the state Office of Broadband Development and Connectivity), 12,245 of the 66,351 obligated GUMBO 1.0 locations had been served as of March 2024.

We also found that LPSC could improve its oversight of RDOF providers by ensuring they comply with the commission's orders and by reviewing all project information before annually certifying providers.

We found as well that ConnectLA's duties include monitoring the 74 GUMBO 1.0 projects, planning and coordinating the BEAD GUMBO 2.0 program, and developing and implementing the state's digital equity plan. However, ConnectLA's

staffing is lower than recommended by the federal government, and the office is set to close before the GUMBO 2.0 projects are complete.

Additionally, we found that ConnectLA's map challenge process ended in January 2024, and the results are awaiting approval from the National Telecommunications and Information Administration. Since ConnectLA has already determined locations eligible for GUMBO 2.0 funding, any defaults by Louisiana RDOF providers could result in broadband access gaps in rural areas of the state.

We found, too, that ConnectLA has primarily addressed ways to reduce state-level barriers to broadband expansion; however, many of the delays in the development of broadband infrastructure exist at the local level.

The report contains our findings, conclusions, and recommendations. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Louisiana Public Service Commission and ConnectLA for their assistance during this audit.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA  
Legislative Auditor

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BROADBAND

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# Louisiana Legislative Auditor

Michael J. "Mike" Waguespack, CPA



## Broadband Expansion in Louisiana Louisiana Public Service Commission and Office of Broadband Development and Connectivity

May 2024

Audit Control # 40230022

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### Introduction

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This report provides information on three federally-funded broadband expansion programs in Louisiana: (1) the Rural Digital Opportunity Fund (RDOF) program; (2) the American Rescue Plan Act Capital Projects Fund (ARPA-CPF) program; and (3) the Broadband Equity, Access, and Deployment (BEAD) Program. Federal agencies, such as the Federal Communications Commission (FCC), the U.S. Department of the Treasury, and the U.S. Department of Commerce, allocate funding through these programs to broadband service providers (providers) and states to support broadband expansion.

**Broadband:** high-speed internet access that is always on and faster than traditional dial-up access. Broadband includes several high-speed transmission technologies, such as fiber, wireless, satellite, digital subscriber line and cable.

**Source:** [National Telecommunications and Information Administration \(NTIA\), U.S. Department of Commerce](#)

The three programs mentioned above will provide up to \$1.8 billion in federal funding to connect all citizens of Louisiana with high-speed internet through grants to telecommunications providers. Exhibit 1 provides information on the amounts of funding received and number of business or residential locations that will receive broadband service through each program. Appendix C provides additional background information on the RDOF and Granting Unserved Municipalities Broadband Opportunities (GUMBO 1.0) programs in Louisiana.<sup>1</sup>

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<sup>1</sup> The GUMBO grant program was established by Act 477 of the 2021 Regular Legislative Session. It funds eligible broadband projects, through a competitive grant application process, in economically-distressed parishes of the state.

<b>Exhibit 1 Federal Programs Funding Broadband Expansion in Louisiana</b>				
<b>Federal Program</b>	<b>Program Description</b>	<b>Federal and State Agencies Involved</b>	<b>Amount of Funding Allocated to Louisiana</b>	<b>Number of Locations Obligated in Louisiana*</b>
Rural Digital Opportunity Fund (RDOF)	Provided \$20.4 billion in January 2020 to telecommunications providers to bring high-speed fixed broadband service to rural homes and small businesses	FCC and Louisiana Public Service Commission (LPSC)	\$315,457,426	146,203
American Rescue Plan Act Capital Project Fund (ARPA-CPF)	Provided \$10 billion to states to fund critical capital projects that enabled work, education, and health monitoring in response to the COVID-19 public health emergency.	U.S. Department of Treasury and Louisiana Office of Broadband Development and Connectivity (ConnectLA) <b>(GUMBO 1.0 program)</b>	131,413,132	66,351
Broadband Equity, Access, and Deployment (BEAD) Program	Provided \$42.45 billion to states to expand high-speed Internet access by funding planning, infrastructure deployment and adoption programs in all 50 states.	U.S. Department of Commerce and ConnectLA <b>(GUMBO 2.0 program)</b>	1,355,554,553	149,989**
<b>Total</b>			<b>\$1,802,425,111</b>	<b>362,543</b>
<p><b>Note:</b> There are other older/smaller federal programs funding broadband expansion in Louisiana that are not included in this exhibit, including the FCC’s Connect America Fund and USDA’s ReConnect Program.</p> <p>*A business or residential location in the U.S. at which broadband internet service is to be installed.</p> <p>** The BEAD program requires states to complete a challenge process to correct inaccuracies in the state’s broadband map and identify locations that lack broadband access and are eligible for BEAD funding. ConnectLA’s map challenge results are pending NTIA approval as of April 2024.</p> <p><b>Source:</b> Prepared by legislative auditor’s staff using information from the FCC, U.S. Department of Treasury, U.S. Department of Commerce, and ConnectLA.</p>				

The COVID-19 pandemic has underscored the importance of access to broadband and the “digital divide” between those who have access and those who do not.

**Source:** [GAO-22-104611](https://www.gao.gov/products/GAO-22-104611)

According to the U.S. Government Accountability Office (GAO), broadband, or high-speed internet, has become critical for daily life as everyday activities like work, school, health care appointments, and access to economic opportunity and civic engagement increasingly occur online. Access to broadband in Louisiana falls short of the national average, with 85.1% of Louisiana residents having broadband connections compared to 89.9%

of all U.S. residents.<sup>2</sup> The “digital divide” in Louisiana includes 656,000 homes and businesses without high-speed internet, 460,000 working-age adults without adequate digital skills, and 137,000 households without digital devices.

**Role of State Agencies Administering Federal Grant Funds.** The LPSC provides oversight over the providers who received RDOF funds in Louisiana. The FCC selected providers through an auction process: a short application to bid in the auction, followed by auction bidding, and then a longer application process after the auction ended to determine whether winning bidders were technically and financially qualified to receive funding. The Office of Broadband Development and Connectivity (ConnectLA)<sup>3</sup> administers ARPA-CPF and BEAD funding through the state’s GUMBO grant program. ConnectLA accepted, reviewed, and selected applications for ARPA-CPF-funded broadband expansion projects through the GUMBO grant program (GUMBO 1.0) in November 2022.<sup>4</sup> Similarly, ConnectLA will administer future broadband expansion projects funded by BEAD funds through the GUMBO grant program (GUMBO 2.0). Their responsibilities are summarized below.

- **Louisiana Public Service Commission (RDOF Program).** Although the FCC administers the RDOF program, the LPSC plays an important oversight role in the program. In order to participate in the RDOF program, broadband providers must obtain the eligible telecommunications carrier (ETC) designation from LPSC, and providers must be annually certified by LPSC stating that they are appropriately spending their RDOF funding in order to continue receiving RDOF funds. Therefore, we conducted a performance audit of LPSC’s role in designating, monitoring, and annually certifying RDOF providers.
- **ConnectLA (GUMBO 1.0 and Gumbo 2.0 Grant Programs).** In 2020, the legislature created ConnectLA within the Division of Administration to advance the expansion and accessibility of broadband services in the state.<sup>5</sup> Act 477 of the 2021 Regular Legislative Session established the GUMBO grant program. The GUMBO grant program funds eligible broadband projects through a competitive grant application process in economically distressed parishes throughout the state. Eligible areas for the GUMBO 1.0 grant program were areas without internet service that provided at least 25

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<sup>2</sup> [Louisiana’s Digital Opportunity Plan](#) was developed by ConnectLA in partnership with the Blanco Public Policy Center, which hosted focus groups and obtained input from other stakeholders, and was approved by the federal government in February 2024. It outlines Louisiana’s coordinated effort to assess the state’s digital divide and expand digital opportunity in the state of Louisiana.

<sup>3</sup> Within the Division of Administration.

<sup>4</sup> Applications received were evaluated and scored by ConnectLA based on 23 criteria such as applicant experience, technical ability, financial wherewithal, matching funds, local government support, the number of unserved locations affected, leveraging infrastructure, pricing and small business and veteran participation. Projects receiving the highest score were selected for awards.

<sup>5</sup> Act 24 of the 2020 Second Extraordinary Legislative Session

Mbps download and 3 Mbps upload transmission speeds.<sup>6</sup> We conducted an informational review of ConnectLA's role in administering GUMBO grant projects.

The objectives of this audit/review were:

- 1. To provide information on the status of federally-funded broadband projects in Louisiana**
- 2. To evaluate LPSC's role in designating and re-certifying telecommunication providers that received RDOF funds.**
- 3. To provide information on ConnectLA's coordination of the expansion and accessibility of broadband services in the state.**
- 4. To identify challenges and opportunities related to broadband expansion in Louisiana.**

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A-1 contains ConnectLA's response, and A-2 contains LPSC's response; Appendix B contains our scope and methodology; Appendix C contains background information on the RDOF and GUMBO 1.0 programs; and Appendix D contains best practices to address barriers to broadband expansion.

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<sup>6</sup> Act 288 of the 2022 Regular Legislative Session updated R.S. 51:2370.2 to clarify that federal funding shall not be used, directly or indirectly, to provide broadband internet service in any area of the state where broadband internet service of at least 100 Mbps download and 20 Mbps upload transmission speed is available from at least one internet service provider.



## Objective 1: To provide information on the status of federally-funded broadband projects in Louisiana.

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Overall, we found the following:

- **Based on their status updates, it is unclear whether all RDOF providers will meet the service milestones set by the FCC. The FCC requires that RDOF providers provide broadband service to 40% of their awarded locations by the end of the third calendar year.<sup>7</sup> However, as of December 2023, three (25.0%) of the 12 providers were still in planning, and approximately 14,500 (9.9%) of the 146,203 RDOF funded locations have broadband access.** In addition, due to RDOF's installation schedule, Louisiana will not know whether all RDOF providers will successfully complete their projects before BEAD funding is awarded, which could potentially lead to gaps in broadband services in rural areas of the state.
- **As of March 2024, the majority of GUMBO 1.0 projects were in the planning and execution stages. According to ConnectLA, 12,245 (18.5%) of the 66,351 obligated GUMBO 1.0 locations have been served as of March 2024.** ConnectLA also stated that providers had submitted payment requests for \$13.4 million (10.2%) of the \$131.4 million awarded, and ConnectLA had approved \$8 million (6.1%) for payment.

