



**RECIPIENT INFORMATION**

1. **Recipient Name**  
The Governor's Office of Information Technology  
1575 Sherman Street STE 150  
Denver, CO 80203-1702
2. **Congressional District of Recipient**  
CO-1
3. **Employer Identification Number (EIN)**  
840644739
4. **Unique Entity Identifier (UEI)**  
YATPWC2BC8X7
5. **ASAP ID**  
0858401
6. **Recipient Point of Contact**  
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7. **Authorized Official**  
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**FEDERAL AGENCY CONTACT INFORMATION**

8. **Program Officer**  
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10. **Grants Officer**  
Yongming Qiu  
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**STATUTORY AUTHORITY**

11. Section 60102, P.L. 117-58, 135 Stat 429

**FEDERAL AWARD INFORMATION**

12. **Federal Award Identification Number (FAIN) - Amendment #**  
06-20-B082-4
13. **Award Type**  
Grant
14. **Period of Performance Start Date & End Date**  
12/01/2022 - 12/31/2040
15. **Budget Period Start Date & End Date**  
See Specific Award Conditions (SACs)
16. **Federal Funds Obligated by this Action**  
\$0.00
17. **Total Amount of Federal Funds Obligated**  
\$826,522,650.41
18. **Total Approved Cost Share**  
\$217,076,250.03
19. **Total Federal Award including approved Cost Share**  
\$1,043,598,900.44
20. **Opportunity Number**  
NTIA-BEAD-2022
21. **Project Title**  
Advance Colorado Broadband
22. **Assistance Listing Number and Name**  
11.035-Broadband Equity, Access, and Deployment Program
23. **Award Action Type**  
Amendment
24. **Multiyear Award?**  
Yes
25. **R&D Award?**  
No
26. **Grants Officer – Signature and Date**  
Yongming Qiu -  Date: 2026.01.20 15:22:24 -05'00'
27. **Authorized Official – Signature and Date\***

\*The Notice of Award (NoA) must be signed by an authorized representative of the Recipient and returned to the Grants Officer within 30 days, unless otherwise instructed in the "Reason for Amendment" section. The Grants Officer may unilaterally withdraw the Award if a signature is required and not returned within this timeframe. The Recipient agrees to comply with the terms and conditions of the Award.

In the case of subgrants whose major purpose is a broadband infrastructure project, Subgrantees may retain program income without restriction, including retaining program income for profit. This exception does not alter the prohibition in Term 35 regarding a profit, fee, or other incremental charge above the actual cost incurred by the Subgrantee.

## 50. NEW-- Ensuring Timely and Effective Deployment of BEAD Projects

Under the Infrastructure, Investment, and Jobs Act (IIJA), NTIA is permitted to issue any “regulations or other guidance, forms, instructions, and publications” necessary to ensure that Broadband Equity Access and Deployment (BEAD) projects are carried out in a “timely and effective manner.”<sup>9</sup> NTIA has determined certain state laws and regulations that specifically target broadband internet service—such as rate regulation and net neutrality laws<sup>10</sup>—undermine the financial viability of BEAD projects, particularly high-cost projects and those in high-cost areas. These laws and regulations deter investment<sup>11</sup> and increase operating costs,<sup>12</sup> thereby impeding the ability of BEAD Subgrantees to deploy broadband in a timely and effective manner.<sup>13</sup>

Moreover, NTIA has determined that states may not apply such laws to any Subgrantee anywhere it provides service in the state (i.e., neither BEAD-funded nor non-BEAD locations). Applying such laws at non-BEAD locations could raise compliance costs and threaten the overall financial viability of the Subgrantee, increasing the risk of default for the Subgrantee at BEAD locations and jeopardizing the success of the entire BEAD program. Furthermore, the increased compliance costs of a dual regulatory system could lead Subgrantees to offset such costs by raising rates across their entire service area, including for consumers served by BEAD projects.

In addition, because IIJA prohibits NTIA from regulating broadband service rates,<sup>14</sup> NTIA has further determined that permitting states to do that which the agency itself is expressly prohibited from doing would contradict Congressional intent and impair the success of the BEAD program.

Consistent with these determinations, and to ensure that the Grantee’s<sup>15</sup> BEAD projects are carried out in a timely and effective manner, the Grantee shall commit that it will not enforce any law, regulation, order, contracting requirement, or other enforceable obligation that directly or indirectly regulates the rates, terms, and conditions of broadband internet service, whether on a retail, wholesale, or network basis, or imposes net neutrality rules, open access, or other utility-style rules on broadband internet

<sup>9</sup> 47 U.S.C. § 1702(i).

