

WEST VIRGINIA BROADBAND INFRASTRUCTURE LOAN INSURANCE PROGRAM GUIDE

*A Program to Expand and Extend Broadband
in the State of West Virginia*



West Virginia Economic Development Authority

West Virginia Broadband Enhancement Council

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Agency Contact Information

West Virginia Economic Development Authority

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West Virginia Office of GIS Coordination

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Statement of Confidentiality

Applications and additional documents submitted to the West Virginia Broadband Infrastructure Loan Insurance Program are public records. Under the Freedom of Information Act, a court may order the West Virginia Economic Development Authority (WVEDA) to disclose public records, including information that may otherwise be considered private or confidential information.

If any portion of the information provided should be considered confidential, it must be clearly labeled as **CONFIDENTIAL** and accompanied by a brief statement as to the basis of confidentiality, e.g. **Trade Secret** or **Proprietary Business Information**. The WVEDA, its members, staff, and agents, shall not be liable for any disclosures of information provided by you that may be ordered to be divulged, produced or disclosed by any judicial or administrative tribunal.

Unless otherwise authorized in writing by the Applicant, all material, financial data, maps, surveys, network performance data or other information contained in or submitted in support of any Application will be treated as confidential and private, and such material will not be released or made available to the public unless required by law. However, after the WVEDA has given the project consideration, the WVEDA would then release the following information about the project:

1. Applicant Name
2. Project Name
3. Project Description
4. Amount of Broadband Infrastructure Loan Insurance
5. Proposed Funded Service Area (PFSA)

Program Overview

The West Virginia Economic Development Authority (WVEDA) will coordinate the West Virginia Broadband Infrastructure Loan Insurance Program (the “program”), as outlined in West Virginia Code § 31-15-8, et seq.

The purpose of this program is to expand, extend and make generally available broadband service throughout the State of West Virginia, pursuant to House Bill 3093, passed during the 2017 Regular Session of the West Virginia Legislature and signed into law by the Governor.

The program places a primary emphasis on the development of broadband infrastructure in unserved and underserved areas of the State as outlined in West Virginia Code § 31G-1-1, et seq.

The program requires the certification of eligibility by the West Virginia Broadband Enhancement Council (the “Broadband Council”). A Project Initiation Form must be submitted to the WVEDA to begin the review process.

Program Eligibility

According to program requirements, the WVEDA is authorized to consider financial assistance in the form of loan insurance solely for capital costs relating to eligible projects for the provision of broadband service to unserved or underserved areas in West Virginia and for building certain telecommunications network segments.

The WVEDA may insure, for up to 20 years, the payment or repayment of the principal and interest of debt related to the following:

1. Providing broadband service, as defined in West Virginia Code §31G-1-2, to a household or business located in an Unserved or Underserved Area. The following definitions apply:
 - a. An Unserved Area is defined as a community that has **no** access to broadband service.
 - b. An Underserved Area is defined as an area with access to Internet service, by wireline or fixed wireless technology, whereby fifteen percent or more of the households and businesses in the area are served by Internet service with an actual downstream data rate less than ten (10) megabits per second (Mbps) and an upstream data rate less than one (1) Mbps, and no part of the area has **three (3)** or more wireline or fixed wireless broadband service providers.
2. Building a segment of a telecommunications network that links a network operator’s core network to a local network plant that serves either an unserved area or an area in which no more than **two (2)** wireline providers are operating.

Processing of Applications

The submission of any false or misleading information in the application or in any other materials which may be submitted will be grounds for rejection of the application and denial of further consideration by the WVEDA. Failure to complete the application in its entirety and in a thorough manner could result in processing delays. Applications will be considered by the WVEDA at any of its regularly scheduled monthly meetings.

Amendments to the Application

The WVEDA reserves the right to amend this application as warranted. Additional information will be requested if needed to fully assess an Application in compliance with West Virginia Code § 31G-1-1, et seq.

Applicable Definitions

1. **Broadband:** Broadband Internet service is defined by the Federal Communications Commission (FCC) as a downstream data rate of 25 megabits per second (Mbps) and an upstream data rate of three (3) Mbps.
2. Should the FCC revise this definition, the Broadband Council will publish the revised rates in the State Register within 60 days of the federal update. In the event of any discrepancy, the federal rate will apply.
3. **Downstream Data Rate:** The transmission speed from the service provider source to the end-user.
4. **Upstream Data Rate:** The transmission speed from the end-user to the service provider source.
5. **Proposed Funded Service Area (PFSA):** The proposed project area boundary in its entirety.

