

# GRANT APPLICATION

## For American Rescue Plan Act Broadband Access Grants

Primary Applicant (Name and Address):	<p>Applications MUST be UPLOADED to ERF via the Commission's website, <a href="https://psc.wi.gov/Pages/Home.aspx">https://psc.wi.gov/Pages/Home.aspx</a> Instruction in section 2.3</p> <p>Applications are due and MUST be uploaded to ERF no later than: <b>July 27, 2021</b> at 4:00pm (16:00) Central Time. <b>Late applications will not be accepted.</b></p>	
	Contact for further information: PSCStatebroadbandoffice@wisconsin.gov	
	Issue Date: June 1, 2021	
<p>The Public Service Commission of Wisconsin (Commission) is seeking applications for American Rescue Plan Act (ARPA) Broadband Access Grants. The Commission may award one or more grants to public and private entities from the Coronavirus State Fiscal Recovery Fund that meet the eligibility requirements set forth in the American Rescue Plan Act of 2021, PL 117-2 (March 11, 2021), which amends Title VI of the Social Security Act (42 U.S.C. 801 et seq.), and the instructions and guidance found in the Interim Final Rule, U.S. Department of Treasury, "Coronavirus State and Local Fiscal Recovery Funds," 86 Fed. Reg. 26786 (May 17, 2021). Successful applicants will demonstrate a clear and achievable plan to deliver high-speed, reliable, and affordable broadband communications services in one or more underserved areas in the State.</p>		
<p><b>Applicant Certification:</b> 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 an ARPA broadband access grant as may be established in a grant award Agreement.</p>		
Name of Authorized Representative (Type or Print)	Title	Phone (    )
Signature of Authorized Representative	Date	

SUMMARY OF GRANT APPLICATION

Primary Applicant Name	Amount of Broadband Grant Request (round to nearest dollar)
Federal Employer Identification No.	Amount of Matching Funds Pledged (round to nearest dollar)
Data Universal Number System (DUNS) Number	Name (as Shown on Your Income Tax Return) or Line 1 of the W-9 form, if Different from the Primary Applicant Name
Contact Name and Title	Total Cost of Proposed Project (round to nearest dollar)
Telephone Number	Project Name
E-mail Address(es)	Type of Proposed Broadband Service (FTTH, Cable, DSL, Fixed Wireless)
Grant Manager, If Different Than Primary Applicant	Type of Proposed Project (Last-mile, Middle-mile, backbone, other)
Grant Manager Contact Name, Email Address, Tel Number	Grant Manager Federal Employer Identification No.
If the Application Includes a Partnership, List the Names, Addresses, and FEINs of the Partner Companies or Organizations	
Brief Project Description (2 sentences)	
Upon completion, will the project reliably meet or exceed 100 Mbps download and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical? Interim Rule, 86 Fed. Reg. at 26786. (yes/no)	
Maximum Proposed Download Transmission Speed	Maximum Proposed Upload Transmission Speed

Minimum Proposed Download Speed to Customer Location	Minimum Proposed Upload Speed to Customer Location
County or Counties served by this project	City, Towns, Villages and Community or Communities Served by This Project
List of the Broadband Service Providers, if Any, Currently Serving the Area the Applicant Proposes to Serve	
Does proposed project provide access to unserved or underserved locations as defined as lacking access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. Interim Rule, 31 C.F.R. §35.6, 86 Fed. Reg. at 26786, 26823. (yes/no)	Is the Applicant certified as a Broadband Forward! Community or Telecommuter Forward! Community, or does the grant project propose to serve a Broadband Forward! Community or Telecommuter Forward! Community? (yes/no)
Expected Number of un/underserved Business Locations that will have access to the improved broadband service (i.e., total business locations passed or with new service access)	Expected Number of un/underserved Residential Locations that will have access to the improved broadband service (i.e., total residential locations passed or with new service access)
For providers that are eligible telecommunication carriers will the proposed broadband service be available to Lifeline customers? (yes/no)	Are there any programs available for low-income households to access low-cost service or discounts? (yes/no)
Is the internet service provider currently participating in the Emergency Broadband Benefit Program? (yes/no)	Is the internet service provider currently participating in the Department of Public Instruction and CESA purchasing's Digital Learning Bridge? (yes/no)