<sup>10</sup> A “net neutrality rule” is any law, regulation, order, contracting requirement, or other enforceable obligation by the state that prohibits broadband internet service providers from, among other things, blocking content, throttling speeds, imposing data caps, engaging in paid prioritization, or that imposes a general conduct or similar standard upon broadband internet service providers.

<sup>11</sup> See Ford, G., *Internet regulation and investment in the U.S. telecommunications industry*, Applied Economics, 1–8 (2024), <https://doi.org/10.1080/00036846.2024.2439584>.

<sup>12</sup> See Fullenbaum, R. & Richards, T., *The Impact of Regulatory Growth on Operating Costs*, Mercatus Working Paper Series (2020), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3697453](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3697453).

<sup>13</sup> See Briglauer, W., et al., *Net neutrality and high-speed broadband networks: evidence from OECD countries* European Journal of Law and Economics, Vol. 55, pp. 533, 535 (“We find empirical evidence that net neutrality regulations exert a significant and strong negative impact on fiber investments” and “our main result indicates that net neutrality regulations seriously impact the deployment of general-purpose broadband infrastructures which generate considerable externalities across a wide range of sectors of the economy.”).

<sup>14</sup> 47 U.S.C. § 1702(h)(5)(D) (“Nothing in this subchapter may be construed to authorize the Assistant Secretary or the National Telecommunications and Information Administration to regulate the rates charged for broadband service.”).

<sup>15</sup> A “Grantee” is an “Eligible Entity” as defined by 47 U.S.C. § 1702(a)(2)(F).

service, against a Subgrantee or its affiliates anywhere it provides service within the State (i.e., both BEAD and non-BEAD locations), while that Subgrantee has any subgrant that is still within its period of performance, extended period of performance, or federal interest period.

The Grantee shall include the following language reflecting the commitments above in each subgrant agreement so that any Subgrantee may assert its contractual rights should the Grantee attempt to enforce any such requirement:

*The Grantee, and any agency, instrumentality, or subdivision thereof, agrees not to enforce any law, regulation, executive order, contracting requirement, or other enforceable obligation that directly or indirectly regulates in any way the rates, terms, and conditions of broadband internet service, whether on a retail, wholesale, or network basis, or imposes net neutrality rules, open access, or other utility-style rules on broadband internet service, against the Subgrantee or its affiliates anywhere it provides service within the Grantee's jurisdiction, while that Subgrantee has any subgrant that is still within its period of performance, extended period of performance, or federal interest period. For purposes of this provision, a "net neutrality rule" is any law, order, contracting requirement, or other enforceable obligation by the Grantee that prohibits internet service providers from, among other things, blocking content, throttling speeds, imposing data caps, or engaging in paid prioritization, or that imposes a general conduct or similar standard upon internet service providers.*

#### **51. NEW-- Protecting the BEAD Program from Defaults**

By law, BEAD Grantees are required to ensure that all Subgrantees have "the financial and managerial capacity to meet": (1) "the commitments of the subgrantee under the subgrant"; (2) "the requirements of the Program"; and (3) "such requirements as may be further prescribed by the Assistant Secretary."<sup>16</sup> Grantees are further required to: (1) "distribute the funds in an equitable and nondiscriminatory manner"; and (2) "ensure, through a stipulation in any contract with a subgrantee for the use of such funds, that each subgrantee uses the funds in an equitable and nondiscriminatory manner."<sup>17</sup>

As such, NTIA has determined that agreements between Grantees and Subgrantees should adequately and accurately reflect the economic risk of providing broadband service to the project area(s), as well as specific Broadband Serviceable Location(s) (BSL(s)). Furthermore, NTIA has determined that a Subgrantee relying on the speculative prospect of future Federal funding is at increased risk of defaulting on its obligations and that the distribution of funds to such a Subgrantee would be inequitable.

Therefore, to ensure Subgrantees have the requisite financial and managerial capacity and funds are distributed in an equitable manner, NTIA requires that contracts between Grantees and Subgrantees appropriately account for the economic risk associated with the particular project area(s) and BSL(s) and are not premised on the receipt of additional or future Federal funding.

To comply with this requirement, Grantees shall incorporate the following certification into all subgrant agreements:

1. *[Subgrantee] and any of its affiliates will not require or accept any additional Federal funds to*

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<sup>16</sup> 47 U.S.C. § 1702(g)(2)(A)(ii).

<sup>17</sup> 47 U.S.C. § 1702(g)(2)(C)(i), (ii).