Public Notification Requirement

Public Notification Requirement

Upon filing an application to the Broadband Infrastructure Loan Insurance Program, the Applicant must publish a Class II legal advertisement in compliance with West Virginia Code §59-3-1, et seq.

The notice must provide a comment period of ten business days following the date of the advertisement in which a written objection, stating that the proposed project does not meet the requirements of West Virginia Code §31-15-8(b)(6), may be filed. The publication must be provided in the county or counties in which any portion of the broadband project is to be constructed.

The Applicant is further required, on or before the first day of publication of the public notice, to provide all known current providers of broadband service within the Proposed Funded Service Area (PFSA) with a copy of the public notice by first class mail.

Objection After Public Notification

If an objection or challenge is submitted to the WVEDA within the ten-day comment period, the WVEDA will notify the Broadband Council within five business days. Upon notification of a challenge, the Broadband Council will conduct a hearing within thirty days, to determine whether the proposed project meets the requirements of West Virginia Code §31-15-8(b)(6).

The Broadband Council will then issue a decision within thirty days of the date of this hearing. Any party participating in the hearing may appeal the Broadband Council decision to the Circuit Court of Kanawha County, West Virginia.

Exception to Public Notification Requirement

The requirement for public notification and a hearing applies to all Applicants, except those that plan to provide a downstream data rate of at least **one (1) Gigabyte** per second throughout the PFSA.

Project Narrative

The Broadband Council is required to report to the Joint Committee on Government and Finance of the West Virginia Legislature on or before January 1 of each year. This report will include a review of all projects approved for assistance through the West Virginia Broadband Infrastructure Loan Insurance Program. The Broadband Council may request project information which will include, but not be limited to, an assessment of the following:

1. Proposed Funded Service Area (PFSA)
2. Unserved Status, verified by residential and business surveys, letter(s) from Internet service providers and wireless internet service providers, or mapping data used to certify the area as Unserved.
3. Underserved Status, verified by residential and business surveys, letter(s) from internet service providers and wireless internet service providers, or mapping data used to certify the area as Underserved.
4. Mapping Data
5. Proposed Residents Served-New and/or Improved Service
6. Proposed Businesses Served-New and/or Improved Service
7. Potential Public Benefit and Economic Benefit
8. Preliminary Engineering Report, including technology applications, fiber routes, hardware, tower locations and other system and network components.
9. Business and Residential Services and Price Structures
10. Providers within the PFSA
11. Financial Data
12. Project Schedule
13. Compliance with Federal and State Laws, Policies and Regulations

Project Mapping

Detailed maps of the Proposed Funded Service Area (PFSA) are required. Map submissions must accurately reflect all stages of the project. At least two maps must be submitted: one regional scale map to show the overview of the project, and one or more local scale map(s) to show finer detail. All maps must include elements such as a map title, north arrow, map scale (scale text and/or scale bar), at least one latitude/longitude label, data source, and disclaimers.

Map Scale Requirements

Regional maps should be scaled at 1:250,000 or less (e.g. 1:500,000) to show the location of the project area. Local maps should be scaled at 1:50,000 or more (e.g. 1:5,000) to show more detailed geographic features, structures, and infrastructure of the project. Multiple local scaled maps may be required if the project extends across a large geographic area.

GIS Data Requirements

In addition to the maps cited above, GIS data must be submitted with the application and final report. Base map features such as topography or administrative boundaries are not required to be submitted as GIS data. If submitting base map features (e.g. topography, place names, administrative boundaries, etc.), maps submitted should also include all project features of interest.

Confidential Data

If any portion of the GIS datasets should be considered confidential, they must be clearly labeled as "CONFIDENTIAL" and accompanied by a brief statement regarding the basis of confidentiality, e.g. "Trade Secret" or "Proprietary Business Information."

Preferred Formats

The following formats are preferred: Esri Shapefile consisting of at least .dbf, .shp, .shx. Submission of other files such as coordinate system file (.prj) are encouraged.

Accepted Formats

The following formats may be accepted: Google Earth KML; Esri Geodatabase, Georeferenced raster images (for instance aerial photos showing the service area) should be submitted in TIFF, GEOTIFF, Georeferenced PDF, or MrSID image file formats with the associated world files.

