

224A.117 Kentucky BEAD Grant Program -- Purpose -- Powers of office -- Application of federal law -- Grantee applications for funding.

- (1) The Kentucky BEAD Grant Program is hereby established for the purpose of defraying eligible expenses associated with projects intended to provide broadband service to unserved and underserved areas of the Commonwealth, and, to the extent funding is available, for certain nondeployment purposes allowable under federal law. This program shall be the exclusive means of distributing BEAD Program money to Kentucky applicants.
- (2) The office is hereby authorized, consistent with the requirements of this section, to administer the Kentucky BEAD Grant Program. It shall have all power necessary and convenient, not explicitly prohibited or reserved by statute, to carry out and effectuate its purposes, including the powers to:
 - (a) Develop and submit BEAD Program funding requests to the administration or other responsible federal entities;
 - (b) Conduct a challenge process consistent with federal requirements to identify Kentucky locations eligible for funding;
 - (c) Develop an application process for applications for funding from the Kentucky BEAD Grant Program, including the requirements for the applications, in a manner that does not violate the prohibition in KRS 278.5462(1);
 - (d) Determine eligibility criteria for prospective subgrantees and projects;
 - (e) Create rules governing the review process and timeline for applications and challenges to those applications;
 - (f) Make administrative rules necessary for the achievement of the goals of the Kentucky BEAD Grant Program;
 - (g) Coordinate and partner with local governments or private entities as necessary;
 - (h) Determine which grant applications should receive funding and disburse those grants from the BEAD fund established in KRS 224A.118;
 - (i) Enter into contracts or agreements necessary or incidental to the performance of its duties, functions, and responsibilities;
 - (j) Notwithstanding KRS 45A.190, require applicants to submit letters of credit, bonds, or other reasonable means of assuring project completion it deems appropriate and necessary, including giving full effect to the guidance from the administration by allowing the office to provide grantees a range of options to satisfy this paragraph;
 - (k) If funding is available after identifying and funding BEAD Program deployment projects, identify and fund nondeployment projects consistent with federal law;
 - (l) Oversee and administer reporting and compliance under grants made under the Kentucky BEAD Grant Program consistent with federal law; and
 - (m) Act as otherwise necessary to pursue the goals of the Kentucky BEAD Grant Program.

- (3) Except where explicitly stated otherwise, all terms in this section shall have the same meaning as provided in the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, and in the Notice of Funding Opportunity for the BEAD Program published by the administration on May 13, 2022, including any subsequent guidance issued by the administration with respect to the program after the issuance of the Notice of Funding Opportunity. In the event of any conflict between this section and legal requirements contained in the federal law, the federal law shall take precedence. To the extent this chapter conflicts with any other provision of the Kentucky Revised Statutes, this chapter prevails.
- (4) The office shall ensure that applications contain sufficient information to allow the office to reasonably evaluate each grantee's ability to comply with all program requirements, including all grantee qualifications and conditions required under federal law.
- (5) KRS 224A.1121 shall not apply to the Kentucky BEAD Grant Program as contained in KRS 224A.115 to 224A.118.

Effective: April 4, 2024

History: Created 2024 Ky. Acts ch. 82, sec. 3, effective April 4, 2024.