

**BROADBAND EXPANSION GRANT  
APPLICATION  
For Fiscal Year 2017**

Late applications will be rejected. Applications MUST be date and time stamped by the Commission's Electronic Regulatory Filing (ERF) system on or before the date and time that the application is due. Applications dated and time stamped in another office will be rejected. Applications are public unless otherwise specified. All applications will be posted on ERF under the docket number stated below and available for public inspection immediately upon filing.

Applicant (Name and Address)

Applications MUST be UPLOADED to ERF by going to the Commission's website, [http://psc.wi.gov/apps35/ERF\\_upload/content/mymenu.aspx](http://psc.wi.gov/apps35/ERF_upload/content/mymenu.aspx), and selecting "Existing Docket" under either Public Document or Confidential Document heading, as appropriate.

The docket number for applications for FY 2017 Broadband Expansion Grants is: 5-BF-2017. The docket caption is: FY 2017 Broadband Expansion Grants.

Applications are due and must be uploaded no later than: **June 16, 2016** at 4:00pm (16:00) Central Time

Contact for further information:

Dennis Klaila, Program & Planning Analyst, Public Service Commission of Wisconsin

Phone

608-267-9780

Date

March 21, 2016

The Public Service Commission of Wisconsin is seeking applications for Broadband Expansion Grants. The Commission may award one or more grants that, in the aggregate, do not exceed an annual total of \$1,500,000 during Fiscal Year 2017 to public and private entities that meet the eligibility requirements set forth in Wis. Stat. § 196.504. Successful applicants will demonstrate a clear and achievable plan to improve broadband communications services in one or more underserved areas in the state.

In signing this application, the undersigned verifies under penalty of perjury that the Applicant and its employees and agents have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition with respect to this application; that no attempt has been made to induce any other person or firm to submit or not to submit an application; that this application has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this application has not been knowingly disclosed prior to the opening of applications to any other applicant or competitor; that all of the responses and representations of Applicant in this application are true and correct to the best of the undersigned's knowledge, information, and belief; and that Applicant agrees to, accepts, and will comply with all of the terms and conditions respecting this application and any award of a Broadband Expansion Grant as may be established in a Grant Award Agreement.

Name of Authorized Company Representative (Type or Print)

Title

Phone ( )

Signature of Above

Date

Federal Employer Identification No.

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## 1.0 GENERAL INFORMATION

### 1.1 Introduction and background

The purpose of this document is to provide interested persons with information to enable them to prepare and submit an application for a Broadband Expansion Grant authorized under Wisconsin Statute s. 196.504.

### 1.2 Scope of the project

#### 1.2.1 Project description

Applicants eligible under Wisconsin Statute s. 196.504 may apply for a grant of up to \$1,500,000 for the purpose of offsetting the construction costs of extending broadband service in underserved areas of the state.

#### 1.2.2 Program objectives

- a. Permit individuals that reside in areas of the state that have fewer than two broadband service providers to subscribe to broadband service.
- b. Ensure that grant funds are used for the construction of broadband facilities and are not used to subsidize the expenses of a telecommunications provider or the monthly bills of telecommunications customers.

### 1.3 Procuring and contracting agency

This request for applications is issued by the Public Service Commission of Wisconsin, which is the sole point of contact for the State of Wisconsin during the selection process. The person responsible for managing the grant process is Dennis Klaila.

The grant award(s) resulting from this application process will be administered by the Public Service Commission of Wisconsin. The grant administrator will be Sarah Klein, Division Administrator, Division of Business and Program Management.

### 1.4 Definitions

The following definitions are used through the application:

Agency or Commission means the Public Service Commission of Wisconsin.

Applicant means an individual or organization submitting an application for a FY 2017 Broadband Expansion Grant.

Broadband service means a communications service providing to end users, at a minimum, two-way data transmission with speeds of at least 25 mbps for download transmission and 3 mbps for upload transmission, but does not include a commercial mobile radio service or a broadband service in which a stand-alone satellite provider connects directly to the end user with a satellite connection.

Grantee means an applicant that has been awarded a grant.