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## 1. GENERAL INFORMATION

### 1.1. Introduction and background

The Public Service Commission of Wisconsin (Commission) is seeking applications for ARPA Broadband Access Grants. The Commission may award one or more grants to public and private entities from the Coronavirus State Fiscal Recovery Fund that meet the eligibility requirements set forth in the American Rescue Plan Act of 2021, PL 117-2 (March 11, 2021), amending Title VI of the Social Security Act (42 U.S.C. 802(c)(1)(D)) (“ARPA”), and the instructions and guidance found in the Interim Final Rule, Department of Treasury, “Coronavirus State and Local Fiscal Recovery Funds,” 86 Fed. Reg. 26786 (May 17, 2021) (“Interim Rule”) (available at <https://www.federalregister.gov/index/2021/treasury-department>). Successful applicants will demonstrate a clear and achievable plan to deliver high-speed, reliable, and affordable broadband communications services in one or more un/underserved area in the State.

The purpose of this document is to provide interested persons with information to enable them to prepare and submit an application for a Broadband Access Grant authorized by ARPA.

If you have questions about this information, please contact [PSCStatebroadbandoffice@wisconsin.gov](mailto:PSCStatebroadbandoffice@wisconsin.gov).

### 1.2. Scope of the program

#### 1.2.1 Program description

This program is the APRA Broadband Access Grant program. Applicants may apply for a grant for the purpose of extending broadband service in unserved and underserved areas of the State. The Commission will award up to \$100 million in grant funding for eligible and approved projects.

Internet service providers, telecommunications utilities, co-operatives, local governments, and profit and non-profit organizations are eligible to apply for grants. Interim Rule, 86 Fed. Reg. 26806, 26787.

#### 1.2.2 Program objective

Permit applicants to make necessary investments in broadband projects designed to provide high-speed, reliable, and affordable broadband service to unserved or underserved households and businesses in Wisconsin; and that will specifically provide a service designed to reliably meet or exceed a symmetrical speed of 100 Mbps download and upload; or in cases where the symmetrical 100/100 Mbps service is not practicable, provide a service designed to reliably meet or exceed a symmetrical 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed, and

be scalable to a minimum of 100 download speed and 100MBps upload speed. Interim Rule, 31 C.F.R. § 35.6(e)(2), 86 Fed. Reg. 26786, 26823.

### 1.3 Procuring and contracting agency

This request for applications is issued by the Commission, which is the sole point of contact for the State of Wisconsin during the selection process. The person responsible for managing the grant application process is Alyssa Kenney, Director of Digital Access.

The grant award(s) resulting from this application process will be administered by the Commission. The grant administrator will be Kristy Nieto, Division Administrator, Division of Digital Access, Consumer and Environmental Affairs.

### 1.4 Definitions

The following definitions are used throughout the application.

Agency or Commission means the Public Service Commission of Wisconsin.

Applicant means an individual or organization submitting an application in response to this request for grant applications.

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 stand-alone 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.

Fixed wireless service has the meaning given in Wis. Stat. § 77.51(3rn), except that it does not include mobile wireless service, as defined in § 77.51(7k), or telecommunications services, as defined in § 77.51(21n), that are transmitted through the use of satellite.

Grantee or recipient means an applicant awarded a broadband access grant.

State means State of Wisconsin and includes the Commission.

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

Unserved and underserved households or businesses means one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Interim Rule, 31 C.F.R. § 35.6, 86 Fed. Reg. 26786, 26823. For the purpose of this application underserved and unserved are the same. Funding is limited to locations that are un/underserved by this definition.