Metadata Requirements

The datasets must include basic metadata in the format and standard of Extensible Markup Language (XML). Applicant can use one of the Federal Geographic Data Committee (FGDC) approved metadata standards to fill out the ESRI metadata stylesheet. The documentation must include, at a minimum, the following, as detailed in the mapping requirements detailed as follows:

Link: <https://www.fgdc.gov/metadata/geospatial-metadata-standards>

1. Applicant Name
2. Project/Data Set Description
3. Scale of Data Set Compilation (e.g. 1:20,000);
4. Datum and Projection of data set compilation;
5. Citation information e.g. originator;
6. Date of creation and any updates;
7. Data source (e.g. GPS, aerial photo, etc.) with resolution;
8. Data quality and accuracy;
9. Agency and person responsible for the data set and contact information;
10. Restrictions and limitations; and
11. List of attributes, description of the attributes and acronyms.
12. If awarded, as-built plans and maps upon completion of the project.

Proposed Funded Service Area

Submit Proposed Funded Service Areas (PFSAs) for the project in a single file. If a PFSA consists of discontinuous areas, merge the areas into a single feature. If the project contains wireline and wireless service, then this file should only contain two features. All PFSAs must be represented by polygons.

To submit additional data, such as address points, customer survey data points, propagation analysis or other features, please contact the WV Office of GIS Coordination.

The State of West Virginia uses the "West Virginia Coordinate System of 1983 North or South Zone," North American Datum 1983 (NAD 1983) (Ref. WV Code 30-13A-17). If the data must be submitted in a coordinate system other than West Virginia Coordinate System of 1983 North or South Zone, please supply the coordinate system name, datum, units, and another accessory information that will accurately describe the coordinate system (zones if UTM or State Plane).

Mailing Instructions

1. Use .zip file to consolidate multiple file for a single submission.
2. The use of any other format must be approved by the WV Office of GIS Coordination in advance.
3. All file names should include project name or identifier.
4. Acceptable media for submissions includes: CD, DVD, USB thumb drive.

As-Built Plans, Mapping, Reporting and Modifications

As-Built Plans Requirement

If a loan insurance agreement is executed as a result of the application, the Applicant is hereby notified of the requirement to submit as-built plans to the Broadband Council.

Mapping of Infrastructure Location and Type

It is noted that any entity that has received or hereinafter receives state or federal funding, and has or will use those funds to install broadband infrastructure, shall furnish detailed information concerning the location, type, and extent of such infrastructure to the Broadband Council for use in mapping, in compliance with West Virginia Code §31G-1-6(d). The mapping and designations provided under this section may be revised by the Broadband Council as warranted. If a loan insurance agreement is executed as a result of the application, the Applicant is hereby notified of the requirement to submit as-built plans to the Broadband Council.

Project Modifications

The Broadband Council must be notified of project amendments. The Broadband Council defines a project amendment as a change in the approved project that: 1.) Significantly alters the scope, location, or objective of the approved activities or beneficiaries, and/or 2.) Results in a change or cumulative changes of the approved budget.

Project Completion and Closeout

The timely completion and closeout of projects to facilitate the prudent use of State assets authorized through the Broadband Infrastructure Loan Insurance Program is strongly encouraged.

For all separate contracts associated with project, the Applicant shall submit to the Broadband Council, no later than thirty days following the Date of Substantial Completion, a copy of the Certificate of Substantial Completion signed by the Project Engineer. Within sixty days of the Date of Substantial Completion, the Applicant shall submit a Final Summary Report to the West Virginia Department of Commerce, which will include: 1.) Final Inspection Certification, and 2.) Final Quarterly Performance Report, Attachment A.

Annual Performance Report Form

Upon full execution of an agreement as part of West Virginia Broadband Infrastructure Loan Insurance Program, the Applicant shall submit the Annual Performance Report (APR) form attached hereto as Attachment A, through the term of the loan. Annual performance reports may be submitted to the Broadband Council, via the West Virginia Department of Commerce:

West Virginia Broadband Enhancement Council
West Virginia Department of Commerce
Attention: Kelly Workman
1900 Kanawha Boulevard East | Building 3, Suite 700 | Charleston, West Virginia 25305
Email: kelly.a.workman@wv.gov | Phone: [304-558-2234](tel:304-558-2234) | [304-957-2077](tel:304-957-2077)

Part I: Project Initiation Form

TO: David A. Warner, Executive Director
West Virginia Economic Development Authority

FROM: Representative/Company

DATE: Date, 2017

RE: **BROADBAND INFRASTRUCTURE LOAN INSURANCE PROGRAM**
PROJECT INITIATION FORM
Project Name
Proposed Amount (\$ Amount)

The _____ is considering an application to the West Virginia Broadband Infrastructure Loan Insurance Program.