Our findings are discussed in more detail in the sections below.

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**Based on their status updates, it is unclear whether all RDOF providers will meet the service milestones set by the FCC. The FCC requires that RDOF providers provide broadband service to 40% of their awarded locations by the end of the third calendar year. However, as of December 2023, three (25.0%) of the 12 providers were still in planning, and approximately 14,500 (9.9%) of the 146,203 RDOF funded locations have broadband access.**

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<sup>7</sup> RDOF providers must offer voice and broadband service to 40% of their awarded locations by the end of the third full calendar year following funding authorization by the FCC.

When the FCC authorized the 12 RDOF providers to begin receiving RDOF funds, it also set service milestones for the providers to meet. Three (25.0%) providers must offer broadband service to 40% of their awarded locations by December 2024, and the remaining nine (75%) must offer broadband service to 40% of their awarded locations by December 2025. These providers are required to provide status updates to the Universal Service Administrative Company (USAC) and LPSC on their progress.<sup>8</sup> As of December 2023, status updates from eight providers<sup>9</sup> showed that their projects were between 11% and 47% complete.<sup>10</sup> In addition, two other providers indicated to LPSC that construction planning had begun; however, there was no significant broadband infrastructure completion as of December 2023.<sup>11</sup>

According to LPSC, as of December 2023, RDOF providers have offered broadband services to approximately 14,500 (9.9%) of the 146,203 locations to be served by RDOF funds. According to federal data, the 12 providers in Louisiana have received a total of \$59.9 million in RDOF funds as of November 2023 and, as of September 2023, 7,010 (4.79%) locations had been verified as receiving broadband services. Exhibit 2 shows the current project status, FCC service milestone dates, amount of RDOF funding received, and the number of locations with broadband access verified by the USAC in Louisiana.

**Exhibit 2**  
**RDOF Project Current Status, FCC Service Milestones, RDOF Funding Received, and Locations Verified by the USAC in Louisiana**

RDOF Providers	Current Status*	40% Service Milestone Date	100% Service Milestone Date	Total RDOF Funds Received**	Number of Locations Obligated	Locations verified by the USAC***
Allen's T.V. Cable Service, Inc.	Installation underway	12/31/2024	12/31/2027	\$83,553	620	83
AMG Technology Investment Group, LLC	In planning	12/31/2025	12/31/2028	862,728	1,916	
Brightspeed of Louisiana, LLC	Installation underway	12/31/2025	12/31/2028	3,123,749	7,616	
Cable One VOIP, LLC (Sparklight)	Installation underway	12/31/2025	12/31/2028	573	22	

<sup>8</sup> USAC is the independent not-for-profit designated by the FCC to administer RDOF and other federal programs that serve people in rural, underserved, and difficult-to-reach areas.

<sup>9</sup> Due to the confidential and proprietary nature of the information provided by RDOF providers to LPSC, the audit team was not able to review project status information submitted by several of the RDOF providers. LPSC provided the audit team a summary of the current status of RDOF projects in Louisiana based on the periodic updates it receives from each provider.

<sup>10</sup> Conexon Connect LLC, Charter Fiberlink LA-CCO LLC, Gonthier, Inc., Cox Louisiana Telecom LLC, Brightspeed of Louisiana, LLC, Allen's T.V. Cable Service, Inc., Volt Broadband LLC, and Cable One VOIP LLC (Sparklight)

<sup>11</sup> Southwest Arkansas Telecommunications and Technology, Inc. and Cebridge Telecom LA, LLC. The two providers that LPSC did not provide project status for are AMG Technology Investment Group, LLC and CableSouth Media III, LLC.

**Exhibit 2****RDOF Project Current Status, FCC Service Milestones, RDOF Funding Received, and Locations Verified by the USAC in Louisiana**

<b>RDOF Providers</b>	<b>Current Status*</b>	<b>40% Service Milestone Date</b>	<b>100% Service Milestone Date</b>	<b>Total RDOF Funds Received**</b>	<b>Number of Locations Obligated</b>	<b>Locations verified by the USAC***</b>
CableSouth Media III, LLC	Installation underway	12/31/2025	12/31/2028	\$26,092,604	52,430	
Cebridge Telecom LA, LLC	In planning	12/31/2025	12/31/2028	43,052	2,266	
Charter Fiberlink LA-CCO, LLC	Installation underway	12/31/2025	12/31/2028	5,409,887	25,386	5,608
Conexon Connect, LLC	Installation underway	12/31/2024	12/31/2027	22,485,178	51,589	1,201
Cox Louisiana Telecom LLC	Installation underway	12/31/2024	12/31/2027	134,296	411	
Gonthier, Inc.	Installation underway	12/31/2025	12/31/2028	327,788	1,639	118
Southwest Arkansas Telecommunications and Technology, Inc.	In planning	12/31/2025	12/31/2028	1,099,816	1,656	
Volt Broadband, LLC	Installation underway	12/31/2025	12/31/2028	256,709	652	
<b>Total</b>				<b>\$59,919,933</b>	<b>146,203</b>	<b>7,010</b>

\*Based on project status provided by LPSC staff on January 31, 2024. The audit team reviewed project status information filed by AMG Technology Investment Group, LLC and CableSouth Media III, LLC and determined that CableSouth Media III, LLC has begun broadband installation in its awarded areas. According to AMG Technology Investment Group, LLC's project update, the company has begun construction planning.

\*\*As of November 2023; data downloaded from USAC Open Data.

\*\*\*As of September 2023; data downloaded from USAC Open Data.

**Source:** Prepared by legislative auditor's staff using information received from LPSC and downloaded from the USAC website.

**Due to RDOF's installation schedule, Louisiana will not know whether all RDOF providers will successfully complete their projects before BEAD funding is awarded, which could potentially lead to gaps in broadband services in rural areas of the state.** For Louisiana RDOF providers, the program's 40% service milestones will occur after BEAD funds are awarded through the GUMBO 2.0 program in December 2024. ConnectLA could not consider the 146,203 rural business and residential locations that were awarded RDOF funds as eligible for BEAD funding when it updated the state broadband map<sup>12</sup> to determine

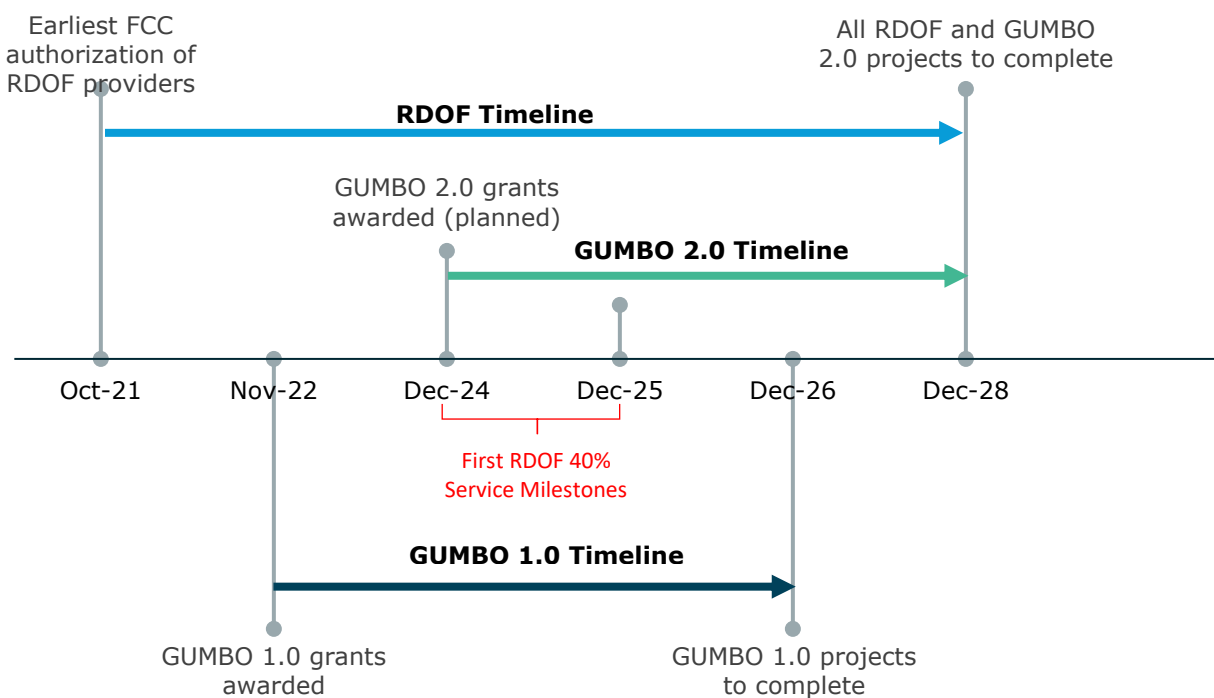
<sup>12</sup> The BEAD program requires states to complete a challenge process to correct inaccuracies in the state's broadband map. The purpose of the BEAD challenge process is to allow local governments, non-profits, and service providers to challenge whether a location lacks broadband access and is eligible for BEAD funding. Once the challenge process is complete, states send the results of the challenge process to NTIA for approval. Louisiana's formal map challenge process began October 6, 2023 and ended on January 6, 2024. The results are pending NTIA approval as of April 2024.

locations eligible for BEAD funding. Therefore, locations awarded to RDOF projects that default after the NTIA approves Louisiana’s map challenge results will not be eligible for the GUMBO 2.0 grant program and those rural locations could remain unserved despite the influx of federal funds available to close the state’s digital divide.<sup>13</sup> At the House Committee on Commerce hearing on March 7, 2024,<sup>14</sup> six (50%) of 12 RDOF providers testified on the status of their RDOF projects - five providers testified that they will complete their RDOF projects, and one provider stated that it would default on five of its six RDOF projects. However, one of the five providers that committed to completing their RDOF projects stated that it had not started any construction yet. Exhibit 3 shows the timeline for each of the three federally-funded broadband expansion programs in Louisiana.

Federal BEAD program rules state that any location that is subject to a federal government grant (e.g., RDOF), whether or not the network has been built, is not eligible for BEAD (GUMBO 2.0) funding.

