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DEPARTMENT OF AGRICULTURE

Rural Utilities Service

[Docket Number RUS–20–TELECOM–0044]

7 CFR Parts 1735 and 1737

RIN 0572–AC48

Implementation of Telecommunications Provisions of the Agricultural Improvement Act of 2018

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule; confirmation.

SUMMARY: The Rural Utilities Service, a Rural Development agency of the United States Department of Agriculture (USDA), hereinafter referred to as “RUS” or “the Agency,” published in the *Federal Register* on September 10, 2021, a final rule with request for comments. This document presents the opportunity for the Agency to provide its responses to the public comments received on the final rule and to confirm the final rule as published.

DATES: March 17, 2022.

FOR FURTHER INFORMATION CONTACT:

Laurel Leverrier, Assistant Administrator, Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture, email: laurel.leverrier@usda.gov, telephone (202) 720–9556.

SUPPLEMENTARY INFORMATION: The RUS published a final rule with request for comments in the *Federal Register* on September 10, 2021 at 86 FR 50604. The final rule modified existing regulations to implement statutory provisions of the Agricultural Improvement Act of 2018 (2018 Farm Bill).

The comment period on the final rule closed November 9, 2021. Comments were received from five respondents. The comments provided and Agency responses are as follows:

Respondent One

Respondent one is an individual that offered general comments on the

importance of connectivity and how it can benefit rural areas and farmers.

Agency Response: Thank you for your comment.

Respondent Two

Respondent two is a small company located in Kansas that started up specifically to offer broadband service with a grant through a COVID–19 response program. The company had to take on additional debt in order to expand their service and have provided general comments on their experience with providing service to a small area and the challenges they continue to face. They “would like to see refinancing limits to 100 percent loans and 50 percent for non-RUS loans.” They express the need for easier access to capital for network upgrades.

Agency Response: Thank you for your comment.

Respondent Three

Respondent three is an organization that represents its member telecommunications companies and advocates on their behalf. They provided a general discussion on the changes made to the regulation and offered the following: “The proposed rules for implementing the changes to the Rural Telephone Loan Program represent a good faith and commendable effort to carry out the will of Congress expressed in the 2018 Farm Bill, and USDA has the benefit of decades of experience (and countless success stories) at RUS in supporting rural telecom and coordinating with other federal programs. As RUS begins administering the revamped program, however, it will be important to recommit to such efforts, including identifying where providers are receiving USF or other program support to deploy to at least the RUS broadband standard, and limiting future USDA awards in those areas to the recipients of support or funding from these other programs instead of duplicating the existing network and putting scarce federal resources at risk.”

As part of their concern for identifying where existing providers are located, they recommended adding to § 1735.12 on nonduplication “that such loan will not result in duplication of lines, facilities, or systems that are obligated to be built in the area in question to provide reasonably adequate services under other programs

administered by the Agency or any other federal Agency.”

Agency Response: The Agency supports the respondent’s comment and the Agency meets with other federal agencies that support the deployment of broadband facilities on a regular basis. We appreciate your suggestion and will keep it under consideration for a future change to the regulation. As the Agency works with our other federal partners, we will develop an overall strategy that ensures the most efficient use of all federal dollars allocated to providing broadband service.

Respondent Four

Respondent four is an existing Native American RUS borrower that has been in operation over 60 years. They have outstanding loans in the telecommunications and broadband programs. They “strongly support the included federal rule amendments and urge their expeditious implementation by the RUS.” In support of and relating to these changes, the company offered a detailed summary of their existing operations and their hard work in providing modern, state-of-the-art telecommunications services to its customers. Their broadband penetration “sits at approximately 58 percent and while the company understands the importance of making its broadband services more affordable, it has been unable to reduce its pricing given financial, cost recovery needs. As a small company providing broadband and voice services over a large, remote, and thinly populated area, the company faces significant cost recovery challenges.” In recognition of their cost recovery and price affordability concerns, they have been in discussions with the Agency on extensions, revised loan terms or full refinancing options.

As to implementation of the final rule and issuance of the referenced funding opportunity announcement, “the borrower urges RUS to move swiftly in its process, issuing the required public notice at the earliest opportunity. Furthermore, the company requests that the RUS in making funds available for refinancing establish a process for receiving and reviewing applications that fairly takes into account the interest of the company and other service providers.”

In its summary, the borrower “urges the RUS to sufficiently clarify within the released Notice of Funding

Opportunity the differences in the informational requirements, review processes and the estimated timelines that will apply with respect to the RUS review of refinance applications vs. original loan applications. Also, given the informational requirements and steps necessary for full review and final action by the RUS should not be as extensive for refinance applications, the borrower encourages the RUS to implement a timeline for its acceptance and review of refinance applications that is different than, and much shorter, than the timelines will be established for the submittal, review and action on applications for new infrastructure loans.”

Agency response: The Agency is in the final phase of the funding announcement to open the Infrastructure Program to the new refinancing opportunities. The funding announcement will include the requirements that need to be satisfied to receive the refinancing. Applications will be processed as soon as they are submitted.

Respondent Five

Respondent five is a national trade association that represents small, rural telecommunications providers across rural America. Many of the rural location exchange carriers they represent have a long-standing relationship with the Agency going back more than 75 years. The respondent “supports RUS’ efforts that streamline the Loan Program and eliminate unnecessary requirements so that the Program operates more efficiently. In addition, the respondent supports some of the more substantive changes made to the Loan Program rules. Specifically, creating a minimum retail broadband service speed standard of 25/3 Mbps will help ensure rural areas are not left behind more populated areas when it comes to broadband service. In addition, broader loan restructuring and refinancing authority will allow RUS borrowers to take advantage of better interest rates. Finally, the creation of a public notice requirement for loan applications will help ensure funds are not used to duplicate existing networks; however, RUS should strengthen this provision by directly contacting incumbent service providers to let them know of a submitted application.”

Agency response: The Agency believes that the public notice requirements, set out by statute, sufficiently put incumbent service providers on notice that an application has been submitted under any program at USDA for retail broadband assistance.

The Agency did not receive any significant adverse comments during the public comment period on the final rule, and therefore confirms the rule without change.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. FAA-2020-1088]

Airworthiness Criteria: Special Class Airworthiness Criteria for the TELEGRID Technologies, Inc. TELEGRID DE2020 Unmanned Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Issuance of final airworthiness criteria.

SUMMARY: The FAA announces the special class airworthiness criteria for the TELEGRID Technologies, Inc. Model TELEGRID DE2020 unmanned aircraft (UA). This document sets forth the airworthiness criteria the FAA finds to be appropriate and applicable for the UA design.

DATES: These airworthiness criteria are effective April 18, 2022.

FOR FURTHER INFORMATION CONTACT: Christopher J. Richards, Emerging Aircraft Strategic Policy Section, AIR-618, Strategic Policy Management Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 6020 28th Avenue South, Room 103, Minneapolis, MN 55450, telephone (612) 253-4559.

SUPPLEMENTARY INFORMATION:

Background

TELEGRID Technologies, Inc. (TELEGRID) applied to the FAA on February 24, 2020, for a special class type certificate under Title 14, Code of Federal Regulations (14 CFR) 21.17(b) for the Model TELEGRID DE2020 unmanned aircraft system (UAS).

The Model TELEGRID DE2020 consists of a rotorcraft UA and its associated elements (AE) including communication links and components that control the UA. The Model TELEGRID DE2020 UA has a maximum gross takeoff weight of 24 pounds. It is approximately 39 inches in width, 39 inches in length, and 17 inches in height. The Model TELEGRID DE2020

UA uses battery-powered electric motors for vertical takeoff, landing, and forward flight. The UAS operations would rely on high levels of automation and may include multiple UA operated by a single pilot, up to a ratio of 20 UA to 1 pilot. TELEGRID anticipates operators will use the Model TELEGRID DE2020 for delivering packages. The proposed concept of operations (CONOPS) for the Model TELEGRID DE2020 identifies a maximum operating altitude of 400 feet above ground level (AGL), a maximum cruise speed of 22 knots (25 mph), operations beyond visual line of sight (BVLOS) of the pilot, and operations over human beings. TELEGRID has not requested type certification for flight into known icing for the Model TELEGRID DE2020.

The FAA issued a notice of proposed airworthiness criteria for the TELEGRID DE2020 UAS, which published in the **Federal Register** on November 20, 2020 (85 FR 74289).

Summary of Changes From the Proposed Airworthiness Criteria

Based on the comments received, these final airworthiness criteria reflect the following changes, as explained in more detail under Discussion of Comments: A new section containing definitions; revisions to the CONOPS requirement; changing the term “critical part” to “flight essential part” in D&R.135; changing the basis of the durability and reliability testing from population density to limitations prescribed for the operating environment identified in the applicant’s CONOPS per D&R.001; and, for the demonstration of certain required capabilities and functions as required by D&R.310.

Additionally, the FAA re-evaluated its approach to type certification of low-risk UA using durability and reliability testing. Safe UAS operations depend and rely on both the UA and the AE. As explained in FAA Memorandum AIR600-21-AIR-600-PM01, dated July 13, 2021, the FAA has revised the airworthiness criteria to define a boundary between the UA type certification and subsequent operational evaluations and approval processes for the UAS (*i.e.*, waivers, exemptions, and/or operating certificates).

To reflect that these airworthiness criteria rely on durability and reliability (D&R) testing for certification, the FAA changed the prefix of each section from “UAS” to “D&R.”

Lastly, the FAA revised D&R.001(g) to clarify that the operational parameters listed in that paragraph are examples and not an all-inclusive list.