Scalable means that the broadband network has the ability to increase parameters relating to the size of the network in the future while maintaining the quality of its broadband service.

State means State of Wisconsin and includes the Commission.

Telecommunications service has the meaning given in Wis. Stat. § 196.01(9m).

Underserved area means an area delimited by a census block boundary as defined by the US Department of Commerce, that is served by fewer than 2 broadband service providers, or a project area that an applicant has demonstrated in its application is served by fewer than 2 broadband service providers notwithstanding the fact that the proposed service area lies within a census block that has been designated as served.

#### 1.5 Clarification and/or revisions to the specifications and requirements

Any questions concerning this application must be submitted in writing via email on or before June 2, 2016, to:

Email address:

PSCStatebroadbandoffice@wisconsin.gov

Subject line:

Broadband Expansion Grant Application Question

If a question identifies any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in these application instructions, the Commission will issue a clarification or revision of these instructions to the distribution list for the Notice of Docket and Request for Grant Applications.

Any contact with state employees concerning a possible broadband grant application (whether already filed or still being drafted) is prohibited, except as authorized by the grant administrator (Sarah Klein), during the period from date of release of the Application Instructions until the date on which the Order Awarding Grants is released.

#### 1.6 Reasonable accommodations

The agency will provide reasonable accommodations, including the provision of informational material in an alternative format, for qualified individuals with disabilities upon request. If you think you need accommodations, contact Cath Kittle at 608-266-3546 (voice) or 608-267-1479 / 800-251-8345 (TTY).

## 1.7 Schedule of events

Listed below are dates and times of actions related to this application. In the event that the state finds it necessary to change any of the dates and times in the schedule of events listed below, it will do so by issuing a supplement to these application instructions to the distribution list for the Notice of Docket and Request for Grant Applications.

<b>DATE</b>	<b>EVENT</b>
March 21, 2016	Date of issue of the application instructions
June 2, 2016	Last day for submitting questions and requests for clarification
<b>June 16, 2016</b>	<b>Applications due from applicants</b>
June 17 – July 8, 2016	Public comment period
July 8, 2016	Last day for submitting comments regarding filed grant applications

The submitted applications will be evaluated and ranked by a screening committee. The screening committee will complete its evaluation by the end of July 2016 after the public comments have been filed. The applications, public comments and committee evaluation will be taken up at a regularly scheduled open meeting of the Commission. Tentatively, the Commission anticipates that the award of Broadband Expansion Grants for Fiscal Year 2017 will be announced in August 2016.

## 1.8 Grant term and funding

Any Broadband Expansion Grant award approved by the agency will expire automatically and without notice on the last day of the twenty fourth month following the month in which the agency approves the award. Upon expiration, any unused balance in a grant award account or purchase order will be reallocated to an appropriate reserve fund. A grantee may request a waiver of this expiration. A waiver request should provide an explanation for the project delay and a schedule for completing the project.

## 2.0 PREPARING AND SUBMITTING AN APPLICATION

### 2.1 General instructions

The evaluation of an application and selection of an applicant for an award will be based on the information submitted in the application plus references. Failure to respond to each of the requirements in the application may be the basis for rejecting a response.

An elaborate presentation (e.g., artwork or a video attachment), beyond that sufficient to present a complete and effective application, is neither necessary nor desired.

## 2.2 Incurring costs

Neither the Commission nor the state of Wisconsin is liable for any cost incurred by applicant in preparing an application for a broadband grant.

## 2.3 Submitting the application

Applicant must submit an electronic PDF copy of all materials required for acceptance of this application by **4:00 pm (16:00) Central Time on June 16, 2016**.

The application must be uploaded to the Commission's Electronic Regulatory Filing (ERF) system by going to the Commission's website, <http://psc.wi.gov>, selecting the ERF tab, and selecting "Existing Docket" under either Public Document or Confidential Document heading, as appropriate. The docket number for applications for FY 2017 Broadband Expansion Grants is: 5-BF-2017. When asked for a document description by ERF, enter "Broadband Expansion Grant Application." All applications will be electronically time-stamped when uploaded properly. Receipt of an application by the state mail system or United States Postal Service does not constitute receipt of an application for purposes of this grant.