Enclosed is a Project Initiation Form for your review and consideration.

**WEST VIRGINIA BROADBAND INFRASTRUCTURE LOAN INSURANCE PROGRAM
PART I: PROJECT INITIATION FORM | 2017**

PART I: PROJECT INITIATION FORM						
1. APPLICANT INFORMATION						
Company Name						
Project Name						
Proposed Funded Service Area (PFSA)						
City	County		Region		Congressional District	
Additional Jurisdictions (If Applicable)						
Loan Insurance Request					Term in Years	
Project Description						
Chief Executive Officer						
Primary Contact						
Primary Contact Title						
Phone		Email				
City		County				
Phone						
Website						
WV Business License		Year Issued				
FCC License (if applicable)		Year Issued				

**WEST VIRGINIA BROADBAND INFRASTRUCTURE LOAN INSURANCE PROGRAM
PART I: PROJECT INITIATION FORM I 2017**

2. PROJECT BUDGET					
Financial information is requested for budget line items, total project cost and loan insurance request amount only. The WVEDA will provide further details concerning financial review requirements.					
Source	Amount	Loan	Grant	Status: Indicate Date of Application	Commitment Attached (Yes/No)
Loan Insurance Request					
Private					
Private					
Local Funding					
In-Kind Services					
Other					
Other					
Total Project Cost					

3. PROJECT SCHEDULE			
Phase	Start	Duration	Completion
Partner Agreement(s)			
Preliminary Design			
Final Design			
Environmental Review			
Acquisitions/Easements			
Applicable Permitting			
Bidding			
Construction			
Operation			

4. UNSERVED STATUS		
	Yes	No
An unserved area is an area with no access to broadband service as defined in WV Code §31G-1-2.		
Does the PFSA include an unserved area?		

5. UNDERSERVED STATUS		
	Yes	No
Does the PFSA include an underserved area?		
Are 15 percent or more of the households and businesses in the area served by Internet service with an actual downstream data rate less than 10 megabits per seconds (Mbps) and an upstream data rate less than one Mbps, by wireline or fixed wireless technology?		
Does any part of the PFSA have three or more wireline or fixed wireless providers?		
Documentation, including surveys, letters from Internet Service Providers, and/or mapping data, is provided with this application.		

6. Telecommunications Network		
	Yes	No
Building a segment of a telecommunications network that links a network operator's core network to a local network plant that serves either an unserved area or an area in which no more than two (2) wireline providers are operating.		
Does the project link a core network to a local network plant?		
Does the PFSA include an unserved area?		
Are there more than two wireline providers in the PFSA?		

7. PROPOSED FUNDED SERVICE AREA (PFSA)	
Proposed Funded Service Area (PFSA), Including Place Name(s), Neighborhood(s), Street(s)	
PFSA Attributes, Schools, Hospitals, Businesses, Commercial Developments	
PFSA Map(s) Attached?	
Directions Sufficient to Drive to PFSA	

8. REQUIRED PUBLIC NOTIFICATIONS			Yes	No
Documentation of all required public notifications indicated below must be submitted.				
Exception: The requirement for public notification and a hearing applies to all Applicants, except those that plan to provide a downstream data rate of at least one Gigabyte per second throughout the PFSA. Does the Applicant intend to provide this service?				
Attach Affidavit of Publication for Class II Legal Ad in compliance with WV Code §59-3-1, if applicable.				
Was the publication provided in the county or counties in which any portion of the project is to be constructed?				
Did the Applicant provide all known current providers of broadband service within the PFSA with a copy of public notice via first class mail, on or before the first day of publication of the public notice?				
WVBEC INTERNAL USE:				
Was a protest submitted to the WVEDA within the ten-day protest period?				
Did the Applicant provide proper document of Public Notification Requirements?				

