

# BROADBAND EXPANSION GRANT APPLICATION

## For Fiscal Year 2020

Primary Applicant (Name and Address):	<p>Applications MUST be UPLOADED to ERF via the Commission's website, <a href="http://psc.wi.gov/apps35/ERF_upload/content/mymenu.aspx">http://psc.wi.gov/apps35/ERF_upload/content/mymenu.aspx</a>. Refer to section 2.3 for detailed instructions.</p> <p>Applications are due and MUST be uploaded to ERF no later than: <b>December 19, 2019</b> at 4:00pm (16:00) Central Time. <b>Late applications will not be accepted.</b></p>	
	Contact for further information: <a href="mailto:PSCStatebroadbandoffice@wisconsin.gov">PSCStatebroadbandoffice@wisconsin.gov</a>	
	Date: September 4, 2019	
<p>The Public Service Commission of Wisconsin is seeking applications for Broadband Expansion Grants. The Commission may award one or more grants during Fiscal Year 2020 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.</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 a broadband expansion 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)
Contact Name and Title	Total Cost of Proposed Project (round to nearest dollar)
Telephone Number	Project Name
E-mail Address	Type of Proposed Broadband Service (FTTH, Cable, DSL, etc.)
If the application proposes a public-private partnership, list the names, addresses, and FEINs of the partner companies or organizations	
Brief Project Description	
Proposed Download Transmission Speed	Proposed Upload Transmission Speed
County or Counties served by this project	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 serve an <i>unserved</i> area of the state, as defined in Section 1.4 of the application instruction? (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 Business Locations that will have access to the improved broadband service	Expected Number of Residential Locations that will have access to the improved broadband service

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## 1.0 GENERAL INFORMATION

### 1.1 Introduction and background

The Public Service Commission of Wisconsin (Commission) is seeking applications for Broadband Expansion Grants. The Commission may award one or more grants during Fiscal Year 2020 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.

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 § 196.504.

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

Applicants eligible under Wisconsin Statute § 196.504 may apply for a grant 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 have access 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 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 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 Kristy Nieto, Division Administrator, Division of Digital Access, Consumer and Environmental Affairs.

## 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 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 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.

Economic development has the meaning given in Wis. Stat. § 196.796(1)(c).

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), transmitted through the use of satellite.

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

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

State means State of Wisconsin and includes the Commission.

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

Underserved area means an area of this state delimited by a census block boundary, as defined by the U.S. Department of Commerce, that is served by fewer than 2 broadband service providers providing a broadband service with a speed of 25 Megabits per second (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. An underserved area includes an area that an applicant has demonstrated in its application is underserved notwithstanding the fact that the proposed service area lies within a census block that has been designated as served in the Broadband Coverage Map.

Unserved area means an area of this state that is not served by an internet service provider offering an internet service that is all of the following:

1. Fixed wireless service or wired service.
2. Provided at actual speeds of at least 5 Mbps for download transmission and 600 Kbps for upload transmission.

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 December 5, 2019, to:

Email address:

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

Subject line:

Broadband Expansion 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 [PSCStatebroadbandoffice@wisconsin.gov](mailto:PSCStatebroadbandoffice@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 provided to all recipients of this initial application.

Any contact with state employees concerning this application is prohibited, except as authorized by the grant administrator (Kristy Nieto) during the period from date of release of the application until the date on which the grant award is released.

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 Dennis Klaila at (608) 267-9780 or [dennis.klaila@wisconsin.gov](mailto:dennis.klaila@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>
Sep 4, 2019	Date of issue of the application instructions

Dec 5, 2019	Last day for submitting questions and requests for clarification
Dec 18, 2019, 4PM CT	Last day to request uploading assistance
<b>Dec 19, 2019, 4PM CT</b>	<b>Applications due from applicants (deadline for uploading to ERF).</b> Applications are public unless specified otherwise when uploading.
<b>Dec 20, 2019</b>	All applications are posted on ERF under docket number 5-BF-2020 and available for public inspection (including objections) immediately upon filing.
Jan 9, 2020	Last day for submitting an objection to a grant application
Jan 16, 2020	Last day for submitting a response to an objection
Jan 16-TBD	Committee evaluation and ranking of the submitted grant applications
TBD, tentatively Feb or Mar, 2020	Regularly scheduled open meeting of the Commission to take up applications, objections, responses, and committee evaluation, and award grants

## 1.8 Grant term and funding

Any Broadband Expansion Grant award approved by the Commission will expire automatically and without notice on the last day of the twenty-fourth month following the month in which the Commission approves the award. A grantee may request an extension of this expiration, which may or may not be approved. An extension request should provide an explanation for the project delay, description of work completed and work remaining, 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. 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), beyond that sufficient to present a complete and effective 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, nor are these costs reimbursable should a grant be awarded.

## 2.3 Submitting the application

**Applicants must upload to ERF an electronic PDF copy of all application materials by 4:00 pm (16:00) Central Time on DECEMBER 19, 2019.** 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. Late applications will be rejected. Applications dated and time stamped in another office 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 system, you must first register as a user. Instructions for completing the registration are provided on the ERF website. Select 'Individual Account' when given a choice between an individual or corporate account. It is only necessary to register once. The ERF registration will carry over from one year to the next.

