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On October 26, 2022, the Office of Broadband Expansion and Accessibility of Mississippi (BEAM), under the authority granted to the Office under 2022 Miss. Laws, Ch. 397 (H.B. No. 1029) (“BEAM Act”), filed a set of proposed rules with the Secretary of State’s Office addressing general rules for this Office and the grant application process to be conducted by this Office. The rules were composed of Rules 1.1 through 9.1 of Title 12, Finance and Administration, Part 12, Office of Broadband Expansion and Accessibility of Mississippi (BEAM), Chapters 1 through 9.

Notice was provided on that same date that a hearing would be held on November 18, 2022, at 10:00 a.m. in Conference Room 138N of the Woolfolk Building in Jackson, Mississippi.

Having received comments, both in writing and at the oral proceedings on November 18, 2022, all of which have been considered, BEAM now adopts the proposed Rules 1.1 through 9.1 with the following amendments:

Subsections (1) and (4) of Rule 2.3 are amended as follows:

Rule 2.3 Common requirements of broadband infrastructure categories. All categories of the BEAM Fund Grant Programs share the following requirements:

(1) Limited to projects in locations in which at least 80 percent of the residences, businesses, and community institutions are without access to broadband service as defined in Rule 1.4(2);

....

(4) Awards limited to ~~no more than~~ \$5 million per project unless substantial justification for a higher amount is presented to and approved by BEAM, with projects being reimbursed for actual capital expenses up to the maximum project cost identified in the award;

The change in subsection (1) simply provides a parameter of the underserved areas referenced in Rule 1.4(6) addressing projects eligible for grant funding under the BEAM Act. The edits in subsection (4) allow BEAM to approve grants exceeding the \$5 million currently estimated to be the upper limit of project grants if substantial evidence is presented that a higher amount is needed to ensure broadband expansion and accessibility in a particular unserved or underserved area.

BEAM would like to thank all persons and entities who provided comments. The minor edits discussed herein resulted from this input.

BEAM thus hereby adopts Rules 1.1 through 9.1 of Title 12, Part 12, Chapters 1 through 9, as proposed in its October 26, 2022, filing and as amended herein. A copy of the final Rules 1.1 through 9.1 will be filed with the Secretary of State. As noted in Rule 9.1, these rules will become effective upon said filing in accordance with Miss. Code Ann. § 25-43-3.111(2)(b)(ii), as BEAM has determined that the rules confer only benefits to the public or some segments thereof in providing procedures for the granting of funds for the expansion of broadband services in the state and that the rules should thus be adopted and implemented as expeditiously as possible.

Sally B. Doty, Executive Director of BEAM