**Source:** [BEAD Notice of Funding Opportunity](#)

**Exhibit 3  
Timeline of the Three Federally-Funded Broadband Expansion Programs in Louisiana**



**Source:** Prepared by legislative auditor’s staff using information from the FCC and ConnectLA.

<sup>13</sup> HB700 of the 2024 Regular Legislative Session proposes that if RDOF winners do not default on their RDOF awards before the completion of the BEAD map based on challenge process results, and go on to win BEAD grants through the GUMBO 2.0 program, they will have to make enforceable commitments as part of their GUMBO 2.0 grant agreements not to default on their RDOF awards.

<sup>14</sup> [https://house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2024/mar/0307\\_24\\_CO](https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2024/mar/0307_24_CO)

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**As of March 2024, the majority of GUMBO 1.0 projects were in the planning and execution stages. According to ConnectLA, 12,245 (18.5%) of the 66,351 obligated GUMBO 1.0 locations have been served as of March 2024.**

Louisiana received \$176.7 million in ARPA-CPF funds and committed \$131.4 million to broadband expansion projects across the state. ConnectLA accepted, reviewed, and selected applications for broadband expansion projects funded by ARPA-CPF funds through the GUMBO 1.0 program in November 2022.<sup>15</sup> These 74 projects are projected to bring broadband internet to 66,351 households and small businesses in 48 parishes across the state. According to ConnectLA, as of March 2024, 40% of the 66,351 locations set to receive broadband services through the GUMBO 1.0 project are in planning, 41% are in execution, and 18% are complete. ConnectLA also stated that providers had submitted payment requests for \$13.4 million (10.2%) of the \$131.4 million awarded, and ConnectLA had approved \$8 million (6.1%) for payment.<sup>16</sup> Exhibit 4 provides the status of GUMBO 1.0 projects, as of March 2024.

All ARPA-CPF (GUMBO 1.0) funds must be spent by December 31, 2026.

**Source:** [CPF Compliance and Reporting Guidance](#)

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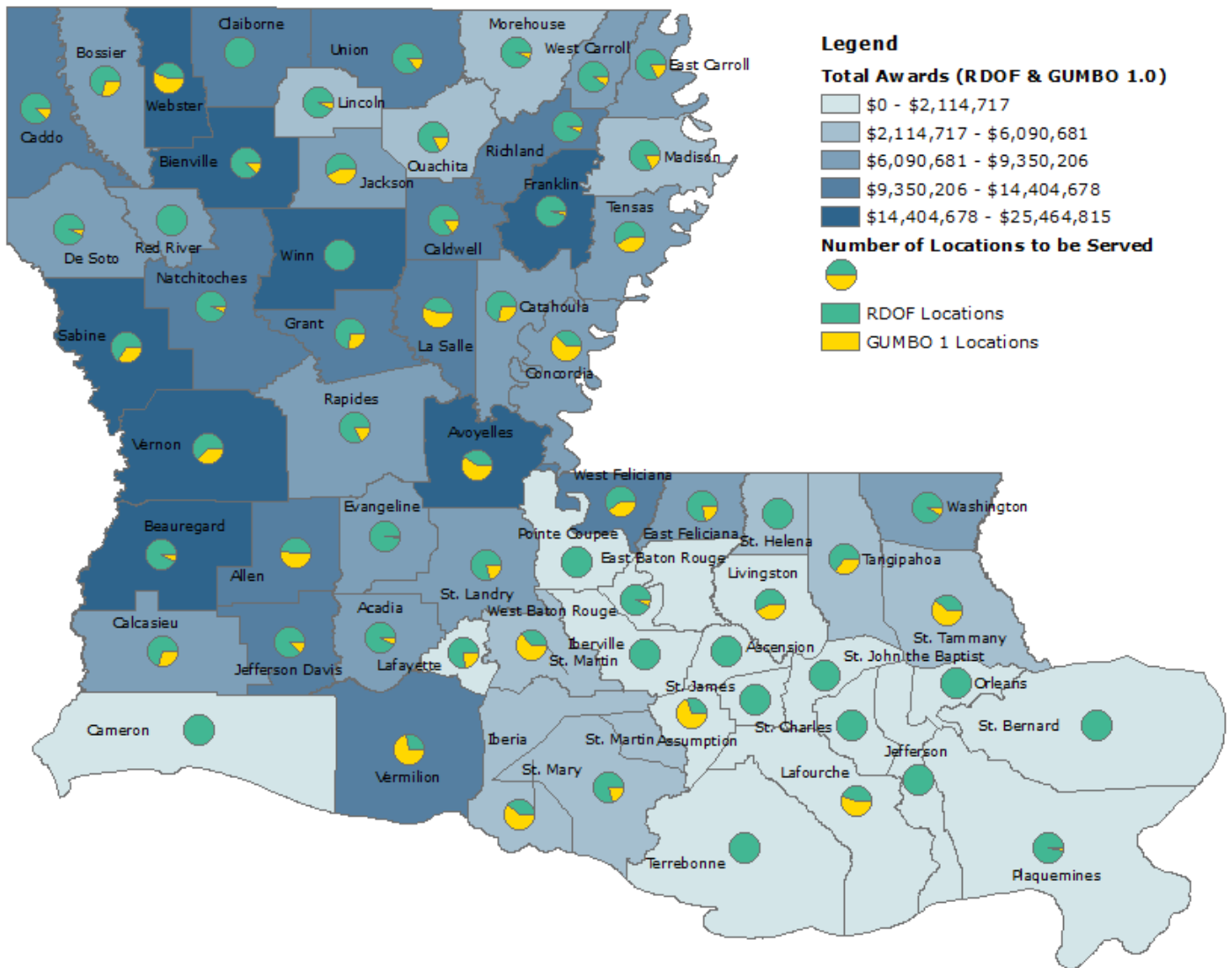
<sup>15</sup> Applications received were evaluated and scored based on 23 criteria such as applicant experience, technical ability, financial wherewithal, matching funds, local government support, the number of unserved locations affected, leveraging infrastructure, pricing and small business and veteran participation. Projects receiving the highest score were selected for awards.

<sup>16</sup> In accordance with LAC T. 4 Pt. XXI §703 and §705, funding is dispersed once a provider demonstrates that a project has reached certain completion thresholds, defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project.

<b>Exhibit 4 Status of GUMBO 1.0 Projects as of March 2024</b>			
<b>Status</b>	<b>Description of milestone</b>	<b>Number of locations in milestone</b>	<b>% of total GUMBO 1.0 locations</b>
Planning	1. Scope/Design/Engineering: The project is being designed.	19,626	30%
	2. Field Walkouts: The project is surveying the land.	3,753	6%
	3. Permitting: The project is awaiting permits.	3,358	5%
<b>Total in Planning</b>		<b>26,737</b>	<b>40%</b>
Execution	4. Materials/Contracting: Materials are being purchased.	1,534	2%
	5. Make Ready: Utility poles are being prepared for new fiber.	9,518	14%
	6. Underground/Aerial Construction: Construction is in progress. <i>Underground construction is necessary for running cables underground and aerial construction is required to attach cables to utility poles.</i>	14,391	22%
	7. Installation: Equipment is being installed.	676	1%
	8. Fiber Splicing: Fiber network is being installed.	819	1%
<b>Total in Execution</b>		<b>26,938</b>	<b>41%</b>
Testing	9. In-Service: The fiber network is built and ready for testing.	-	0%
	10. QA/QC of Build: The fiber network is being tested.	431	1%
<b>Total in Testing</b>		<b>431</b>	<b>1%</b>
Complete	11. Complete: The project is complete and ready for subscribers	12,245	18%
<b>Total in Complete</b>		<b>12,245</b>	<b>18%</b>
<b>Total Number of GUMBO 1.0 Locations</b>		<b>66,351</b>	<b>100%</b>
<b>Note:</b> Some percentage totals may not add up correctly due to rounding.			
<b>Source:</b> Prepared by legislative auditor's staff using information from ConnectLA's website			

Exhibit 5 shows the total amounts awarded and number of locations to be served by the RDOF and GUMBO 1.0 programs, by parish.

### Exhibit 5 Total Amounts Awarded and Locations to be Served by the RDOF and GUMBO 1.0 programs, By Parish



**Note:** RDOF award amounts and locations are based on original auction results, not final FCC authorizations.

**Source:** Prepared by legislative auditor’s staff using information from the FCC and ConnectLA.

## Objective 2: To evaluate LPSC's role in designating and re-certifying telecommunication providers that received RDOF funds.

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Overall, we found the following:

- **LPSC could improve its oversight of RDOF providers in Louisiana by ensuring providers comply with LPSC's orders and by reviewing all project information before annually certifying providers. Oversight is important because RDOF is a high-risk program due to providers potentially underbidding, then defaulting on their awards. RDOF providers defaulting could lead to gaps in broadband services in rural areas of the state.**

Our conclusions and recommendations are discussed in more detail in the sections below.

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**LPSC could improve its oversight of RDOF providers in Louisiana by ensuring providers comply with LPSC's orders and by reviewing all project information before annually certifying providers. Oversight is important because RDOF is a high-risk program due to providers potentially underbidding, then defaulting on their awards. RDOF providers defaulting could lead to gaps in broadband services in rural areas of the state.**

Stakeholders and policymakers have identified the RDOF program as a high-risk program.<sup>17</sup> Nationally, over \$2.8 billion of the \$9.2 billion awarded in the RDOF Phase I auction has already gone into default. Several RDOF auction winners across the country were small companies that aggressively bid down prices to win the FCC's reverse auction, and some final bid amounts may have been too low to complete projects without substantial external capital. In addition, the RDOF Phase I auction was concluded in November 2020, a few months into the COVID-19 pandemic. Since then, the costs to construct broadband networks has increased substantially due to increases in the price of construction materials, equipment, and labor costs. As a result, many RDOF providers, both small and large, are facing funding shortfalls to complete their projects.

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<sup>17</sup> <https://crsreports.congress.gov/product/pdf/R/R47621>



In order for providers to participate in the RDOF program, LPSC must grant them the eligible telecommunications carrier (ETC) designation and annually certify to the FCC and USAC that they are appropriately spending their RDOF funds in order for them to continue receiving RDOF funds. Therefore, LPSC has an important role to play in providing oversight over providers in Louisiana, including monitoring the use of RDOF funds by providers.