Applications MUST be UPLOADED to ERF by going to the Commission's website, <https://psc.wi.gov/Pages/Home.aspx>; 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 webpage entitled 'Upload Document', select 'Public' or 'Confidential,' as appropriate; and select the circle for 'Existing Docket.' In the three boxes for 'Docket ID,' enter the docket number: 5-BF-2020. Select 'Check Docket.' If you have correctly entered the docket number, the ERF system will display the docket caption: 'FY 2020 Broadband Expansion Grants.'**Applications must be uploaded to the correct ERF docket folder.**
- On 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 '**Broadband Expansion Grant Application of [insert name]**' for Document Description. All applications will be electronically time-stamped when uploaded properly.

The applicant must contact the application manager, Dennis Klaila, by telephone number at (608) 267-9780 or by email at [dennis.klaila@wisconsin.gov](mailto:dennis.klaila@wisconsin.gov), by 4:00 p.m. (16:00) on December 18, 2019, if assistance is needed in submitting an application electronically.

## 2.4 Designation of confidential and proprietary information

If the applicant desires confidential treatment of portions of its application, it must upload both a confidential version and a redacted public version of the application, following 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 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 application instructions. Fill in the information requested in the blank boxes, sign the attestation, and include as the first page of the grant application. An editable Word version of the page is available on the Commission's website on the Broadband Expansion Grants webpage.

- The second page of the application should be the Summary of Grant Application, included as the second page of these application instructions. An editable Word version of the Summary page is also available on the Broadband Expansion Grants webpage.
- The third and fourth pages of the application should be the [Summary of Project Budget and Funding Statement](#). Use the spreadsheet available on the Broadband Expansion Grants webpage. Save it as a PDF or scan it to add it to your application as pages three and four. (In addition to including it in the PDF application, you will also upload it separately to ERF in Excel format – see below).
- Subsequent Pages: Format all remaining pages of the application to print on 8.5” x 11” paper size. The information on these pages must correspond to the headings and subheadings in Section 3.2 that are marked in bold font. Use these headings and subheadings in your application.
- Convert the entire application to PDF format before uploading it to the Commission’s ERF system. See Section 2.3 for uploading details.
- After uploading the PDF application to ERF, upload to ERF your original Excel version of the [Summary of Project Budget and Funding Statement](#). Use the spreadsheet available on the Broadband Expansion Grants webpage. See the spreadsheet for additional instructions. See Section 2.3 for uploading details.

### 3.2 Mandatory application requirements

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 Applicant identification and contact information**

- a. The name and address 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. 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).

### 3.2.2 Description of the project

- a. A map and description 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 the 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 using Google Maps with the boundary of the project area drawn onto the map.
  - PSC staff can provide support to ensure an accurate spatial file is delivered to the Commission. If a mapping program including, but not limited to, Google Maps or ArcGIS is used to map the proposed service area, please contact the State Broadband Office mapping team at [PSCBroadbandData@wisconsin.gov](mailto:PSCBroadbandData@wisconsin.gov).
- b. If the project area lies within a census block designated as served on the PSC Broadband Map, provide additional documentation to demonstrate the actual broadband service that is available in the proposed project area.
- c. An explanation of how the proposed project will increase broadband access.
  - Potential and expected number of households served.
  - Potential and expected number of businesses served.
  - Expected number of seasonal residents and tourists served.
  - Estimated download and upload speed of the broadband service.
- d. A statement whether the proposed project is targeting the “last mile,” “middle mile,” or backbone portion of the broadband infrastructure.
- e. A description of the broadband service 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 map or schematic diagram, as appropriate.
- f. A schedule by which the applicant intends to complete the components of the proposed project.

### 3.2.3 Itemized Budget

- a. In addition to the Summary of Project Budget that is included as page 3, applicants should include a price list or quote for any equipment the applicant intends to purchase, including capital expenditures. The application should also indicate whether any facilities involved would be owned, rented, or leased.
- b. 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. 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.

### 3.2.4 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, 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. *Note: The requirement for this information is satisfied via inclusion of the completed Funding Statement as page 4 of the application.*
  - 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. Contributions that vary based on the amount of actual sales, customer contributions, or other criteria will not be given weight.
- b. **Public-private partnerships.** 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.