### 1.5 Clarification and/or revisions to the specifications and requirements for grant application

Any questions concerning this application must be submitted in writing via email on or before July 13, 2021, to:

Email address: [PSCStatebroadbandoffice@wisconsin.gov](mailto:PSCStatebroadbandoffice@wisconsin.gov)

Subject line: ARPA Broadband Grant Application Question

If an applicant discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this application, the applicant should notify the Public Service Commission immediately by emailing the grant manager, Alyssa Kenney at [alyssa.kenney@wisconsin.gov](mailto:alyssa.kenney@wisconsin.gov). The applicant should describe the error and request modification or clarification of the application.

If it becomes necessary to provide additional clarifying data or information, or to revise any part of this application, revisions, amendments, and/or supplements will be uploaded the ERF system in docket 5-BF-2022 and on the Wisconsin Broadband Office website.

From date of release of the application until the date on which the grant award is released, any contact with state employees concerning this application must be sent to the designated emails above, by contacting the grant manager (Alyssa Kenney) or authorized by the grant administrator (Kristy Nieto).

### 1.6 Reasonable accommodations

The Commission 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 Alyssa Kenney at (608) 267-9138 or [Alyssa.Kenney@wisconsin.gov](mailto:Alyssa.Kenney@wisconsin.gov).

## 1.7 Schedule of events

Listed below are dates and times of actions related to this application. If the Commission 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 this application.

<b>DATE</b>	<b>EVENT</b>
July 13, 2021, 4 PM CT	Deadline for submitting questions and requests for clarification
July 26, 2021, 4 PM CT	Deadline for requesting uploading assistance
<b>July 27, 2021, 4 PM CT</b>	<b>Applications due from applicants (deadline for uploading to ERF).</b> Applications are public.
August 20, 2021, 4 PM CT	Deadline for submitting an objection to a grant application
August 27, 2021, 4 PM	Deadline for submitting a response to an objection

## 1.8 Performance period and use of funds

A recipient may only use funds approved under ARPA to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for the purpose set forth in sections 602(c)(1) of the Social Security Act, as applicable. Interim Rule, 31 C.F.R. § 35.5(a), 86 Fed. Reg. 26786, 26821. Funds incurred after March 3, 2021 and before the Commission Order date are limited to expenditures for materials, community planning and pre-engineering as long as they are used exclusively for 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. Failure to respond to each of the requirements in the application may adversely affect the evaluation of the grant application.

Elaborate applications (e.g., expensive artwork, digital pop-ups), beyond that sufficient to present a complete and clear application, are not necessary or desired.

### 2.2 Incurring costs

Neither the Commission nor the State of Wisconsin is liable for any cost incurred by applicant in preparing this application.



## 2.3 Submitting the application

**Applicants must upload to the PSC ERF portal an electronic PDF copy of all application materials by 4:00pm (16:00) Central Time on JULY 27, 2021.** The Commission's Electronic Regulatory Filing (ERF) system will automatically date and time stamp all applications uploaded on or before the due date.

The Commission strictly enforces the filing deadline. Late applications will be rejected. 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.

To upload documents to the ERF portal you must be a registered user. (It is only necessary to register once, ERF registration carries over year-to-year.) Instructions for completing the registration are provided on the [ERF website](#). Allow extra days when registering for a corporate account.

Applications MUST be UPLOADED to ERF by going to the Commission's website, <https://psc.wi.gov/Pages/Home.aspx>; scroll down and click on the rounded icon 'ERF Upload'; log into the ERF system using your user name and password; then select 'ERF Upload;' then select 'Upload Document' from the options on the ERF webpage.

- On the ERF webpage left side, under 'Upload Document', click on 'Public' as appropriate; on the next page Step 1, select the radio button 'Existing Docket.' **Applications must be uploaded to the correct ERF docket folder:** In the three boxes for 'Docket ID,' enter the docket number: **5-BF-2022**. Select 'Check Docket.' If you have correctly entered the docket number, the ERF system will display the docket name: 'FY 2022 Broadband Expansion Grants.'
- On Step 2: the first data entry line, use the tab marked 'Browse' to find the application document on your computer, select 'Application' for Document Type, and enter '**ARPA App** *[insert name]*, *[insert project]*' for Document Description. Add numerical or alphabetical sequencers as appropriate when uploading more than one document (I.e., 1-2-3 or A-B-C) to assist with assembling your document in the correct order for evaluation. If uploaded properly, the application will be electronically time-stamped.
- Staff recommends completing the filing the day before the due date in order to leave time for filing issues.