The FCC's RDOF regulations note that state commissions should undertake a rigorous examination of the information provided by RDOF providers in their annual federal reports prior to issuance of the annual certification. In addition, LPSC's ETC designation orders require providers to file periodic project updates,<sup>18</sup> which provide LPSC with more up-to-date project status information than the FCC.<sup>19</sup> If LPSC determines that a provider did not meet its speed or build-out requirements for the prior year, FCC orders state that LPSC should refuse to certify that RDOF funds are being used for the intended purposes.<sup>20</sup>

**LPSC annually certified all RDOF providers under its jurisdiction as eligible to continue receiving RDOF support despite not receiving all required project updates.** We reviewed the semi-annual and quarterly updates filed by each RDOF provider and found that, as of December 2023, four (33.3%) of 12 RDOF providers had not filed all required updates with LPSC. In addition, LPSC granted ETC designation to RDOF providers on the condition that they file periodic project updates in the manner described for the entire RDOF support term. Therefore, LPSC should ensure that RDOF providers comply with LPSC's conditions and file all required periodic status updates before certifying them to continue receiving RDOF funds.

In order for a provider to receive RDOF funding, the state commission (LPSC) must annually certify to the USAC and the FCC that the provider is spending its funds per program requirements by October 1 of each year.

**Source:** 47 CFR §54.314

**LPSC did not require an RDOF provider to comply with LPSC's orders and file periodic project updates once it started receiving RDOF funds because LPSC did not review the providers' federal filing data. LPSC certified this provider despite its non-compliance with LPSC's orders.** LPSC told us that one of the four providers that had not filed all the required project status updates with LPSC was because that provider was still awaiting federal

<sup>18</sup> LPSC's ETC provider designation orders require RDOF providers to file semi-annual updates on the status of their plan of investment and expenditure of RDOF funds for review by LPSC staff. Based on a Commission directive, Docket No. X-36696 required RDOF providers to begin sending quarterly updates containing certain specific information beginning March 31, 2023.

<sup>19</sup> Pursuant to 47 C.F.R. §54.313, once RDOF winning bidders were authorized by the FCC to receive RDOF support, they are required to file annual financial and operations reports by July 1 until the year after their support terms have ended.

<sup>20</sup> Connect America Fund et al.; Report and Order and Further Notice of Proposed Rulemaking ([FCC 11-161](#)). USAC provides state officials access to the most recent federal filing data for RDOF recipients in their state. State officials can also access state-level broadband service deployment data on USAC's website.

funding. However, we downloaded data from the USAC that showed this provider started receiving RDOF funds in September 2022 and had received \$747,697 from the FCC between September 2022 and September 2023. As a result, this provider should have sent project updates to LPSC in February, March, June, August, and September 2023 outlining how it had spent the funds it had received to advance its RDOF project. After receiving this information from the audit team, LPSC filed a notice of non-compliance requiring the provider to send the missing updates no later than February 29, 2024.<sup>21</sup> However, if LPSC had reviewed the federal filing data, as required by the FCC, it would have identified that this provider was receiving RDOF funds and should have filed several updates prior to October 2023.

According to LPSC, it does not conduct detailed examinations of federal filing data because USAC is primarily responsible for overseeing the auditing and compliance processes for providers engaged in federal programs. However, while USAC is ultimately responsible for taking non-compliance measures against RDOF providers, the FCC expects state commissions to play their part in preventing the misuse of RDOF funds by declining annual certification to providers and ensuring that funds are no longer distributed to RDOF providers that are not meeting federal and state requirements.<sup>22</sup>

**LPSC cannot ensure that the public is aware of the availability and affordability of services in their communities, as it did not ensure two (50.0%) of the four providers who have begun providing services submitted sample advertisements promoting their services.** RDOF providers are required to advertise their broadband and voice services and promote the availability of these services at affordable rates to consumers in low income and rural areas.<sup>23</sup> As a result, LPSC's orders granted ETC designation to RDOF providers on the condition that they will provide LPSC with sample advertisements for their federally-supported services in Louisiana for review and approval. This is important because best practices show that the long-term economic sustainability of broadband networks depends on the number of subscribers, so efforts to close the broadband coverage gap must be accompanied by efforts to increase adoption of broadband services, especially in rural areas.

We reviewed federal data<sup>24</sup> as of September 30, 2023, and found that four RDOF providers in Louisiana have begun providing broadband service. Of these four providers, two (50.0%) provided LPSC sample advertisements for both voice and broadband services, while the remaining two (50.0%) provided sample advertisements for voice services only. It is important for LPSC to ensure that RDOF providers comply with the commission's orders and review and approve sample advertisements for RDOF-funded voice and broadband services. It will allow LPSC to ensure that consumers in low-income, rural areas of the state become aware of the

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<sup>21</sup> The provider filed a quarterly update in Docket No. X-36696 on March 1, 2024.

<sup>22</sup> FCC Report and Order on ETC Designation ([FCC 05-46](#))

<sup>23</sup> LPSC expects providers to advertise both voice and broadband services once they are available to consumers.

<sup>24</sup> From USAC

availability and affordability of RDOF voice and broadband services and adopt broadband subscriptions to ensure the long-term viability of these networks in rural areas.

**Recommendation 1:** LPSC should ensure that RDOF providers submit all periodic project status updates to LPSC, as required by LPSC's orders.

**Summary of Management's Response:** LPSC agrees with this recommendation and stated that it was revamping its processes to ensure compliance with Commission orders. This process will assign one staff member per Docket to track all conditions outlined in a Commission order and ensure those orders are adhered to by the jurisdictional utility. If a deadline is not met, Commission staff will draft a notice of non-compliance, send to the Commission's Legal Division for review and issuing, if such condition was in fact not met. See Appendix A-2 for LPSC's full response.

**Recommendation 2:** LPSC should undertake a rigorous examination of all project status information submitted by RDOF providers to USAC and LPSC prior to annually certifying them.

**Summary of Management's Response:** LPSC disagrees with this recommendation and stated that the FCC is only seeking state Commission confirmation of the telecommunications/broadband provider's annual certification affidavit, and not whether the state Commission's rules are adhered to. However, LPSC stated that it is in the process of implementing measures to ensure all telecommunications providers, at least those receiving RDOF funding, are filing the required periodic status updates before recertifying those companies annually. See Appendix A-2 for LPSC's full response.

**Recommendation 3:** LPSC should ensure that providers comply with LPSC's orders and send sample advertisements for their RDOF broadband and voice services for review once these services are available to consumers.

**Summary of Management's Response:** LPSC agrees with this recommendation and stated that it is looking into creating a process, or safeguards, to ensure all relevant information for a docket is maintained in an accessible manner for future Commission staff, subject to record retention policies. See Appendix A-2 for LPSC's full response.

## Objective 3: To provide information on ConnectLA's coordination of the expansion and accessibility of broadband services in the state.

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Overall, we found the following:

- **ConnectLA's duties include monitoring the 74 GUMBO 1.0 projects, planning and coordinating the BEAD GUMBO 2.0 program, and developing and implementing the state's digital equity plan. However, ConnectLA's staffing is lower than recommended by the federal government, and the office is set to terminate before BEAD projects are complete.** Therefore, the state will likely have to extend the sunset date for ConnectLA to ensure proper oversight of projects. In addition, the task of closing the digital divide is likely to take longer than the next five years for which federal funding is now available, so the state may need to allocate long-term staffing and resources to ensure that long-term goals related to broadband adoption and digital equity are achieved and sustained.

This information is discussed in more detail in the sections below.

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**ConnectLA's duties include monitoring the 74 GUMBO 1.0 projects, planning and coordinating the BEAD GUMBO 2.0 program, and developing and implementing the state's digital equity plan. However, ConnectLA's staffing is lower than recommended by the federal government, and the office is set to terminate before BEAD projects are complete.**

According to the National Telecommunications & Information Administration (NTIA),<sup>25</sup> state broadband offices (SBO) should have at least six full-time staff members fulfilling the functions outlined within the six key areas shown in Exhibit 6. According to best practices, SBOs, which for the most part are newly-formed entities, are tasked with setting the vision, strategy, and plan for new programs in their respective states while successfully delivering and meeting the goals and objectives of existing programs to close the digital divide. As a result, best practices

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<sup>25</sup> NTIA, located with the U.S. Department of Commerce, administers the BEAD program. <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-08/Office-Creation-Checklist-for-states.pdf>

recommend that SBOs develop robust organizational structures and effectively and efficiently use external support to cover key areas such as grant administration, geographic information system and mapping capabilities (GIS), digital equity, monitoring, and compliance.

<b>Exhibit 6</b> <b>Best Practices for Staffing at State Broadband Offices</b>	
Program Leadership and Management	<ul style="list-style-type: none"> <li>Defines, shares, and implements state broadband mission and vision</li> <li>Develops broadband planning priorities</li> <li>Supervises and sets priorities for staff</li> <li>Represents broadband authority to state and interagency leadership, stakeholder groups, NTIA and federal agencies, etc.</li> </ul>
Legal and Regulatory Policy	<ul style="list-style-type: none"> <li>Develops and advocates for necessary regulatory reform</li> <li>Connect with Internet Service Providers (ISPs) and state government agencies (ISP-supplied data uniformity; Access, easements, and permitting (federal, state, and local); Pole sharing; Enabling access by alternative technology types; Dig Once policy)</li> <li>Drafts state broadband policy framework</li> <li>Analyzes constraints to municipality participation, public-private partnerships, funds management, etc.</li> </ul>
Grants Management	<ul style="list-style-type: none"> <li>Conduct planning</li> <li>Develop program design</li> <li>Oversee grants evaluation process</li> </ul>
Technical Programs	<ul style="list-style-type: none"> <li>Conduct data collection initiatives</li> <li>Verify mapping precision and accuracy</li> <li>Perform technical reviews for grant applications</li> <li>Review grant mapping submissions</li> <li>Determine technology deployment plans</li> </ul>
Communications and Outreach	<ul style="list-style-type: none"> <li>Develop overall communications strategy and plan</li> <li>Develop communications standard operating procedures (SOPs)</li> <li>Oversee website content management</li> <li>Manage media engagement and press releases</li> <li>Maintain public mailbox</li> <li>Serve as liaison with diverse set of stakeholders</li> </ul>
Digital Equity and Inclusion	<ul style="list-style-type: none"> <li>Incorporate equity and inclusion into all office efforts</li> <li>Equity policy lead</li> <li>Coordinates affordability, digital literacy, and device adoption programs</li> <li>May lead relationships with Digital Equity implementers</li> </ul>

**Source:** Prepared by legislative auditor’s staff using information from the NTIA.

**ConnectLA has filled three of its four authorized positions, which is less than the NTIA’s recommended SBO staffing level. However, it has subcontracted for services such as technical writing assistance, economic analysis, and subgrant program design.** ConnectLA is responsible for monitoring the 74 GUMBO 1.0 projects and planning and coordinating broadband expansion through the BEAD program, including creating the state’s five-year broadband plan and the BEAD Initial Proposal. In addition, ConnectLA is responsible

for developing and implementing the state's digital equity/opportunity<sup>26</sup> plan to ensure that digital equity is achieved and sustained for all residents and communities in Louisiana. ConnectLA was first in the U.S. to be federally approved for the BEAD program and, according to the American Enterprise Institute,<sup>27</sup> ConnectLA met best practices criteria for transparency and efficiency based on its pre-challenge process draft documentation and publicly available information.

ConnectLA has filled three of its four authorized positions as of April 2024. However, it has subcontracted for services such as technical writing assistance; design of the state's five-year plan and BEAD Initial Proposals; development of the state's digital equity plan; assistance with economic analysis of costs to serve unserved and underserved locations; effective strategies to address subgrant program rules, subgrant award and procurement processes, and location mapping; and the statutorily-required challenge process. In addition, it has staff augmentation subcontracts for Senior Network Engineers and Staff Auditors to perform technical and compliance audits of ongoing GUMBO 1.0 projects.

According to ConnectLA, it plans to award funds through the GUMBO 2.0 program in December 2024,<sup>28</sup> after which broadband expansion in the state will see an exponential increase in scale. Contracted support can provide technical expertise and help deal with short-term peaks in demand; however, ConnectLA's current staffing levels may be under capacity to manage the upcoming increase in scale. In addition, BEAD subgrantees have until December 2028 to spend all awarded funds, but ConnectLA is set to terminate on June 30, 2028.<sup>29</sup> Therefore, the state will likely have to extend the sunset date for ConnectLA to ensure proper oversight of projects.

**According to best practices,<sup>30</sup> the task of closing the digital divide is likely to take longer than the next five years for which federal funding is now available.** NTIA encouraged states to develop Digital Equity/Opportunity plans concurrently with their Five-Year Action Plans and Initial Proposals for BEAD. NTIA's guidance requires state plans to identify and address barriers to digital equity faced by specific vulnerable communities in the state. Exhibit 7 provides information on the digital divide in Louisiana, as identified by Louisiana's digital opportunity plan.

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<sup>26</sup> According to Louisiana's Digital Opportunity Plan, digital opportunity for Louisiana means that all residents will have access to affordable broadband, opportunities to obtain the appropriate devices, accessible applications, and support to acquire the digital skills needed to improve their quality of life.

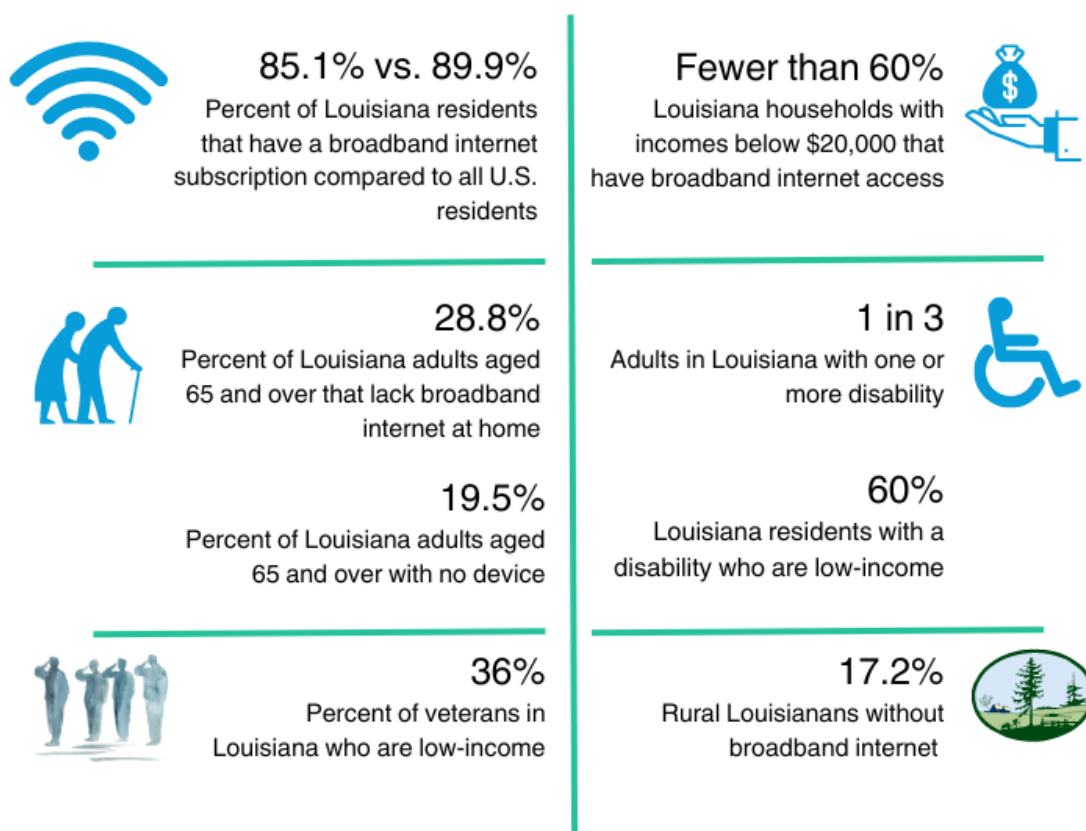
<sup>27</sup> <https://www.aei.org/broadband-barometer-project/>

<sup>28</sup> Hearing of the House Committee on Commerce (March 7, 2024)

<sup>29</sup> LA R.S. 51:1365

<sup>30</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2022/11/15/with-new-funding-state-broadband-offices-boost-hiring-efforts>

### Exhibit 7 Louisiana’s Digital Divide



**Source:** Prepared by the legislative auditor’s staff using information from Louisiana’s Digital Opportunity Plan and draft Digital Equity Plan.

According to best practices, states will have to find ways to make their digital equity programs sustainable after one-time federal funds run dry, and not only address today’s needs, but also look ahead at how these needs will evolve and what will be required to meet them. For example, unless Congress provides additional funding, low-income households will no longer receive the Affordable Connectivity Program (ACP) benefit after May 2024.<sup>31</sup> Louisiana’s broadband expansion programs depend on enrolling low-income families in the ACP to meet broadband affordability and adoption goals. If the federal government does not fund the ACP, Louisiana will need to find other means to ensure low-income families have access to affordable broadband plans.

Louisiana’s digital opportunity plan lays out a five-year timeline (through 2029) for all residents to have access to affordable broadband, opportunities to obtain the appropriate devices, accessible applications, and support to acquire the

<sup>31</sup> The ACP is federal program that offers eligible households a discount on their monthly internet bill and a one-time discount off the purchase of a laptop, desktop computer, or tablet.

digital skills needed to improve their quality of life. In addition, the digital opportunity plan aims to improve outcomes related to economic and workforce development, education, health, civic and social engagements, and delivery of essential services. As a result, the state may need to allocate long-term staffing and resources to ensure that long-term goals related to broadband adoption and digital equity are achieved and sustained.



## Objective 4: To identify challenges and opportunities related to broadband expansion in Louisiana.

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Overall, we found the following:

- **ConnectLA’s map challenge process ended in January 2024, and the results are awaiting NTIA approval.<sup>32</sup> Since ConnectLA has already determined locations eligible for GUMBO 2.0 funding, any defaults by Louisiana RDOF providers could result in gaps in broadband access in rural areas of the state.**
- **ConnectLA has primarily addressed ways to reduce state-level barriers to broadband expansion; however, many of the delays in the development of broadband infrastructure exist at the local level.** Since all BEAD funds awarded to the state must be spent by December 2028, extended permitting reviews could interfere with installations and cause delays in project completion. Other states have taken steps to reduce barriers to broadband expansion at the local level.

Our findings and recommendation are discussed in more detail in the sections below.

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### **ConnectLA’s map challenge process ended in January 2024, and the results are awaiting NTIA approval. Since ConnectLA has already determined locations eligible for GUMBO 2.0 funding, any defaults by Louisiana RDOF providers could result in gaps in broadband access in rural areas of the state.**

As mentioned previously, as of December 2023, three (25.0%) of 12 RDOF projects are still in planning, approximately 14,500 (9.9%) of the 146,203 locations to be served by RDOF funds have received broadband access, and one Louisiana RDOF provider has defaulted on parts of its RDOF award.<sup>33</sup> There may be additional defaults by Louisiana RDOF providers, especially if the FCC relaxes default penalties

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<sup>32</sup> As of April 2024.

<sup>33</sup> Cebridge Telecom LA, LLC testified at the hearing of the House Committee on Commerce on March 7, 2024, that it would default on five of its six RDOF projects. On March 15, 2024, Cebridge Telecom LA, LLC notified the FCC of its plans to surrender certain RDOF awarded areas in Louisiana.

for providers that can no longer afford to complete their projects. Of the six RDOF providers that testified at the House Committee on Commerce meeting on March 7, 2024, five stated that they would complete their RDOF projects; however, one of the five providers that stated it would complete its RDOF project had not begun any construction yet. The remaining six RDOF providers did not attend the committee meeting to update the legislature and ConnectLA on the status of their RDOF projects.

ConnectLA's map challenge process ended on January 6, 2024, and the results are pending NTIA approval. Due to the BEAD program rules, the challenge process could not include any locations that had received RDOF awards as eligible for GUMBO 2.0 funds. Therefore, any defaults by RDOF providers could now result in gaps in broadband access in rural areas of the state. House Bill 700 of the 2024 Regular Legislative Session contains provisions to hold providers that win both RDOF and GUMBO 2.0 funds accountable for failing to complete their RDOF projects; however, RDOF providers that do not apply for and/or do not win BEAD awards will not be covered by these provisions.