If assistance is needed in submitting an application electronically, the applicant must contact the program manager, Dennis Klaila, at telephone number 608-267-9780 or by email at [dennis.klaila@wisconsin.gov](mailto:dennis.klaila@wisconsin.gov), by 4:00 p.m. (16:00) on June 15, 2016.

## 2.4 Designation of confidential and proprietary information

If the applicant desires confidential treatment of portions of its application, it must complete the form in Appendix A, "Designation of Confidential and Proprietary Information (Form DOA-3027)," and include the completed form with its application. The applicant must then upload both a confidential version and a redacted public version of the application in accordance with the ERF system procedure for submitting a confidential document.

Notwithstanding the foregoing, the part of the application describing the underserved area(s) that the application proposes to serve must be filed publicly. In addition, the applicant is hereby notified that confidential handling of information in portions of its application is not a determination of confidential treatment by the Commission for purposes of Wisconsin's Open Records Law, Wis. Stat. §§ 19.31 to 19.39.

## 2.5 Multiple Applications

Multiple applications from an applicant are permissible; however, each application must conform fully to the requirements for submission. Each application must be submitted separately and labeled with a distinct description, such as Application #1, Application #2, etc., or "(location) project."

## 2.6 Withdrawal of application

Applicant may withdraw an application in writing at any time up to the application closing date and time. To accomplish this, the applicant must submit a written request to withdraw the application, and the request must be signed by an authorized representative of the applicant and submitted to the application project manager. If a previously submitted application is withdrawn before the due date and time, the applicant may submit another application at any time up to the application closing date and time.

## 3.0 GENERAL APPLICATION REQUIREMENTS

### 3.1 Application organization and format

The application should be typed. A handwritten application will not be accepted. The application should be assembled as follows:

- The first page of the application should be the cover sheet of these instructions, with the blanks filled in and signed. Please copy the first page of the application instructions, fill in the information requested in the blank boxes, read and sign the attestation at the bottom of the page, and then scan and upload as the first page of the grant application.
- The following pages of the application should be prepared in a profile format on an 8.5 x 11 inch paper size. The application must respond to the headings and subheadings in Section 3.2 that are marked in bold font. Each response to a heading and subheading should be separated by tabs or otherwise clearly marked.
- If the applicant is requesting confidential treatment of a portion of its application, then the completed form in Appendix A should be included as the last page of the application.

The applicant should convert the application to pdf format and upload to the Commission server using the ERF system. See Section 2.3.

### 3.2 Mandatory application requirements

The following requirements are mandatory and the applicant must satisfy them.

- 3.2.1 An applicant must include the following information in its application to be eligible for this grant and the application must demonstrate satisfaction of indicated requirements.

### 3.2.1.1 Applicant identification and contact information

- a. The name of the entity applying for the grant, and the mailing address, telephone number and e-mail address of one or more contact persons representing the applicant.
- b. If the application proposes a public-private partnership, the identity and contact information for all application partners.
- c. **Requirement.** The application must show that the applicant is an organization, a telecommunications utility, or a city, village, town, or county that has established a legal partnership or joint venture arrangement with an otherwise qualified organization or telecommunications utility, and as such meets the eligibility requirements set forth in Wis. Stat. § 196.504(1).

### 3.2.1.2 Description of the project

- a. A map of the area of the state that will be affected by the proposed project.
  - If possible, the map should be accompanied with a URL reference to a spatial file formatted as a Geodatabase / Feature Class showing the proposed service area for the project. If ArcGIS software is not available, a Shapefile or KML showing proposed project area is acceptable.
  - If mapping software is not available, provide a list of address ranges within the project area (spreadsheet format), or a list of census blocks within the proposed project area (spreadsheet or spatial data).
  - If neither mapping software nor a description of the project area by address ranges is available, provide a map downloaded from Google Maps with the boundaries of the project area drawn onto the map.
- b. If the project area lies within a census block designated as served, provide additional documentation to demonstrate the actual broadband service that is available in the proposed area of service.
- c. A description of how the proposed project will increase broadband access in the project area, including the following information:
  - Potential and expected number of households served.
  - Potential and expected number of businesses served.
  - Expected number of tourists or other transient population served.
  - Estimated download and upload speed of the broadband service.

- d. A statement indicating the specific broadband technology that will be used, whether the speed is based on dedicated or shared bandwidth, and whether the proposed project is targeting the “last mile,” “middle mile,” or backbone portion of the broadband infrastructure. This statement may be illustrated by a map or schematic diagram, as appropriate.
- e. A schedule by which the applicant intends to complete the components of the proposed project.

### **3.2.1.3 Itemized statement of funding request**

- a. An itemized statement of the investment and construction costs of the proposed project. This statement should include a price list or quote for any equipment the applicant intends to purchase, and salary information or similar information for any labor and training expenses associated with the project. This statement should also indicate whether the facilities involved would be owned, rented or leased.
- b. **Requirement.** The application must show that the grant, if awarded, will not subsidize the expenses of a telecommunications provider or the monthly bills of telecommunications customers. For purposes of this grant program, subsidy means a contribution to the operating costs, including profit, of the telecommunications provider.
- c. A summary showing the revenue source, including grant funds and matching funds, for each expenditure itemized above.
- d. **Requirement.** The application must show that the grant funds requested will be used for the sole purpose of constructing broadband infrastructure in the underserved areas covered by the application. Construction of broadband infrastructure may include any of the following:
  - Project planning
  - Obtaining construction permits
  - Construction of facilities, including construction of both “middle mile” and “last mile” infrastructure.
  - Installation and testing of the broadband service

### **3.2.1.4 Priority factors supporting the application**

- a. **Matching funds.** A description of the matching funds the applicant will invest in the proposed project, if any.
  - For each element of matching funds in the description, indicate the type of match (cash, salary expense, or in-kind contribution).

- If the application is submitted by a partnership, identify the partner responsible for providing each element of the proposed matching funds.
- b. **Public-private partnerships.** A description of any public-private partnership involved in the project.
- If the public-private partnership is memorialized in a joint venture agreement or other writing, provide a copy of that agreement.
  - If the partnership has not been reduced to a written agreement, provide a short description of the management role, financial commitment, or other contribution to the project for each participating partner.
- c. **Existing broadband service.** A list of the broadband service providers, if any, currently serving the area the applicant proposes to serve.
- Provide a list of all landline (DSL, cable or fiber to the home) and fixed wireless broadband service providers that overlap the footprint of the proposed landline broadband project. If known, provide an estimate of the customers within the proposed footprint that are served by competing landline and fixed wireless broadband service providers, and the download/upload speeds offered by those competing service providers.
  - Provide a list of mobile wireless broadband service providers that overlap the footprint of the proposed mobile wireless broadband project. If known, provide an estimate of the customers within the proposed footprint that are served by competing mobile wireless broadband service providers, and the download/upload speeds offered by those competing service providers. (The presence of existing mobile wireless providers does not contribute to or affect the evaluation of existing broadband service in the project area for purposes of priority consideration, but provides a more complete picture of the broadband options available to residents.)
- d. **Project impact.** A description of the geographic area and the population, both in terms of absolute numbers and likely users, which will be served by the proposed project. Indicate the number of anticipated residential and business customers in the project area, if known.

- e. **Scalability.** A description of how the proposed project could expand or improve the broadband service it delivers, while maintaining the quality of its broadband service. This description should include specific projected increases in the following parameters that are known at the time of the application:

- The number of users.
- The number of network nodes.
- The number of services provided.
- The geographic area served by the project.

This description may also include a discussion of possible growth potential that is outside the commitment the applicant is making as part of its application.

### **3.2.1.5 Other information supporting the application**

- a. A description of applicant's history or experience constructing broadband communications facilities in the state and elsewhere.
- b. A description of actions taken by a city, village, town, or county in support of the grant application, including but not limited to:
- The contribution of funds, easements or permissions to use publically-owned real estate, construction materials, or other items of value to the grant project.
  - The contribution of in-kind assistance to the grant project in the form of waived fees and expenses for obtaining use permits and permissions.
  - The contribution of other items of benefit to the grant project, such as public outreach and education.
- c. Any other equitable factor that the applicant desires to include.

## **4.0 APPLICATION SELECTION AND AWARD PROCESS**

### **4.1 Public comment period**

The Commission will provide a public comment period so that interested persons may review the grant applications that have been submitted and file written comments concerning the relative merits of the applications under review.

The Commission will only accept public comments. Criticism of applications based upon confidential and other non-public service data will not be given weight in the evaluation process.

The deadline for submitting public comment is **July 8, 2016**.

#### 4.2 Supplemental information

An applicant may request that the Commission accept supplemental information relating to an application that was otherwise timely filed. The Commission may also request that an applicant submit supplemental or clarifying information, consistent with the application requirements. If accepted and received, supplemental information will be incorporated into the application and evaluated by the Commission against the criteria stated in Section 4.5 in determining the applications that should receive an award.

#### 4.3 Evaluation for eligibility

Applications will be reviewed by an evaluation committee for eligibility. An applicant must submit information in its response that demonstrates that it meets the eligibility requirements in Section 3.2.1.1.c. The evaluation committee will identify in its report to the Commission any application that the committee believes does not meet the eligibility criteria set forth in Wis. Stat. § 196.504(1).

#### 4.4 Evaluation for merit

Applications will also be reviewed by the evaluation committee on the basis of merit and ranked using the criteria stated in Section 4.5. The applications, public comments, and the evaluation committee's ranking and comments will then be forwarded to the Commission for final decision.

An applicant may not contact any member of the evaluation committee without the express approval of the grant administrator (Sarah Klein).

#### 4.5 Evaluation criteria

- 4.5.1 Applications will be evaluated using the applicant's response to the topics and questions in Section 3.2 that are marked in bold font.
- 4.5.2 An applicant must submit information in its response that demonstrates and verifies that it meets the requirements in Sections 3.2.1.3.b and d.
- 4.5.3 An applicant must submit a response to each provision of Sections 3.2.1.1 through 3.2.1.5. The information provided in response to these sections will be used by the evaluation committee and the Commission to determine the relative merit of each application.
- 4.5.4 After review pursuant to Sections 4.3, the committee shall evaluate and rank the applications based upon the following factors:
  - a. Matching funds. An application will receive higher priority based on the amount and type of matching funds the applicant proposes to invest in its project.
  - b. Public-private partnerships. An application that includes a city, village, town, or county as a participating partner, in partnership

with a telecommunication provider or other private organization, shall receive priority.

- c. Existing broadband service. An application proposing to serve an underserved area with no current broadband service providers shall receive priority. The application of a wireless broadband service provider proposing significant overlap with existing broadband service in addition to service to an unserved area is not entitled to priority under this subsection.
- d. Project impact. An application that proposes to serve a larger geographic area or a larger number of customers or communities in an area shall receive higher priority than one that serves a comparatively smaller geographic area or a fewer number of potential customers or communities in an area.
- e. Scalability. An application that demonstrates a commitment to increase the size or scope of its broadband network in the future shall receive priority. An application that discusses possible growth potential, but declines to make a specific commitment regarding future growth of the broadband network, shall receive a lesser priority.

4.5.5 In addition to the above factors, the evaluation committee may give weight to the following additional criteria:

- a. Supporting information provided under Section 3.2.1.5.
- b. The total number of persons served by a given application when compared to applications of equal priority.
- c. The download and upload transmission speeds the application proposes to provide.
- d. Any one or more of the factors in Wis. Stat. § 196.03(6) that the applicant believes its project would specifically and materially advance for benefit of the public interest with respect to communications facilities. However, applicant should note that the Commission has not made any determination that the criteria in Wis. Stat. § 196.03(6) respecting telecommunications services and facilities are specifically or necessarily applicable to grants for broadband facilities under Wis. Stat. § 196.504.

#### 4.6 Right to reject applications and negotiate grant terms

The Commission reserves the right to reject any application as filed, and negotiate the terms of the grant award, including the award amount, with the selected applicant prior to offering the grant. If negotiations cannot be concluded successfully with an applicant, as determined solely by the Commission, the Commission may withdraw its award offer.

#### 4.7 Notification of intent to award

All entities and organizations that submit a grant application will be notified in writing of the Commission's decision whether to award the grant as a result of this process. See Section 5.1.

#### 4.8 No appeal process

Wisconsin Statute § 196.504 does not specify an appeal process. However, the applicant may have other general remedies under other provisions of Wis. Stat. chs. 196 and 227 if the applicant believes it is aggrieved by any final award determination. This provision is for information purposes only and is not a determination by the Commission that the applicant has any protest or appeal rights with respect to the Commission's decision in this grant cycle.

### 5.0 GRANT AWARD AGREEMENT AND TERMS AND CONDITIONS

#### 5.1 Order Awarding Grants

The Commission will determine which applicants will receive a Broadband Expansion Grant for FY 2017 by issuing an Order Awarding Grants in docket 5-BF-2017. The Order will also specify certain terms and conditions that the Commission finds appropriate and necessary for the administration of the approved grant projects. The Order will require that each approved grant applicant inform the Commission whether it accepts the grant award as ordered, including the amount of the grant award, and the terms and conditions ordered by the Commission. The grant award is not final until the Commission issues its Order and the applicant accepts the award as ordered.

5.1.1 The Order Awarding Grants and the applicant's acceptance will constitute the entire agreement of the state and the applicant, and will supersede any representations, commitments, conditions, or agreements made orally or in writing prior to the issuance of the Order Awarding Grants.

5.1.2 The Commission reserves the right to incorporate standard State contract provisions into the Order Awarding Grants. See the forms setting forth state contract provisions, Standard Terms and Conditions (DOA-3054) and Supplemental Standard Terms and Conditions for Procurements for Services (DOA 3681)(both documents are available on ERF under docket 5-BF-2017).

5.1.3 Failure of a grantee to comply with the Commission's order, including any terms and conditions specified or incorporated in the order, may result in cancellation of the award.

#### 5.2 Termination of grant and Grant Award Agreement

The agency may terminate the Grant Award Agreement, and thereby the grant, at any time at its sole discretion by delivering ten (10) days written notice to the applicant/grant award recipient. Upon termination, the agency's liability will be

limited to the pro rata cost of the services performed as of the date of termination plus expenses incurred with the prior written approval of the agency. In the event that the applicant terminates the grant award, for any reason whatsoever, it will refund to the agency within 30 days of said termination, all payments made hereunder by the agency to the applicant for work not completed or not accepted by the agency. Such termination will require written notice to that effect that is delivered by the applicant to the agency not less than ten (10) days prior to said termination.



IN THE EVENT THE DESIGNATION OF CONFIDENTIALITY OF THIS INFORMATION IS CHALLENGED, THE UNDERSIGNED HEREBY AGREES TO PROVIDE LEGAL COUNSEL OR OTHER NECESSARY ASSISTANCE TO DEFEND THE DESIGNATION OF CONFIDENTIALITY AND AGREES TO HOLD THE STATE HARMLESS FOR ANY COSTS OR DAMAGES ARISING OUT OF THE STATE'S AGREEING TO WITHHOLD THE MATERIALS.

Failure to include this form in the bid/proposal/application response may mean that all information provided as part of the bid/proposal/application response will be open to examination and copying. The state considers other markings of confidential in the bid/proposal/application document to be insufficient. The undersigned agrees to hold the state harmless for any damages arising out of the release of any materials unless they are specifically identified above.

Company Name \_\_\_\_\_

Authorized Representative \_\_\_\_\_  
Signature

Authorized Representative \_\_\_\_\_  
Type or Print

Date \_\_\_\_\_

This document can be made available in accessible formats to qualified individuals with disabilities