If assistance is needed in submitting an application electronically, the applicant must contact the application manager, Alyssa Kenney, by telephone at (608) 267-9138 or by email at [Alyssa.Kenney@wisconsin.gov](mailto:Alyssa.Kenney@wisconsin.gov), by 4:00pm (16:00) CT on July 26, 2021.

## 2.4 Designation of confidential and proprietary information

The full application must be filed publicly. Do not include confidential or proprietary information in your application.

## 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 filed using the correct naming convention ‘**ARPA App [insert name], [insert 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 manager.

## 2.7 Application organization and format

The application should be typed. A handwritten application will not be accepted. The main application is limited to 30 pages, including the cover sheet, summary of grant application, budget and narrative. Additional information, surveys, letters of support and agreements is not limited but *the review panel will use only the first ten pages of attachments in developing the merit list*. The application should be assembled as follows:

- PAGE 1: Cover Sheet. The first page of the application should be the [cover sheet](#) of these instructions. Fill in the information requested in the blank boxes, sign the attestation, and include as the first page of the grant application. The cover sheet must be signed. An editable Word version of the page is available on the Commission’s website on the [Broadband Expansion Grants webpage](#).
- PAGE 2 and 3: Summary of Grant Application. These pages of the application should be the Summary of Grant Application, included as the second and third pages of these instructions. An editable Word version of the Summary page is also available on the [Broadband Expansion Grants webpage](#).
- PAGE 4: Budget & Income Summary. The fourth page of the application should be the Budget & Income Summary form. Use the spreadsheet available on the Broadband Expansion Grants webpage in conjunction with the Budget Categories Reference document. Budgets must use determined categories as noted in the budget spreadsheet and described in the instructions. Save it as a PDF or scan it to add it to your application as page four. In addition to

including it in the PDF application, you will also upload it separately to ERF in Excel format – see below.

- PAGE 5+: Map or Maps. A clear static map(s) of the project boundaries and locations of the project area and description or key as needed.
- PAGE 6 through up to 30: Narrative. The information on these pages of the application must adhere to and use the following headings in order.
  1. Executive Summary
  2. Statement of applicant’s ability to undertake the project
  3. Statement of need for high-speed, reliable, and affordable broadband
  4. Project Proposal
    - a. Technology and network design
    - b. Affordability, digital literacy and internet access
  5. Partnerships and community engagement
  6. Timeline
  7. Budget Discussion
- Additional attachments and supplemental materials should be ordered such that the first 10 pages will be used as material for developing the merit list, all material beyond page 40 will not be considered by the screening panel.
- Convert the entire application to a single PDF format before uploading it to the Commission’s ERF system. Do not include digital pop-ups or executable files in your application. See Section 2.3 for uploading details.
- Upload to ERF as following: 1.your entire PDF application; 2. the Excel version of the Budget and Income Summary. Use the spreadsheet available on the Broadband Expansion Grants webpage. Fill in the required fields. See Section 2.3 for uploading details.
- Submit the related geographic/geospatial data to the project in one of the following formats:
  - A URL reference to a spatial file (Geodatabase / Feature Class (ideal), Shapefile, or KML) showing the proposed service area. A spatial file including census blocks that intersect the proposed project area is also acceptable.
  - If mapping software is not available, provide in tabular form (spreadsheet format) a list of address ranges or a list of census blocks within the proposed project area.
  - If neither a spatial file nor a spreadsheet is available, providing a map using Google Maps with the boundary of the project area drawn onto the map is acceptable.

PSC staff can provide support to ensure an accurate spatial file is delivered to the Commission. Please contact the State Broadband Office mapping team at [PSCBroadbandData@wisconsin.gov](mailto:PSCBroadbandData@wisconsin.gov) to coordinate your geographic data submission.