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**ConnectLA has primarily addressed ways to reduce state-level barriers to broadband expansion; however, many of the delays in the development of broadband infrastructure exist at the local level.**

According to the FCC, the installation of broadband infrastructure entails local franchising, zoning, permitting, and accessing rights-of-way (ROW), as well as clearing environmental and historical approvals.<sup>34</sup> These processes are generally overseen by each local government, and, in some instances, can act as barriers to the timely installation of broadband. The Pew Charitable Trusts reviewed all available state broadband plans and found that state and local governments may need to prepare for significantly higher rates of permitting requests, existing staffing levels in state and local governments may not be sufficient to process the rise in requests, and that permitting processes across local jurisdictions lack consistency.<sup>35</sup> Since all BEAD funds awarded to the state must be spent by



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<sup>34</sup> A permit entails obtaining permission for a broadband project to be installed. Broadband networks are often built along public land that runs alongside roads and railways or private land and facilities. Networks are either buried, aerial, or both. These installations require many kinds of permits from owners and authorities. In addition, federally-funded broadband projects must perform a National Environmental Policy Act (NEPA) analysis and meet state, local, and/or Tribal government environmental and historic preservation permitting requirements as well.



<sup>35</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2024/04/03/states-work-to-address-barriers-to-broadband-expansion>

December 2028,<sup>36</sup> extended permitting reviews could interfere with installations and cause delays in project completion.

**ConnectLA has primarily addressed state-level plans to reduce barriers to broadband expansion.** The BEAD Notice of Funding Opportunity directed state broadband offices to identify steps to reduce costs and barriers to deployment, including through promoting the use of existing infrastructure and/or promoting and adopting dig-once policies, streamlined permitting processes, and cost-effective access to poles, conduits, easements, and ROW, including the imposition of reasonable access requirements. Exhibit 8 shows the steps ConnectLA plans to implement to address barriers to broadband expansion, and Appendix D provides information on best practices to address barriers to broadband expansion.

<b>Exhibit 8</b> <b>ConnectLA’s Planned Steps to Address Barriers to Broadband Expansion</b>	
 <p><b>Promote the use of existing infrastructure</b></p>	<p>According to ConnectLA, it is anticipated that the state roadway system will encompass the majority of the installations in public ROW, while <a href="#">most last-mile installations will occur along the ROW on local roadways.</a></p> <p>To promote the use of existing infrastructure, DOTD will allow only one conduit or single-multi-strand fiber optic cable per location in its ROW, depending on width availability. The conduit or cable will be expected to be large enough to facilitate multiple providers. The company installing the conduit will be required to allow competitors access, ensuring future growth and competition.</p> <p><a href="#">Facilitating the expediency of installations on locally owned ROW will be addressed through coordination with the ConnectLA team and local government on potential issues of deployment and ways they can streamline their internal process for permitting.</a></p>
 <p><b>Promote and adopt dig-once policies</b></p>	<p>Although the state does not have a dig-once policy, other mechanisms across state government ensure coordination and work to remove the duplication of efforts of utilities and other infrastructure co-locating in the ROW. For example, broadband providers are required to coordinate with DOTD to place telecommunications infrastructure within the public ROW.</p> <p>Based on the Federal Mobile Now Act, DOTD implemented a Broadband Infrastructure Deployment Policy that allows broadband providers to receive information about publicly funded state roadway construction. A list of projects can be found on DOTD’s Broadband website. Broadband providers are required to coordinate with DOTD to place telecommunications infrastructure within the public ROW.</p> <p><a href="#">Another strategy includes the quarterly permitting council. Its members include individuals from the telecommunications industry, municipal and police jury associations, and the Office of the Governor. The aim of these meetings is to increase interagency coordination and communication for construction projects.</a></p>

<sup>36</sup> ConnectLA plans to award BEAD funds in December 2024 and all BEAD funds must be spent within four years of being awarded.

<b>Exhibit 8</b> <b>ConnectLA’s Planned Steps to Address Barriers to Broadband Expansion</b>	
 <p><b>Streamlined permitting processes</b></p>	<p>ConnectLA intends on hosting quarterly state permitting meetings involving agencies like DOTD and Louisiana 811 to streamline the permitting process on the state-owned ROW.</p> <p>ConnectLA will work with state agencies and stakeholders to ensure that common forms and processes, resources for local permitting and standardized project descriptions are made known to all involved parties.</p> <p><i>On the local level, ConnectLA will work with local governments to establish procedures to streamline the local permitting process for BEAD-funded projects, as well as ensuring all NEPA and Section 106 requirements* are followed on the federal side.</i></p>
 <p><b>Cost-effective access to poles, conduits, easements, and ROW</b></p>	<p>The current fee structure for use of highway ROW for utility operators used by DOTD is derived from the Louisiana Administrative Code and charges permit fees based on the number of customers served or the number of parishes in which facilities are located, rather than on a permit-by-permit basis.</p> <p>To address the issue of reducing costs and barriers to deployment, DOTD will review and update its permit fees to ensure they are reasonable and cover the cost of reviewing, processing, approving, and issuing permits. DOTD will strive to process permit applications efficiently, particularly for standard installations that meet industry standards so as not impact the long-term operation or maintenance of roadways.</p>
<p><b>Note:</b> Plans to address barriers at the local level are in blue.</p> <p>* Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to “take into account” the effects of undertakings they carry out, license, or assist on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to such undertakings.</p> <p><b>Source:</b> Prepared by legislative auditor’s staff using information from ConnectLA’s Initial Proposal.</p>	

**Other states have taken steps to reduce barriers to broadband expansion at the local level.** Best practices<sup>37</sup> found that other states have already implemented policies and regulations to streamline permitting, facilitate ROW access, set guidelines for local governments to assess ROW fees, and establish timelines for approving or denying ROW applications. For example,

- The state of Tennessee allows political subdivisions to apply for designation as a “broadband ready community” once they adopt an efficient and streamlined ordinance or policy for reviewing applications and issuing permits related to broadband projects. Similarly, the Public Service Commission of Wisconsin operates the “Broadband Forward!” program to certify that local government has taken specific steps to reduce barriers for broadband investment.

<sup>37</sup> [NTIA](#) and [The Pew Charitable Trusts](#)

- States such as Arkansas and Indiana have set guidelines for how local governments assess ROW fees to ensure uniformity and reasonable costs.<sup>38</sup>
- Virginia’s Transportation Board has 45 days to grant or deny approval for use of ROW. In Ohio, municipalities must approve or deny applications requesting use of public ROWs within 60 days.<sup>39</sup>
- Several states, including Alaska, Kentucky, and New Mexico, have added new permitting coordinator positions to their staffing plans.

**House Resolution 155 of the 2023 Regular Legislative Session created a study group to study the barriers to expanding broadband across public and private property and to report its findings; however, no report was produced by the study group.** According to ConnectLA, a report was not produced due to a change in state leadership. The report, if it had been produced, would have reported its findings, along with proposed legislation to remove barriers to deployment across public and private property.

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<sup>38</sup> AR Code § 14-200-101 and Ind. Code §8-1-2-101

<sup>39</sup> VA. Code Ann. §56-458 and Ohio Rev. Code Ann. §4939.03



## **APPENDIX A: MANAGEMENT'S RESPONSES**

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*Office of Broadband Development and Connectivity*

*State of Louisiana*

Division of Administration

JEFF LANDRY  
GOVERNOR



TAYLOR F. BARRAS  
COMMISSIONER OF ADMINISTRATION

05/22/24

Michael J. "Mike" Waguespack, CPA  
Louisiana Legislative Auditor  
1600 North Third Street  
Post Office Box 94397  
Baton Rouge, Louisiana 70804

Re: LLA Performance Audit Report of the Louisiana Public Service Commission & Broadband Development and Connectivity (Broadband Expansion in Louisiana)

Dear Mr. Waguespack:

We acknowledge receipt of the LLA Performance Audit Report of our office and your assessment that there are no recommendations for our office. We appreciate your observations and insights into our programs.

Over the past several years, our office has worked aggressively to balance the need for efficiency in executing the mission of our office along with following Governor Landry's lead in putting both people and rural communities first in the deployment of broadband.

As he said in the Fall of 2023, *"Telehealth, telework and online classes demand broadband expansion. As Governor, I will make sure Louisianians without broadband access receive the same educational and work opportunities that those with high-speed internet already enjoy."*

While our team, noted in your report, is smaller than the average broadband office found in other states, we have operated as high-performing team and many nationally (see below) have cited our office as being the best in the country, both in terms of policy and execution of our federal dollars.

For example:

- One of our team members went on to be the Broadband Director for Governor Sarah Huckabee Sanders of Arkansas
- Another team member was offered the opportunity to be the Broadband Director for Governor Pillen of Nebraska

- Many of the student interns we have had come through our program have gone on to become full-time staffers for US Senator Crapo (Idaho) and US Senator Cassidy (Louisiana) and others have received Fulbright Fellowships, nominated for Truman Scholarship, Governors Fellows and a finalist for the Rhodes Scholarship

Additionally, our efficacy as a team is grounded in having personally visited nearly 100 cities, towns and villages. This has given our office an unique perspective and a “ground truthing” we would receive versus perhaps from our partners, the internet service providers.

As we roll out the execution of our GUMBO 2.0 program, the \$1.355 billion dollar effort to once and for all eliminate the digital divide, we were fortunate to have achieved the following:

- 1<sup>st</sup> in the country to have received approval from the National Telecommunications and Information Administration (NTIA) on the execution of our program – Dec of 2023
- #1 Ranking per state/state analysis by the free-market think tank, the American Enterprise Institute on how well we promote and execute policies around transparency, accountability and competition for our grant dollars
- Only state recognized by the Office of Internet Connectivity and Growth within (NTIA) in a report submitted to US Congress as a “State Broadband Office Excellence” that led the nation in the development of programmatic efforts to address the digital divide

As we approach the balance of 2024, we look forward to working with all Louisianians to ensuring we eliminate the digital divide.

Thank you for your team’s hard work and effort and if you have any questions, please do not hesitate to contact me.



Veneeth Iyengar  
Executive Director, ConnectLA



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Executive Counsel

JOHNNY E. SNELMGROVE, JR  
Deputy Undersecretary

May 22, 2024

**VIA EMAIL**

Michael J. "Mike" Waguespack  
Louisiana Legislative Auditor  
1600 North 3<sup>rd</sup> Street  
Baton Rouge, La 70802

**Re: *Performance audit of the Louisiana Public Service Commission's role in the Rural Digital Opportunity Fund program and informational review of broadband expansion.***

Dear Mr. Waguespack,

Thank you for the opportunity to review the Louisiana Legislative Auditor's ("LLA") performance audit of the Louisiana Public Service Commission ("LPSC" or "Commission") and its role in the Rural Digital Opportunity Fund ("RDOF") program ("Audit Report"). Below are the Commission's responses to the LLA's three recommendations.