9. MAPPING DATA					
Identify whether the location is unserved or underserved for the project, including the geographic location(s) of service. Include place names, buildings, road and street names and addresses, or other features. Provide this information on a map that clearly depicts the entire PFSA coverage area at a regional and local scale. Submit a shapefile that depicts the PFSA boundaries, area attributes, such as schools, hospitals, business that will benefit from the project, propagation analysis if applicable, and other infrastructure features important to the project.					
Regional Scale Map Attached	Yes	No	Specify Scales		
Local Scale Map Attached	Yes	No	Specify Scales		
GIS Preferred Formats	Esri Shapefile, consisting of .dbf, shp, or shx; or .prj.				
GIS Accepted Formats	Google Earth KML, Esri Geodatabase, Georeferenced raster, Georeferenced PDF, or MrSID image file.				
See Application Guide Page 9 for additional details. Contact Tony Simental, State GIS Coordinator, for assistance at 304-558-2234 or 304-957-2025, or send email to tony.a.simental@wv.gov					

10. PFSA PROFILE	
Describe the potential residential and business customer base. Describe the economic development benefits of the project, including how the project will provide opportunities for new businesses, jobs and expanded business opportunities. (If space is insufficient please provide additional typed documents to responses as necessary.)	
Describe the potential public benefits of the project?	

Describe the potential economic benefits of the project?

Describe the current situation and associated negative impacts?

How will this project result in positive outcomes?

Does the project leverage additional funding or build upon existing infrastructure?

Type of Delivery	First Mile		Middle Mile		Last Mile		Backhaul		Combination	
(check all that apply)										
Type of Service	Fiber		Fixed Wireless		Wireline		Satellite		Other	
(check all that apply)										
Total Potential Customers	New	Improved	New	Improved	New	Improved	New	Improved	New	Improved
Residential										
Business										
Government										
Education										
Healthcare										
Total Potential Customers										

11. PROJECT NARRATIVE

What is the anticipated broadband adoption rate?

What is the anticipated monthly charge will be (for both businesses and residential) at various speeds?

Describe the plan for the project's success and sustainability from the initial build-out through to ongoing operations and maintenance.

How will this project be sustained throughout the loan insurance term?

Describe previous experience in building, operating and maintaining networks as described in this application.

12. PROJECT TECHNOLOGY AND SERVICE STRUCTURE

Describe the technology to be pursued with this project. Provide a Preliminary Engineering Report, including technology applications, routes, hardware, tower locations and other network and system components.

Describe the service structure(s) to be provided because of this project.

13. REQUIRED DISCLOSURES	Yes	No
Is the Applicant or any party or partner involved in a bankruptcy proceeding within the past eight years?		
Is the Applicant or any party or partner subject to claim, demand, civil action, or administrative action?		
Has the Applicant or any party or partner failed to meet the conditions of a bond for the performance of services?		

AUTHORIZING SIGNATURE			
I hereby certify that the information contained herein is accurate and true, and that the project will comply with all applicable federal, state and local requirements, laws and regulations regarding broadband infrastructure projects including, but not limited to, the regulations of the West Virginia Public Service Commission, Federal Communications Commission, State Historic Preservation Office, U.S. Environmental Protection Agency, and other applicable agencies.			
Signature		Date	
Title			

WVEDA LOAN INSURANCE FORM - FINANCIAL REVIEW
<p>Please consult with the West Virginia Economic Development Authority (WVEDA) for further details concerning WVEDA financial review requirements.</p> <p>West Virginia Economic Development Authority David A. Warner, Executive Director Northgate Business Park 180 Association Drive Charleston, WV 25311 304-558-3650 www.wveda.org</p>

West Virginia Broadband Infrastructure Loan Insurance Program Annual Performance Report I Attachment A

West Virginia Department of Commerce I 1900 Kanawha Boulevard East I Building 3, Suite 700
Charleston, West Virginia 25305
kelly.a.workman@wv.gov I 304-558-2234 I 304-957-2077

Annual Performance Report (APR) I Modification-Completion Form

Date Submitted: XXXXXXXX

1. Project Name:				Project #			
2. Primary Contact				City			
3. Phone and Email				County			
4. Project Summary							
5. Technology and Infrastructure							
6. Customers Served	New:	Number of Homes Served	New:	Number of Business Served	New:	Other Customers Served	New:
	Improved:		Improved:		Improved:		Improved:
7. Status of Project	a. Percent Complete						
	b. Is the Project on Schedule? Yes No If no, explain any issues in Section						
8. Anticipated Completion Date							
9. Cumulative Costs	\$			Loan Funds Remaining	\$		
10. Loan Term End Date	Year/Month			Loan Term Remaining	Years/Months		
11. Modification No.	Modification Date Requested			WVBEC Concurrence			
12. Reason for Modification							
13. Problems encountered and/or modifications in the Scope of Work,							
14. Additional Comments				15. Completion Date			

I certify, to the best of my knowledge and belief, the information provided on this form is true and correct.

Signature:

Title:

Date: