The final rule that published February 26, 2021 (86 FR 11603), included a 60-day comment period that ended on April 27, 2021. The final rule specifically requested comments on the speed used to determine eligibility. The Agency received comments from 73 respondents. Respondents included industry associations, engineering firms, individuals, education providers, Tribes and Tribal organizations, economic development and municipal organizations, manufacturers, telecommunications providers and nonprofits. Thirty-five of the respondents provided constructive feedback on the regulation and the remaining 38 were supportive of the program.

As requested in the rule, several of the constructive comments included suggestions to increase the standard of sufficient access from 10/1 Mbps to at least 25/3 Mbps. One respondent requested that RUS acknowledge that the current definition of broadband, 25/3 Mbps, does not correspond with the requisite download and upload speeds for many businesses, education, and health care applications. Two recommended that RUS use a weighted priority scale to allow funds to go first to 10/1 areas, and then to areas up to 25/3 or even higher. Two others requested that RUS prioritize areas with speeds slower than 25/3 Mbps and suggested that sufficient access should be defined at 100/20 Mbps.

Agency response: As provided in 7 CFR part 1940, “Sufficient Access to Broadband” is set forth in each funding announcement. No change to the rulemaking is necessary. Comments provided in response to the rule were taken into account for the funding announcement issued on October 25, 2021, at 86 FR 58860.

The RUS appreciates comments from interested parties. The Agency confirms the final rule without change.

Andrew Berke,
Administrator, Rural Utilities Service.
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