**Recommendation 1: LPSC certified a provider despite its non-compliance with LPSC orders & LPSC should ensure that RDOF providers submit all periodic project status updates to the LPSC, as required by Commission Orders.**

The Audit Report concluded that: "if LPSC had reviewed the federal filing data, as required by the FCC, it would have identified that this provider was receiving RDOF funds and should have filed several updates prior to October 2023."<sup>1</sup> Further, Recommendation 1 of the Audit Report stated: "LPSC should ensure that RDOF providers submit all periodic project status updates to LPSC, as required by LPSC orders."<sup>2</sup>

While we understand this conclusion, we do not fully agree with the LLA audit staff's opinion that the Commission should review federal filing information. The Commission opened Docket No. X-36696 in order to ensure all ETCs that were awarded RDOF funding provided periodic updates to the Commission in one general repository. There was one entity that did not adhere to the Commission's directive, and did not provide a timely status updates; however, upon realizing non-compliance, Commission Staff notified the provider of non-compliance and required a response by date certain. Historically, jurisdictional utilities comply with Commission rules, orders, and directives. The Commission's limited jurisdiction over these

<sup>1</sup> See .pdf page 14 of the Audit Report.

<sup>2</sup> See .pdf page 15 of the Audit Report.

broadband providers is likely part of the reason these companies did not adhere to the Commission's periodic status update filings.

As has been discussed with LLA audit staff, the Commission's jurisdiction over broadband providers is narrow. State Commissions have only been delegated authority to grant broadband providers ETC status within the Commission's respective state. State Commissions, including the LPSC, do not have additional authority over broadband providers. The nature of the RDOF program, its requirement that all grantees receive state Commission ETC designation, and that each grantee also offer telecommunications provider services is the primary reason state Commissions are involved, in contrast to other universal service programs. The LPSC has previously established public interest criteria to assist in the determination of whether a telecommunications provider should be granted ETC designation within Louisiana.<sup>3</sup> Based on the Commission's General Order, if a telecommunications provider met the public interest criteria stated therein, the Commission designates the telecommunications provider as an ETC. It is important to note that these public interest criteria were established twenty (20) years ago, at a time when state Commissions exercised much broader jurisdiction over telephony, and when ETC determinations were limited specifically to telephonic services.

Conversely, the RDOF program is federally mandated with the State Commission's only role being to designate, or reject, broadband providers eligible ETC status in order to receive funding. Further, the Commission's continuing obligations are to annually certify ETC's. Compliance with the RDOF timelines for buildouts are governed by the FCC and the parameters of the RDOF Orders. Over the course of approximately 2 years, the Commission had eleven prospective broadband providers seek ETC designation within Louisiana for the purposes of receiving RDOF awards. If the Commission ultimately determined a broadband provider satisfied the requirements to receive ETC designation, the Commission would issue an order stating such. Each Commission order also imposed certain post-approval conditions, which varied by broadband provider and were dependent on the Commission staff that handled the docket. Unfortunately, the majority of those dockets were handled by two Commission staffers who both left shortly after the ETC designations were granted (i.e., the order was issued). Those dockets, along with a number of additional dockets assigned to those two former staff members, were all reassigned to new staff. These two former staff members were the main points of contact for all broadband providers seeking ETC designation for RDOF purposes.

As a proactive measure to help alleviate similar issues in the future, along with opening Docket No. X-36696, the Commission transferred many of the functions that were historically handled by the Legal Division to the Utilities Division, with backup assistance provided by the Legal Division. Further, the Commission is also in the process of revamping its processes to ensure compliance with Commission orders. This process will assign one Commission staff member per Docket to track all conditions outlined in a Commission order, calendar any deadlines associated with those conditions, and ensure those conditions are adhered to by the jurisdictional utility. If a deadline is not met/adhered to, Commission staff will draft a notice of non-compliance, send to the Commission's Legal Division for review and issuing, if such condition was in fact not met.

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<sup>3</sup>See Commission General Order dated May 20, 2004. Docket No. R-27841, Louisiana Public Service Commission, ex parte. In re: *Establishment of public interest criteria applicable to telecommunications carriers seeking Eligible Telecommunications Carrier ("ETC") designation pursuant to 47 USC § 214(e) in areas served by rural telephone companies.*

**Recommendation 2: LPSC should undertake a rigorous examination of all project status information provided by RDOF providers to USAC and LPSC prior to annually certifying them.**

Again, the Commission's jurisdiction over broadband providers is narrow, and while the Commission has an obligation to annually certify telecommunication providers to the Federal Communications Commission ("FCC") and Universal Service Administrative Company ("USAC"), this process does not require a "rigorous examination." The FCC's requirement of state Commissions is simply to affirm that the telecommunications and broadband providers have provided an affidavit to the state Commission. This annual certification is a self-certification by the telecommunications/broadband provider, with the Commission's confirmation simply checking a box through a USAC portal on the USAC website. When a telecommunications/broadband provider submits its annual certification affidavit to the state Commissions, it is attesting that all information is true and correct and that the company has adhered to all federal and state requirements. Simply stated, the burden is on the provider.

We understand, and do not necessarily disagree, with the Audit Report's recommendation that the Commission should ensure all LPSC rules and orders are met prior to annually certifying a telecommunications provider. With that said, however, it is not clear the breadth of the Commission's role in denying a company's re-certification. In other words, the FCC is only seeking state Commission confirmation of the telecommunications/broadband provider's annual certification affidavit, and not whether the state Commission's rules are adhered to.

The Commission agrees the Audit Report has revealed that the Commission could refine its process for annual certifications; we are in the process of implementing measures to ensure all telecommunications providers, at least those receiving RDOF funding, are filing the required periodic status updates before re-certifying those companies annually.

**Recommendation 3: LPSC should ensure that providers comply with Commission orders and send sample advertisements for their RDPF broadband and voice services for review once these services are available.**

Upon review of information provided to the LLA audit staff, Commission Staff deduced the two providers referenced in the Audit Report that had not provided sample advertisements. Upon review of the dockets for these two telecommunications providers, each indicated in correspondence with Commission staff that they had provided sample advertisements to the original Commission staff via email correspondence, and that the Commission staff either accepted or suggested edits, which were accepted by the provider. As discussed under Recommendation 1 above, the majority of the ETC designations for RDOF recipients were handled by two Commission staff members who left shortly after the orders were issued with the dockets, and compliance actions, transitioned to other Commission staff. When Commission staff leaves, their email accounts are saved and archived with our IT department, but are not accessible by the rest of Commission staff; therefore, current Commission staff did not have access to those files. Based on this information, the Commission will look into creating a process, or safeguards, to ensure all relevant information for a docket is maintained in an accessible manner for future Commission staff, subject to our record retention policies.

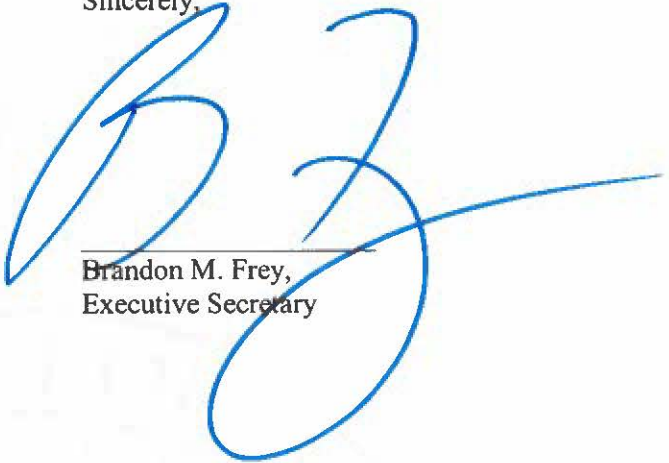
Response to LLA performance audit

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Again, we appreciate the opportunity to review the draft Audit Report in order to provide additional guidance, as well as the opportunity to respond to the recommendations contained therein.

Sincerely,



Brandon M. Frey,  
Executive Secretary

BMF/khb

## APPENDIX B: SCOPE AND METHODOLOGY

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This report provides the results of our performance audit of the Louisiana Public Service Commission (LPSC) and informational review of the Office of Broadband Development and Connectivity (ConnectLA). We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This audit/review covered three federally-funded broadband expansion programs in Louisiana: (1) the Rural Digital Opportunity Fund (RDOF) program; (2) the American Rescue Plan Act Capital Projects Fund (ARPA-CPF) program; and (3) the Broadband Equity, Access, and Deployment (BEAD) Program. The review covered January 30, 2020, through May 14, 2024. The objectives of this audit/review were:

- 1. To provide information on the status of federally-funded broadband projects in Louisiana**
- 2. To evaluate LPSC's role in designating and re-certifying telecommunication providers that received RDOF funds.**
- 3. To provide information on ConnectLA's coordination of the expansion and accessibility of broadband services in the state.**
- 4. To identify challenges and opportunities related to broadband expansion in Louisiana.**

We conducted the performance audit of LPSC in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

We obtained an understanding of internal control that is significant to the second audit objective and assessed the design and implementation of such internal control to the extent necessary to address our audit objective. We also obtained an understanding of legal provisions that are significant within the context of the audit objective, and we assessed the risk that illegal acts, including fraud, and violations of applicable contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

To answer our objectives, we performed the following audit steps:

**Performance audit of LPSC**

- Researched and reviewed applicable federal and state laws and regulations relevant to Universal Service programs.
- Researched and reviewed best practices as well as federal and other state audits related to broadband expansion.
- Interviewed LPSC staff and relevant stakeholders.
- Observed Commission and legislative meetings regarding the RDOF program.
- Obtained from LPSC:
  - Initial ETC designation applications submitted by RDOF winning bidders, LPSC staff recommendations, and Commission orders granting ETC designations to RDOF winning bidders.
  - Proof of federal filings submitted by RDOF ETCs to LPSC.
  - Periodic project status reports filed by RDOF ETCs with LPSC. The audit team downloaded information filed by RDOF providers into relevant LPSC dockets and emailed LPSC staff for any missing information. However, due to the confidential nature of the project status information filed by providers, the audit team did not review some of the status updates but rather requested LPSC to provide a summary of the status of RDOF projects in LA. However, we independently verified the information provided by LPSC by reviewing the project information provided in LPSC Business and Executive Session meetings and legislative hearings and by downloading data from the USAC to support the project status information provided by LPSC.
  - Annual certifications submitted by LPSC to USAC.
  - Policies, procedures, and other documentation relevant to the ETC and RDOF programs.

**Informational Review of ConnectLA**

- Researched and reviewed applicable federal and state laws and regulations relevant to ARPA-CPF and BEAD programs.
- Researched and reviewed best practices as well as federal and other state audits related to broadband expansion.
- Interviewed ConnectLA staff, legislators, and relevant stakeholders.



- Obtained the following:
  - ConnectLA’s five-year plan, BEAD Initial Proposals, and draft digital equity plan.
  - Access to the GUMBO portal to review ARPA-CPF award applications and scoring, reports submitted by providers, and ConnectLA’s payment approvals.
  - Status of GUMBO 1.0 projects. The information received from ConnectLA or obtained from ConnectLA's website on GUMBO 1.0 projects is unaudited and the audit team did not make any conclusions based on this data.
  - Information on the BEAD map challenge process from ConnectLA’s website.
  - Policies, procedures, and other documentation relevant to the GUMBO program.
  - Job descriptions of current ConnectLA staff and subcontracts for staff and services.
  - Documents from the Barriers to Broadband Deployment Study Group’s findings.



## APPENDIX C: BACKGROUND INFORMATION ON THE RDOF AND GUMBO 1.0 PROGRAMS

**Rural Digital Opportunity Fund (RDOF).** In January 2020, the FCC established the RDOF program to bring high-speed fixed broadband service to rural homes and small businesses. The FCC modeled RDOF on its normal practice for spectrum auctions, with a short application to bid in the auction, followed by auction bidding, and then a longer application process after the auction ended to determine whether winning bidders were technically and financially qualified to be authorized to receive funding. As shown in the table below, 12 providers were authorized by the FCC to receive \$315.4 million in RDOF funds to provide broadband services to 146,203 locations in Louisiana.

FCC Authorized RDOF Bids in Louisiana		
Provider's Name	Total Award	Number of Locations
Allen's T.V. Cable Service, Inc.	\$371,348	620
AMG Technology Investment Group, LLC	6,901,823	1,916
Brightspeed of Louisiana, LLC	18,742,492	7,616
Cable One VOIP, LLC (Sparklight)	3,615	22
CableSouth Media III, LLC	142,323,297	52,430
Cebridge Telecom LA, LLC	303,894	2,266
Charter Fiberlink LA-CCO, LLC	29,508,477	25,386
Conexon Connect, LLC	107,928,856	51,589
Cox Louisiana Telecom LLC	641,708	411
Gonthier, Inc.	1,710,200	1,639
Southwest Arkansas Telecommunications and Technology, Inc.	5,738,170	1,656
Volt Broadband, LLC	1,283,546	652
<b>Total</b>	<b>\$315,457,426</b>	<b>146,203</b>

**Note:** After the RDOF Phase I auction, the FCC conducted a challenge process which led to some RDOF winners in Louisiana defaulting in certain census blocks that were determined to contain no serviceable locations. As a result, the final authorized funding amounts and location counts may differ from the original awards announced in November 2020.

**Source:** Prepared by legislative auditor's staff using data downloaded from the FCC.

**LPSC's role in designating and certifying ETCs.** RDOF is a program within the FCC's Universal Service Fund (USF) High Cost Program and as such, every RDOF winning bidder had to obtain an ETC designation to be eligible for RDOF support. In accordance with federal law, LPSC is vested with the primary responsibility for designating carriers as ETCs in Louisiana.<sup>40</sup> Before granting ETC designation to RDOF winning bidders, LPSC conducted a two-fold analysis:<sup>41</sup>

- Winning bidders had to offer the ten supported universal services and advertise the availability and charges of these services.
- LPSC must find that the designation would be in the public interest.

The High Cost Program is one of four programs that make up the federal Universal Service Fund. It distributes funding to telecom carriers to deliver service in rural areas where the market alone cannot support the substantial cost of deploying network infrastructure and providing connectivity.

**Source:** <https://www.usac.org/high-cost/program-overview/>

Universal service is the principle that all Americans should have access to communications services. Universal service is also the name of a fund and the category of FCC programs and policies to implement this principle.

**Source:**

<https://www.fcc.gov/general/universal-service>

In addition, LPSC must annually certify that the High Cost support provided to ETCs under its jurisdiction was used for its intended purposes in the preceding calendar year and will be used for its intended purposes in the coming calendar year. The purpose of this annual certification is to ensure that state commissions monitor the appropriate use of USF funds by ETCs and that High Cost support mechanisms achieve their goal of extending universal service to high cost areas and low-income customers.<sup>42</sup>

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<sup>40</sup> 47 U.S.C.A. §214(e)(2)

<sup>41</sup> LPSC Regulations for Competition in the Local Telecommunications Market and LPSC General Order R-27841.

<sup>42</sup> FCC 05-46 and <https://pubs.naruc.org/pub/FA8640DC-A99A-07D1-869A-61AE68CB6AD3>

**GUMBO 1.0 Program.** In November 2022, ConnectLA awarded \$131.4 million received from the ARPA-CPF to broadband projects through the GUMBO grant program (GUMBO 1.0). The table below shows the total project cost, GUMBO 1.0 award amount, and number of locations to receive broadband services through the GUMBO 1.0 program. ConnectLA also plans to award \$1.35 billion in BEAD funding allocated to Louisiana through the GUMBO grant program (GUMBO 2.0).

<b>GUMBO 1.0 Awards</b>			
<b>Internet Service Provider</b>	<b>Total Project Cost</b>	<b>GUMBO Award Amount</b>	<b>Number of Locations Obligated</b>
Advanced Tel, L.L.C.	\$140,340	\$52,272	43
Allen's T. V. Cable Service, Inc., dba Allens Communications	3,940,000	2,405,000	1,624
AMG Technology Investment Group/Nextlink	1,588,996	1,112,298	941
AOP	3,750,000	3,000,000	1,445
AT&T Services Inc., on behalf of its affiliate BellSouth, LLC dba AT&T Southeast	21,408,681	11,039,443	9,016
CableSouth Media III, LLC dba Swyft Fiber	81,497,520	38,534,420	30,081
Cajun Broadband Inc	19,488,000	12,850,400	4,419
Comcast Cable Communications, LLC	14,730,779	8,191,425	1,176
Conexon Connect LLC	26,450,818	21,160,655	4,712
Connect Holding II LLC d/b/a Brightspeed	958,572	270,244	409
Cox Communications Louisiana, LLC	961,023	207,518	215
CSC Holdings, LLC/Optimum	36,139,554	13,271,892	8,450
Lafayette City Parish Consolidate Government dba LUS Fiber	13,143,239	6,336,453	302
REACH4 Communications	1,094,807	656,884	374
SkyRider Communications LLC dba ArkLaNet	3,827,603	3,062,083	508
Spectrum Gulf Coast, LLC, by its Manager, Charter Communications, Inc.	9,618,294	6,399,794	1,978
Star Communications	800,000	600,000	229
Volt Broadband, LLC	2,827,939	2,262,351	429
<b>Total</b>	<b>\$242,366,165</b>	<b>\$131,413,132</b>	<b>66,351</b>
<b>Source:</b> Prepared by legislative auditor's staff using information provided by ConnectLA.			



## APPENDIX D: BEST PRACTICES TO ADDRESS BARRIERS TO BROADBAND EXPANSION

According to the NTIA, there are four main categories related to permitting that state and local governments must address: ROW access, pole attachments, conduit access, and environmental and historic preservation.

Category	Description	Potential Policy Solutions
ROW access	<p>Broadband networks are built along either public land that runs alongside roads and railways or private land and facilities, known as the ROW. For new broadband deployment, providers need to access the ROW, a process that can be slow and costly.</p> <p>Streamlined ROW policies can significantly reduce deployment time and capital expenditure.</p>	<p>Simplify the number and complexity of permit applications (the “one-stop shop”), offering expedited permitting for minimally invasive construction practices, and putting in place e-permitting.</p> <p>Promote newer methods, such as micro-trenching and rapid small cell wireless facility deployment via public infrastructure, that, when installed correctly, can be faster and more affordable for providers.</p> <p>Lack of staff is a common barrier, particularly for permitting. Jurisdictions should think through realistic staffing needs to prepare for the Infrastructure Investment and Jobs Act (IIJA) funding.</p>
Pole attachments	<p>Aerial deployment involves attaching cables to utility poles along the ROW. Utility poles with multiple existing services (e.g., telephone, electricity, cable) require policies to regulate pole attachments so that they do not inhibit new broadband deployment.</p> <p>Pole attachment policies address rates, access requests, timelines, procedures to mediate disputes, and other terms and conditions. Jurisdictions should ensure that pole attachment policies are fair and streamlined.</p> <p>Fair and streamlined pole attachment policies can reduce costs for new broadband deployment and provide certainty and clarity to providers.</p>	<p>Jurisdictions should identify which entities (local governments, public utility commissions, or pole owners) have regulatory authority for pole attachments.</p> <p>A One-Touch Make-Ready (OTMR) policy designates one or more contractors to complete all make-ready tasks at the same time rather than have the pole owner and each incumbent provider conduct their own make-ready tasks sequentially. OTMR policies can reduce make-ready costs for new attachers, avoid potential complications, and support new market entrants.</p>

Category	Description	Potential Policy Solutions
Conduit access	<p>Buried deployment involves running cable underground for terrestrial broadband and fixed or mobile wireless fiber backhaul along the ROW.</p> <p>Historically, project owners dug trenches each time they installed infrastructure or did maintenance.</p>	<p>Dig once policies can reduce the substantial capital expenditures and length of traditional buried deployment, as well as provide additional societal benefits, such as minimizing service disruptions for citizens.</p> <p>In conjunction with the IIJA, the Federal Highway Administration has issued rules that encourage states to promote dig once along the state ROW. With a dig once policy in place, state broadband offices and Departments of Transportation can coordinate to maximize the impact of IIJA transportation investments.</p>
Environmental and historic preservation	<p>The National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) require federal agencies to understand the impact of their proposed actions before taking them.</p>	<p>States should become familiar with NEPA and NHPA requirements and review process.</p>
<p><b>Source:</b> Prepared by legislative auditor’s staff using information from the NTIA.</p>		