- In scoring this element, information regarding community engagement in the planning, permitting, or marketing of the project will be given weight as well.

c. **Existing broadband service**. A list of the broadband service providers, if any, currently serving the area the applicant proposes to serve. In scoring this element, the following factors will be taken into account:

- The degree to which the proposed project avoids duplicating existing broadband infrastructure.
- The application of a wireless broadband service provider proposing significant overlap with existing broadband service in addition to service to an unserved area will not be given priority consideration.
- Provide a list of all landline 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 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 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.
- f. 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.
- g. **Economic development**. A description of how the proposed project will promote job growth or retention, expand the property tax base or improve the overall economic vitality of the municipality or region. This description may be supplemented with a letter from one or more persons discussing the potential economic impact the project could have for that individual or business. In scoring this element, the following factors will be taken into account:
- A discussion of potential economic impact the project could have for an individual business located in the project area.
  - An explanation of how an improved download and upload transmission speed could better support a specific business in the project area.
  - An explanation of the likely impact improved broadband service could have on residential property values, supported by local sales data if available.
  - A demonstration of how improved broadband service to a residential portion of the project could benefit a telecommuting population.
- h. **Effect upon broadband service to adjacent areas**. A description of whether the proposed project will or will not impair the ability of a broadband service provider or competing broadband service provider to extend broadband service to areas adjacent to the proposed project area.

### 3.2.5 Other information supporting the application

- a. A description of applicant's history or experience constructing broadband communications facilities in the state and elsewhere.
- If applicable, an applicant must 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 must also comment on broadband construction projects undertaken in prior years that were not funded in part by the Broadband Expansion Grant program.

- b. A description of how the proposed project will or will not duplicate existing broadband infrastructure.
- c. A description of an applicant's financial ability to undertake the proposed broadband construction project. This must include the most recent financial statements or budget to actuals report.
- d. A description of how the proposed project will affect the ability of individuals to access health care service from home, including any impact upon the costs of those services.
  - Specific information from a hospital or clinic in the project area that currently uses or intends to use home-based telemedicine equipment to enhance access health care service would best illustrate this point.
- e. A description of how the proposed project will affect the ability of students to access educational opportunities from home.
  - Specific information on the likely number of students that will benefit from improved access to educational opportunities from home would be useful.
  - Specific information regarding educational programs that are currently available for students in the project area would be useful.
- f. 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 a public-private 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.
  - Certification as a Broadband Forward! Community or Telecommuter Forward! Community.
- g. Letters and messages in support of the application submitted by prospective customers, local government officials, and other interested persons.
- h. Any other equitable factor that the applicant desires to discuss, including one or more of the factors in Wis. Stat. § 196.03(6) that the applicant believes its project would advance. In discussing this element, the following information may be useful:
  - 1 Technical support and training materials that the applicant intends to provide.

- 2 Information that the applicant intends to use to promote better broadband adoption and use.
- 3 A description of a program or outreach to provide assistance to individuals of low income.

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

### **4.1 Objection period**

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-2020, using the ERF system. Objections are due by **4:00 pm (16:00) Central Time on January 9, 2020**. 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.

An applicant may respond to any objection filed by an interested party. A response to an objection must be filed under docket 5-BF-2020, using the ERF system. Responses are due by **4:00 pm (16:00) Central Time on January 16, 2020**. 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 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 in Section 4.5 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 in Section 3.2.1.c. 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 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, objections and responses, the evaluation committee's merit ranking, and the staff briefing memorandum 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 (Kristy Nieto).

#### 4.5 Evaluation criteria

4.5.1 Applications will be evaluated using the applicant's response to the topics and information requested in Section 3.2. 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.

4.5.2 An applicant must include information in its response that demonstrates and verifies it meets the requirements in 3.2.3.b and c.

4.5.4 After review pursuant to Section 4.3, the committee shall evaluate and rank the applications based upon the following factors:

- a. Matching funds (10 points). An application will receive higher priority based on the percentage of matching funds the applicant proposes to invest in its project.
- b. Public-private partnerships (10 points). 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 (10 points). An application proposing to serve an unserved area 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 (10 points). 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 (10 points). 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.
- f. Economic development (10 points). An application that demonstrates the potential to promote job growth or retention, expand the property tax base or improve the overall economic vitality of the municipality or region shall receive priority.
- g. Effect upon broadband service to adjacent areas (10 points). An application that demonstrates that it will not impair the ability of a competing broadband service provider to extend broadband service to areas adjacent to the proposed project shall receive priority.

4.5.5 As part of weighing the above factors, the evaluation committee and Commission will consider the following:

- The total number of persons served by a given application when compared to applications of equal priority.
- The degree to which the proposed project will duplicate existing broadband infrastructure.
- The degree to which the proposed project will enhance the ability of individuals to access health care service from home.
- The degree to which the proposed project will enhance the ability of students to access educational opportunities from home.
- The download and upload transmission speeds the application proposes to provide.
- The degree to which the application demonstrates that the broadband service provider is prepared, from both an operational and financial perspective, to undertake the proposed project.

#### 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.

#### 4.7 Notification of award decision

Refer to 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 AND TERMS AND CONDITIONS**

#### 5.1 Order awarding grants

The Commission will determine in writing which applicants will receive a Broadband Expansion Grant by issuing an Order awarding grants in the appropriate proceeding. The Order will also specify certain terms and conditions that the Commission finds appropriate and necessary for the administration of the approved grant projects. All entities and organizations that submit a grant application will be notified in writing of the Commission's decision.

#### 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 and the terms and conditions ordered by the Commission. 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.

5.1.1 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.

5.1.2 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. Upon termination, the Commission'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 Commission. 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.