### **3.0 GENERAL APPLICATION REQUIREMENTS**

#### **3.1 Executive Summary**

In less than one page, provide a concise description of the proposed project including the location information, technology type, the service(s) to be delivered and project type. Include information about key partnerships, the need for broadband service, number of locations passed and ways that affordability is integrated into the program design.

#### **3.2 Statement of applicants' ability to undertake the project**

A description of applicant's history and experience constructing broadband communications facilities in the State and elsewhere. Provide information about the financial, technical, and organizational capacity of the applicant and partners to successfully and completely execute the project in the timeframe. Include information about the applicant's performance including take-rates, network reliability, on-time construction, on-going investments in facility improvement and customer satisfaction or retention.

- If applicable, an applicant should comment upon the status of all prior broadband expansion grant projects that have been completed, including the type of broadband technology used, the facility route actually built or installed, the number of residential and business customers actually connected, and other relevant details of the prior project(s).
- An applicant should also comment on broadband construction projects undertaken in prior years that were not funded in part by the Broadband Expansion Grant program.

#### **3.3 Statement of need for high-speed, reliable, and affordable broadband in project locations**

The objective of the ARPA Broadband Access grant program is to make necessary investments in broadband projects designed to provide high-speed, reliable, and affordable broadband service to unserved or underserved households and businesses in Wisconsin, where unserved and underserved means one or more households and businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Interim Rule, 31 C.F.R. § 35.6, 86 Fed. Reg. 36786, 26821.

Describe the un/underserved area that this project will serve and the nature of the current service. Describe the need for high-speed, reliable, and affordable broadband service in the proposed area. In particular explain how the project will enable critical activities such as remote school, healthcare and work.

If the project area lies within a census block designated as served on the PSC Broadband Map, the applicant needs to provide additional documentation to demonstrate the actual broadband service, speed or reliability that is available in the proposed project area would qualify the area as un/underserved. (Note: The ARPA definition of “unserved” and “underserved” is: one or more households and businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Interim Rule, 31 C.F.R § 35.6, 86 Fed. Reg. 26786, 26821. Note that this definition is different from the definitions used in the State Broadband Expansion Grant Program under Wis. Stat. § 196.504.) If service is available but not reliable please describe in detail and with concrete examples of the how the network is unreliable.

Provide a list of the broadband service providers and the price range of the offered services, if any, currently serving the area the applicant proposes to serve. Include a list of all wireline broadband service providers (DSL, cable or fiber to the home) and fixed wireless broadband service providers that overlap the footprint of the proposed broadband project. If known, provide an estimate of the customers within the proposed footprint that are served by wireline and fixed wireless internet service providers, and the download/upload speeds offered by those service providers.

Provide the following information:

- An estimate of the number of unserved and underserved households and businesses that the project will be capable of serving (i.e., locations passed by the project by household/business category).
- Estimates of the service take rates for the households and businesses identified above, and the resulting number of unserved and underserved households and businesses that will take service from the project.
- Expected number of seasonal residents and tourists to be served by the project.
- Any additional details about the locations in the project area, including the number of farms, community anchor institutions, or safety infrastructure.

Finally, if available, provide information demonstrating there are no existing agreements or plans to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload within the project area by December 31, 2024, Interim Rule, 86 Fed. Reg. 26786, 26806. Provide any information that the applicant has undertaken to avoid proposing broadband infrastructure projects where another project has an agreement to build in that area before December 31, 2024. This may include engaging the local community or reviewing past Commission Broadband grant awards.

### 3.4 Project Proposal

#### 3.4.1 Technology

The application should provide a description of the technology that the project will employ to reach the targeted locations in the project area. The description should include technology type, anticipated operating speeds and other pertinent transmission characteristics.

- If a fixed wireless service is proposed, provide the spectrum that will be used, the equipment vendor, the anticipated operating speeds and other pertinent transmission characteristics of the wireless service.
- If a wireline service is proposed, provide detail about if the plant will be buried or aerial, the number of strands and clear details about any hybrid models.

The project proposal should specify that when the build has been completed, the design and installation will conform to all applicable federal, state, and local requirements and standard engineering practice, and that the installed infrastructure will provide the service levels and speeds stated in this application.

The ARPA Broadband Access Grant requires that upon completion, the project will provide a service to the unserved or underserved households and businesses designed to reliably meet or exceed a symmetrical speed of 100 Mbps download and upload; or in cases where the symmetrical 100/100 Mbps service is not practicable, provide a service designed to reliably meet or exceed a 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 download speed and 100Mbps upload speed. Interim Rule, C.F.R. § 35.6(e)(2), 86 Fed. Reg. 26786, 26823.

Please describe in detail the technology and network design that will provide every location in the project with access to reliable 100 Mbps/100Mbps service. If symmetrical 100/100 Mbps service is not practicable for this project a 100/20 Mbps that will in the future be scalable to 100/100 is required. In this case, please explain why 100/100 is not currently practicable. Further provide details about how and when the service will be scaled to 100/100 Mbps.

Provide a description of the range of broadband services to be provided, including estimated download and upload speeds, whether the speed is based on dedicated or shared bandwidth, and the technology that will be used. This description may be illustrated by a maps or schematic diagrams, as appropriate.

### 3.4.2 Affordability, Digital Literacy and Internet Access

The application should provide an explanation of ways that the applicant is integrating affordability options into the program design. Interim Rule, 86 Fed. Reg. 26786, 26806. The application should describe any internet access or digital literacy supports to households facing negative economic impacts due to COVID-19. Interim Rule, 86 Fed. Reg. at 26806. Provide an explanation of how the proposed project will increase broadband access, affordability and use, through programs, partnerships or retail pricing structure.

There are multiple ways an application may demonstrate that the project will increase broadband access, affordability and use. The application should provide a proposed schedule of retail prices

for various speed and quality combinations the provider intends to offer to subscribers for purchase in the project area; or it should describe any planned discounts and other affordability options intended to make the service available to low-income subscribers (including specifically indicating whether households with income below 200% of the federal poverty level will have access to fixed home internet service at a cost of less than \$25 per month), and indicate the steps the project will take (if any) to increase the percentage of subscribers ordering the broadband service. The applicant should indicate the planned length of time of the discount and any plan to fully integrate affordable service into its regular service options.

### 3.5 Ownership, partnerships and community engagement

The application should provide a description of the entities that will own and operate the proposed broadband network. It should identify participating partners that are local electric cooperatives, telecommunications cooperatives, other co-operative, local governments, or other non-profit private or public organizations; and it should describe the nature or extent of their participation. Interim Rule, 86 Fed. Reg. 26786, 26806.

If the application includes partnerships, collaborative agreements, and the partnership is memorialized in a joint venture agreement or other writing, provide a copy of that agreement. If the partnership has not been established in a written agreement, provide a short description of the management role, financial commitment, or other contribution to the project for each participating partner.

A description of actions taken by a city, village, town, or county in support of the grant application that have not been discussed in the context of partnership above, including but not limited to:

- The contribution of funds, easements or permissions to use publicly-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, vehicles, water, etc.

Provide information about any outreach or engagement with the local government in the communities where the project will be located. If the community has provide any official support or endorsement of the project please indicate that in the description. Also provide information in the application regarding active engagement of diverse communities in the planning, permitting, or marketing of the project. Include information about partnerships or proposed supports for digital literacy programming or internet access assistance.

### 3.6 Timeline

The application should provide a schedule by which the applicant intends to complete the core components of the proposed project. Be sure to indicate key project milestones such as the beginning of construction, the anticipated completion date and any digital literacy internet access assistance programs. The project performance period is March 3, 2021 to December 31, 2024. Interim Rule, 31 C.F.R. §35.5(a), 86 Fed. Reg. 26786, 26821.

### 3.7 Budget Discussion

In addition to the Budget & Income Summary that is included as page 4, applicants should provide a narrative description of the budget and additional details regarding the project costs and match. The applicant should explain the costs in the other column. Include price estimations for any equipment the applicant intends to purchase. The application should also indicate whether any facilities involved would be owned, rented, or leased. If the applicant proposes to purchase land or buildings it should be explained here.

The application must show that the grant funds requested will be used for the sole purpose of implementing the proposed broadband project and service in the un/underserved areas covered by the application under the purpose set forth in sections 602(c)(1) of the Social Security Act, as applicable. Interim Rule, 31 C.F.R. § 35.5(a), 86 Fed. Reg. 26786, 26821. Among others, proposed projects may include funding for the following types of costs:

- Project planning and pre-engineering that takes place during the performance period.
- Obtaining construction permits.
- Construction of facilities, including construction of both “middle mile” and “last mile” infrastructure.
- Installation and testing of the broadband service.
- Digital literacy programs and internet adoption support.
- Integration of affordability options.

Provide a description of the matching funds the applicant will invest in the proposed project, if any. For each element, 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. Also identify any third party contributor contributions.

If available, provide documentation to support an offer of matching funds (minutes of a town board meeting, a letter from a prospective customer or local government official, etc.). Matching funds contributions must be a firm commitment of funding to the project. If the applicant is proposing in-kind match please provide detail about how the value of the in-kind contributions were determined. Finally, if a local government is contributing additional American Rescue Plan Act funding please describe.



Contributions that vary based on the amount of actual sales, customer contributions, or other criteria will not be given weight and do not need to be included.

#### **4.0 APPLICATION AND OBJECTION PROCESS**

##### **4.1 Objection and response periods**

The Commission will provide a period during which interested persons may review the grant applications that have been submitted and file written comments objecting to an application under review. Objections to a grant application must be filed under docket 5-BF-2022 using the ERF system. Objections are due by **4:00pm (16:00) Central Time on August 20, 2021**. An objection must identify and discuss an error of fact, or policy or statutory requirement that the application has contravened. Late filed comments objecting to an application will not be accepted nor given weight during the review process.

The Interim Rule provides that grant recipients should avoid investing in locations that have existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources. An objection asserting an existing agreement to build such a wireline service should provide evidence of the existing agreement, and plans indicating the construction route, service area boundaries, and other pertinent construction details. If available, the objection should provide any writing indicating an agreement with a local government confirming an existing agreement.

An applicant may respond to any objection filed by an interested party. A response to an objection must be filed under docket 5-BF-2022, using the ERF system. Responses are due by **4:00pm (16:00) Central Time on August 27, 2021**. Late filed responses objecting to an application will not be accepted nor given weight during the review process.

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.

Any communication with the Commission in support of an application must be included as a supporting document within the application. Comments in support of an application received by separate letter, separate ERF filing, or e-mail message before, during, or after the application is filed will not be accepted nor given weight during the review process.

##### **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 request that an applicant submit supplemental or clarifying information, consistent with the application requirements. If received and accepted, supplemental information will be incorporated into the application and

evaluated by the Commission using the criteria set forth to determine which applications should receive a grant 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. Commission staff will prepare a summary briefing memorandum for the Commission's consideration, and will identify in that briefing memo any application that in the opinion of the evaluation committee or Commission staff does not meet the eligibility criteria set forth in guidance found in the Interim Final Rule, Department of Treasury, "Coronavirus State and Local Fiscal Recovery Funds," 86 Fed. Reg. 26786 (May 17, 2021). **All applications determined to be eligible by the Commission will be considered for funding.**

#### 4.4 Evaluation for merit

Following the evaluation for eligibility for funding, applications will also be reviewed by the evaluation committee and ranked using the criteria in Section 4.5. The applications, objections and responses, the evaluation committee's ranking, and the staff briefing memorandum, will then be forwarded to the Commission for its decision on awards.

An applicant may not contact any member of the evaluation committee without the express approval of the grant administrator (Kristy Nieto). The grant administrator may be contacted via email at [Kristy.Nieto@Wisconsin.gov](mailto:Kristy.Nieto@Wisconsin.gov).

#### 4.5 Criteria for the evaluation of merit.

- a. Match (10 points). An application will receive credit based on the percentage of matching funds the applicant proposes to invest in its project and the variety of sources of matching funding provided by others.
- b. Project technology choice (10 points). An application proposing to invest in fiber optic infrastructure will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26805.
- c. Last-mile connection (10 points). An application proposing to invest in a physical broadband network that provides last-mile connections will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- d. Applicant Type or Partnership (10 points). An application proposing to build a broadband network owned, operated by, or affiliated with local governments, non-profits, and co-operatives will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.

- e. Service affordability (10 points). An application that integrates one or more affordability options will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- f. Existing agreement to build a broadband service (10 points). An application that demonstrates that there are no existing agreements or plans to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload within the project area by December 31, 2024, will receive credit. Interim Rule, 86 Fed. Reg. at 26806.
- g. Existing broadband service need (10 points). An application proposing to serve locations with the least access or slowest speed and the highest need will receive credit.
- h. Internet access or digital literacy assistance (5 points). An application proposing to provide internet access or digital literacy support to households facing negative economic impacts due to COVID-19 will receive credit. Interim Rule, 86 Fed. Reg. 26786, 26806.
- i. Applicant capacity and performance (15 points). An application that demonstrates the financial, technical, and operational capacity and experience to successfully and completely execute the project in the timeframe will receive credit.
- j. Technology Network and Budget (10 points). An application that demonstrates a well planned project with a reasonable budget that shows it will deliver speeds and service proposed and be sufficiently robust to meet increasing demand for bandwidth will receive credit.

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

The Commission reserves the right to reject any application as filed, and negotiate the terms of a 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.

## 5.0 GRANT AWARD AND TERMS AND CONDITIONS

### 5.1 Order awarding grants

The Commission will determine in writing which applicants will receive an ARPA Broadband Grant by issuing an Order awarding grants in the appropriate proceeding. All entities and organizations that submit a grant application will be notified in writing of the Commission's decision.

### 5.1.1 Compliance with statutes, regulations and executive orders

The Order will provide that a grant recipient must comply with all other applicable federal statutes, regulations, and executive orders. Interim Rule, 31 C.F.R. § 35.9, 86 Fed. Reg. 26786, 26823.

### 5.1.2 Compliance with American Rescue Plan Act

The Order will provide that a grant recipient shall provide for compliance with the American Rescue Plan Act, Subtitle M, and any interpretative guidance by other parties in any agreements it enters into with other parties relating to these funds. Interim Rule, 31 C.F.R. § 35.9, 86 Fed. Reg. 26786, 26823.

### 5.1.3 Terms and Conditions

The Order will also specify certain terms and conditions that the Commission finds appropriate and necessary for the administration of the approved grant projects.

## 5.2 Grant Agreement

The Order will require that each approved grant applicant enter into a grant agreement with the Commission. The grant agreement will confirm the grant award, including the amount of the grant award, the scope of the project and the terms and conditions ordered by the Commission and required by the U.S. Treasury Department. The grant award is not final until the applicant signs and returns the grant agreement. A signed grant agreement is due to the Commission no later than 60 days following the date of issuance of the grant agreement to the applicant. Failure to complete and return the grant agreement by the due date may result in cancellation of the award.

### 5.2.1 Order and Grant Agreement

The Order awarding grants and the grant agreement, including any amendments, will together 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.

### 5.2.2 Failure to Comply

Failure of an applicant to comply with the Commission's Order or grant agreement, as amended, may result in cancellation of the award.

## 5.3 Termination of grant award

The Commission or the Recipient may terminate a grant award, at any time at its sole discretion by delivering ten (10) days written notice to the applicant/grant award recipient. In the event that the applicant terminates the grant award, for any reason

whatsoever, it will refund to the Commission within 30 days of said termination, all payments made hereunder by the Commission to the applicant for work not completed or not accepted by the Commission. Such termination will require written notice to that effect that is delivered by the applicant to the Commission not less than ten (10) days prior to said termination.