

GigReady Program Q&A

11/4/2021

If GigReady is designed for "end of the line" unserved addresses, will that conflict with LEAD applications? Will one program take precedence over the other?

It is the LEAD Program where we are emphasizing end of the line connections. Certainly, with the GigReady Program, we don't want to create that same type of problem where the proposed service area does not include locations at the end of the line, leaves stranded locations, as it were, that are more difficult to build to going forward. So, there is some overlap in that case. One Program doesn't take precedence over the other. But one application could take precedence over the other depending on the specifics of the application, the proposed services that are to be offered, affordability and all of the other criteria included in the Program Procedures.

In the Procedures we do call out that there are multiple Programs being run simultaneously. Applicants may be asked by the Program to modify their proposals, to remove conflicts with overlapping projects. It's not necessarily the case that one Program's projects will take precedence over another. It is a possibility that the Program is going to be looking to get a project to as many unserved West Virginians as possible in every case. So, if it's possible to fund two projects by eliminating some partial overlaps that is a possibility instead of just funding one project or the other. The other dimension of this is the technical assistance aspect of the GigReady Program gives the Program the ability, once applicants are in the process, to have some back and forth with the applicant about the most strategic scope of the project, especially as it relates to other funding opportunities.

How does a jurisdiction avoid the issue with an ISP that cannot meet the guidelines?

U.S Treasury guidelines must be followed for any use of funds under the GigReady Program. Choose your private enterprise partners carefully. The grant Program is funded with ARPA funding which comes with various rules and guidance from the US Treasury. The projects do need to adhere to the ARAP funding guidelines, including a scalable path to symmetrical 100 Mbps service, for example, and many others. You have to choose your private ISP partner in such a way that you are confident in their ability to adhere to Program guidelines.

The technical assistance program includes, as part of it, assistance in soliciting potential partners. We are cautiously optimistic that by aggregating different communities who are all looking for something similar in terms of a potential partner that may expand and improve the range of partner responses that they may get. Again, we cannot guarantee that every community will have ideal options but we hope that through this process we can potentially improve the quality of choices that communities have.

What if the only potential partner for a county/municipal government/affiliated organization in a rural area is an RDOF winner? Even if the RDOF winner has not been authorized by the FCC.

Provisional RDOF winners are acceptable as potential private enterprise partners for community applications. The fact that they have not yet been fully authorized by the FCC is not necessarily a concern.

Will there be FOIA protection on the some of the reporting, mapping, etc?

WV Code 31G-1A-5 provides protection to proprietary business information provided to the Office of Broadband. We ask that documents be marked confidential on each page that would be considered confidential, and you may also add a cover sheet indicating that the marked documents to follow are confidential and proprietary.

If we have a provider in areas that will not be able to meet the guidelines how do you implement a broadband program?

Grant Program guidelines must be followed by recipients and subrecipients. A private ISP partner needs to be able to adhere to Program guidelines. The guidelines are dictated by the US Treasury. There could be assistance in facilitating discussions and perhaps even relationships with private ISP partners that hopefully can meet the ARPA funding guidelines. We understand that in certain regions that might be more challenging than others, but that is one of the aspects of the technical assistance program that should help address that issue.

I know addresses will be downloadable, but would it be possible to post addresses on ArcGIS Online as a hosted layer?

These addresses will be available on ArcGIS Online and will be available for public extraction from that server if that is your preferred method. Anything that you see on the broadband.wv.gov website that is public or public facing, if you have an ArcGIS Online account those layers are searchable as well. They will be available to extract to whatever format you want to use on ArcGIS Online or download it into your own program.

When will the maps go live?

The map should be available October 28, 2021 along with the online application.

Will a county/local government/affiliated organization be able to apply for multiple projects with different providers in their region?

There is nothing explicitly in the Procedures that would prohibit more than one application, as long as they cover different areas. You could also have one application, there is nothing in the Procedures that would prohibit you from having different partners in different subareas. The key thing is you can't have an area in more than one funded application. It would be important, if you're looking at multiple providers, to keep in mind issues such as governance complexity, and sizable operating scale. If you are considering working with multiple providers, think through those implications. One thing you could not do would be to have overlapping areas. If you have multiple

projects you could certainly apply, but you may be asked to consolidate into one or the other if they were overlapping projects.

Additionally, one set of login credentials can be used for multiple applications in the ZoomGrants online application. To start a 2nd application, you'll simply repeat the process of visiting the link to apply, and you'll see a button that says "Apply Again." All of your applications will be accessible in your ZoomGrants account.

As far as the timeline, has the state given any consideration to supply chain issues affecting the industry? Will the state have any resources or connections that might help with obtaining materials?

The timeline is influenced by US Treasury rules and guidance. It is a relatively aggressive timeline in comparison to other infrastructure grant funding opportunities. We do understand there are supply chain issues. There are potential extensions allowed in the Program for reasons that are not your fault, so to speak, that are unavoidable.

The state cannot provide resources or connections under procurement regulations. It is something that we will continue to explore and consult with other states and just see if there are other ideas out there. Definitely something we are aware of.

It is important to be diligent about being prepared to do things. When you're ready to place a materials order, place the order, that part is in your control. Definitely try to stay on top of the parts you can control and know there is some flexibility stated in the Program Procedures for delays that are out of your control.

Is the government entity that applies for the grant required to be the owner of the installed fiber network or can the ownership be transferred to a sub grantee?

The Procedures are not prescriptive about the form and the structure of the private partnership. There are a variety of different ways that can be structured. One thing you do need to be clear on is the form that partnership takes. It needs to be clear what the governance is, how the obligations will be managed. There is flexibility in the Procedures in terms of the exact structure, but whichever structure you take there needs to be some clarity about how the performing entities will be held responsible for performance.

What is an expected cost or grant amount for a technical assistance grant?

The Technical Assistance program is not a planning grant. This will build upon your previous planning with the goal of moving toward an implementation project, not starting over or starting from scratch.

The Affordable Connectivity Program (ACP) program that would replace EBB lowers the monthly subsidy from \$50 to \$30, at least as the legislation reads currently. So if an applicant says a 25/3 service would be fully subsidized by EBB, is the applicant required to drop its price if that new ACP takes effect?

Yes, that is the requirement to receive the points associated with this voluntary choice, as described in the Program Procedures. The ACP program, which will likely replace the EBB program and is described in the Bi-Partisan Infrastructure Bill, lowers the monthly subsidy from \$50 to \$30 per month and increases or loosens the eligibility requirements so while it will offer a lower per month subsidy, it will be available for a greater number of people. While participation in the EBB program and its successor program is required by US Treasury on ARPA funded networks, the willingness to offer a service of 25/3 Mbps or better with no data caps that is fully subsidized is not a requirement of Treasury and not a requirement of the Program. It is one of the things that we will score. The GigReady Program Procedures document describes the scoring/points opportunity for agreeing to this. Agreeing to it would mean offering a 25/3 Mbps no cap service that is fully subsidized by whatever program US Treasury requires. In order to get the 10 points associated with this, you would need to agree to offer a service of those performance characteristics or better that fully is subsidized not only by EBB but by the subsequent requirements of Treasury, which will likely be the ACP program. The performance requirement for this scoring opportunity was intentionally established at 25/3 Mbps and not higher to accommodate the anticipated change in federal subsidy amounts.

Can design and engineering costs be used for the match?

The costs of design and engineering of the funded network are eligible expenses and can be applied as matching funds as long as they are paid for by the local government, not as an in kind contribution, and are the costs are incurred after the date of the grant award announcement.

Can a percentage of homes passed be utilized in financial calculations if they are currently considered served? Example: the homes that you pass by while getting to the unserved areas.

Please see this language from the Program Procedures: "Projects must primarily serve Targeted addresses. Facilities that are needed to deliver last-mile broadband service to Targeted addresses and incidentally cover non-Targeted addresses are reimbursable, but expenditures solely to benefit non-Targeted addresses are not reimbursable. Customer drops, installations, and equipment at non-Targeted addresses are not eligible for reimbursement."

If the proposed network passes served locations only to get to Targeted locations, and is designed to serve only Targeted locations, then the costs associated with that network design are applicable. In this case no accommodations to eventually be able to serve the non-targeted locations are eligible expenses, such as extra fiber strands, splice enclosures, additional OLT port capacity, etc... For the GigReady Program, the match amount is a percentage of the overall costs, not based on individual premises that are included in the design. If the proposed network is designed to pass but not serve addresses that are not targeted, then the network will be designed to serve the targeted locations and not the non-targeted locations. As such that would be the scope and the cost of the project. With that being the case, accommodations to connect passed but not Targeted and not included locations would not be eligible costs and should not be included in the grant.

Is there a suggested project minimum/maximum cost? How many projects do you anticipate funding?

Please see this language from the Program Procedures: "Size of and Scope Project – There is no minimum size project to participate in the Program. However, participants will be required to demonstrate through the technical assistance process that their project will have sufficient operating scale to be viable. Small projects may be asked or required to join with nearby projects to receive implementation funding from the Program."

We are looking for a sustainable operating scale. There is a thing such as a too small a project that can't be sustained on its own and we may ask small projects to combine with neighboring or regional projects. If you have a very, very small project, you may want to think about what are others in your region doing? However, there is no minimum sized project to participate.

The GigReady Program has \$40 million allocated to it currently. We will fund as many projects as we can within that budget. We do have the flexibility to adjust the Program allocations based upon demonstration of need going forward but we wouldn't do that until after the initial applications.

Environmental and historic preservation considerations often take quite a while, especially since the pandemic hit. Are delays due to those reasons possibilities for an extension, or does the state have any influence of facilitating those processes?

Similar to the example of material procurement, you have control over part of the process but not all of it. If you place your order and your vendor takes forever to fulfill the order that is not your fault. If you don't place your order in a timely fashion, then that could potentially be considered a delay that is due to your own actions. Same thing here, as long as you start the process in a timely manner and the lead times for having the permits and applications executed is extensive then yes, that would qualify for a reason for a possible extension.

We have initiated consultations with our Division of Highways to work out a streamlined process between the district offices. Vic Sprouse has been spearheading that effort and we do have a working group and a working document with our Division of Highways to address those issues. If issues arise with the Division of Culture and History, which handles the historic preservation aspect of that permitting process, then yes we will deal with that directly. We do encourage you to get all of that in motion as soon as possible.

Our hope is to have a packet that we provide to applicant award winners that details DOH processes, DEP processes if you are looking at trenching and the other processes to give you a little bit of assistance. The DOH has been really great about working with our department in streamlining and making uniform their process throughout their districts.

One of the elements of the documents required for upload prior to implementation funding is a project plan and timeline. You are correct to focus on the permitting

requirements and there is time associated with that. One of the elements that we are looking for in those project timelines is that you've allocated a reasonable amount of time in your timeline to deal with those kinds of requirements.

Would the State consider investing more than the initial \$40M if the fundable applications exceed the available funds?

We do have the flexibility to adjust the Program allocations based upon demonstration of need going forward but we wouldn't do that until after the initial applications.

Can you also provide any additional details about the Post-Award Notification Process that have not been already noted in the program guidelines? For example, when / how often will the Preliminary Approval Announcements be posted online? Also, the guidelines note "other available data" is allowed – what is the minimum collection of data required from responding ISPs for a complete submission of informational data?

Please refer to page 15 of the GigReady Program Procedures under the heading "Post Award Notification Process." There will be a public announcement of a preliminary approval announcement with a published map with an opportunity for ISPs to submit data that the proposed area currently offers 25/3 Mbps service. We want to stress that there is a limited time opportunity to provide that information, a 14 day window. The requirements are the same as the Request for Comments the department posted in July. The department has a range of options when considering these submissions. That can be anything from taking no action to asking for a modification to withdrawing the notices, but responses from ISPs alone are not dispositive of that. There is a long list of information that is stated in the Procedures that are examples of things the Department may take into account. Essentially, one important takeaway for all ISPs is that this Post Award Notification Process is an opportunity to provide the department with additional information. We really encourage everybody if there is an area that is already served, the Program would prefer to hear about it sooner rather than later. That was the intent for the Request for Comments that we provided earlier this year.

When the Department issues a preliminary approval announcement and seeks information about whether that area is already served there is a broad range of information the Department may consider. The Department may take into account documentation of existing broadband service performance, state collected broadband data, speed test results, interviews with community members and business owners.

That's not to say that whole range of things will always be available but it's simply saying that the department, when it has that information, in addition to taking into account any information provided by ISPs, will also take into account any other available data that may be appropriate and may inform its decision making and its deliberation on that.

Will Categorical Exclusions be considered for projects that are going to be installed on existing poles?

If it's an existing pole in the public right of way, most of those will end up with a Cat X (Categorical Exclusion) designation but you still have to go through the process. It is not automatic. If you are working on property that is outside of the public right of way, for example an easement or private property, that also has to be evaluated if not previously evaluated.

DOH states: "Utilities should anticipate that at least a categorical conclusion document will be necessary for each project affecting CARW on a route within the Federal Aid Highways System."