July 24, 2026

Bryant Clayton
Texas Broadband Development Office
Via Electronic Mail

Subject: Response to July 10 Request for Feedback

Dear Director Clayton and Staff,

Thank you for your July 10 correspondence seeking input from the Texas Broadband Association (TBBA) regarding transparency, stakeholder input, and future funding utilization for the Broadband Development Office (BDO). As you know, TBBA shared in our testimony during the June 24 Senate Business and Commerce Committee hearing several recommendations to improve transparency and stakeholder engagement. We build upon those recommendations herein, and offer concrete steps that may be taken by the BDO as it seeks to make changes to its operations. As deployment moves forward in Texas, the BDO's role continues to be critical in ensuring that state and federal broadband investments translate into actual connectivity for Texans. Please see below responses to individual questions posed by the BDO:

1. *What additional and new steps could the BDO take to enhance transparency in ways that promote accountability, trust, and meaningful stakeholder participation?*

- Discontinue the practice of requiring stakeholders to utilize the Texas Public Information Act request process to access basic public information that could otherwise be available on the BDO's website.
- Ensure that the following are timely published and accessible on the BDO website: draft rules, comments received to rules, recently adopted rules, and all non-confidential programmatic information including but not limited to responses to RFIs issued by the BDO, application information, monitoring reports, and subgrantee agreements.
- Utilize a public stakeholder process to develop a Strategic Plan that identifies future directed uses of state and federal funding, including the Broadband Infrastructure Fund (BIF). The Strategic Plan should establish specific broadband programs planned as part of the BIF as well as projected project areas. It should also outline a process for stakeholders to challenge eligible funding locations prior to issuance of awards.

- Produce and deliver to the Legislature an annual report that identifies progress in closing the digital divide in Texas and success in meeting metrics identified in the Strategic Plan.
- Post all funding applications received in response to Notices of Funding Availability (NOFA) on the BDO's website and permit challenges to such applications to ensure that funding is not utilized to overbuild private investment. Post all responses to submitted challenges and final resolution of such challenges on the BDO website.
- Establish a mechanism that enables the public to track post-award buildout compliance of any broadband grant recipients through regular publicly filed compliance reports available on the BDO's website. Compliance reports should identify, at a minimum, the number of funded locations, served locations, dollars spent to date, and specific barriers to deployment.
- Discontinue the practice of announcing new funding programs via the publication of a NOFA. Instead, develop a process to publish draft conceptual details for newly conceived funding programs and receive stakeholder input thereon.

2. *What additional strategies would further strengthen engagement between the BDO and all stakeholders?*

- Hold periodic in-person stakeholder meetings (or hybrid meetings) which allow meaningful, substantive dialogue between decision-making staff at the BDO, stakeholders, and the public.
- Establish an award monitoring and deployment coordination team to monitor award progress and safeguard public funds.
- Utilize the award monitoring and deployment coordination team to hold regular meetings with awardees and stakeholders to discuss permitting, infrastructure access and utility coordination issues that may delay project completion and provide a forum for resolution, inviting permitting entities and utility owners.

3. *By leveraging remaining state funds and possible forthcoming federal dollars, what new opportunities would help the BDO achieve its goal to connect more Texans across the state with reliable broadband service?*

As reflected above, TBBA recommends that the BDO initiate a public stakeholder process to determine the best uses for the remainder of the state BIF and develop a Strategic Plan therefor. A Strategic Plan is warranted given the considerable amount of taxpayer dollars remaining in the BIF and the need to maximize those tax dollars to best achieve the goal of connecting Texans. TBBA requests that BDO's initiation of a public stakeholder process consider the following:

- Other state BDOs are effectively utilizing broadband funds to speed broadband deployment and alleviate issues relating to permitting, pole attachments, and easement

access and could be utilized as models for Texas' use of BIF. Some readily available examples include: Arizona's permitting dashboard; a permitting toolkit created by the state of Arkansas; California's best practices permitting manual; and the regular awardee meetings held by the Alabama BDO.

- BIF funds will be necessary to serve those Texans who remain unserved or underserved following the completion of BEAD, whether due to default, program limitations, updated location data, or new development. The BDO should establish a reserve fund for this purpose, as state funding may be the only available option following the exhaustion of allocated BEAD funds.

With respect to the potential availability of BEAD non-deployment funds: if NTIA announces that states may retain BEAD non-deployment funds, we request that you convene stakeholders to provide input on potential uses at that time. Until guidance is released outlining approved uses for BEAD non-deployment funds, it is impossible to speculate as to potential ways to best utilize such funding.

We appreciate the opportunity to provide the above recommendations and we look forward to additional dialogue as the BDO works to increase transparency and stakeholder engagement. If you have any questions about any of the above recommendations, please do not hesitate to reach out.

Sincerely,

Tina O'Jibway
Counsel, Texas Broadband Association