
LEAD Program Q&A

11/15/2021

Has final guidance come down from the US Treasury?

The LEAD Program is funded out of the American Rescue Plan Act, Capital Projects Fund. The Treasury Department issued Guidance on the Capital Projects Fund on Sept. 20, 2021. The Treasury Guidance is linked in the right hand column of the broadband.wv.gov website.

However, while Treasury has issued Guidance for the Capital Projects Fund, the interaction between Treasury and the state of West Virginia, as the recipient of the funding, is ongoing and there may be more information that will come from Treasury and if appropriate will be integrated into the Program.

How does a lone address among many, end up as "targeted" while all its neighbors are not?

Targeted addresses are those lacking access to 25 by 3 service that are also not inside of an area with a funding commitment for broadband infrastructure. It is not a perfect process, mapping broadband availability by address. It is certainly possible that there are some inconsistencies or errors and if you have additional information regarding discrepancies there will be an opportunity to provide that.

If a company that does not currently have a fiber or cable network providing 100/20M+ service, but can nonetheless commit to providing gig service within the required 12 month build period, and offers competitive costs/rates/services – can they apply for a grant under this program?

No, but you can apply for a grant under another program such as the upcoming MBPS Program, or teaming with a community for the already open GigReady Program. As mentioned, the LEAD Program has specific criteria to address the issue of quick deployments; to address the intention of the ARPA funding, which is pandemic relief and recovery in a timely fashion.

Just to clarify, the targeted locations do not have to be contiguous?

That is correct. The targeted locations do not have to be contiguous.

How are you planning to handle areas where Frontier is pending with RDOF and it has not yet been decided whether they will/will not be awarded?

The terrestrial RDOF assigned locations, even those that are provisionally assigned pending FCC's final approval, are currently non-targeted locations. If the FCC ultimately does not make final approvals for Frontier or any other provisional RDOF winner, then that will be reassessed. But currently the terrestrial RDOF locations are non-targeted.

Can the 50 or more addresses be several feeder lines installed along side roads from the trunk line. For example, if there are 3 homes up a side road within 1/2 mile of a funded RDOF census block, could an ISP applicant propose several of those.

If all other requirements are also met, then that scenario is plausible. The targeted areas do not need to be contiguous and as long as the rest of the project criteria and applicant criteria is conforming with the program rules this would be an acceptable application.

Will these slides be available later?

Yes, the slides will be made available.

Multiple questions. Do you anticipate an increase to the \$25 million program amount? Also, will the GigReady program's technical assistance take into an account this program? Will counties/local affiliates be notified of a LEAD project in their region?

We will make every attempt to prevent any overlapping projects. The Programs will not allow for funding the same area out of both Programs, of course. So yes, to the extent that that needs to be coordinated it will be. In the event that this Program receives proposals that overlap with other proposals, whether that be proposals in this Program or proposals from another one of the Programs, the Department may request modifications to projects the applicant to make modifications. To eliminate overlaps and then do final scoring in prioritization based upon the revised project, as submitted. The objective here is to try to fund as many projects as possible that can reach unserved West Virginians. There is the option for the Department, in lieu of rejecting one project because it overlaps with another to simply ask for modifications.

There is a public notification process within each of the Programs. We do intend to post the Provisional Awards for 14 days and that would be known to the community and to everyone. It would be a public notification and then we will make every effort to coordinate projects that are funded through each of the Programs, understanding that the LEAD Program is the most efficient and most cost-effective way to expand connectivity to West Virginians via the existing network providers, so these projects are intended to roll out first.

We do have flexibility built into the Programs whereby if one particular Program is oversubscribed, or there's a demonstration of greater need within another Program, we do have the option of allocating those resources where they are most needed. And then also the additional funding that has been provided by the most recent legislative session will also allow us to increase the budget per Program. So we've started out with an initial allocation and with that additional state funding, which is also under the ARPA program, those the Programs will be increased accordingly.

If a provider has to match at least \$500 per passed address, and we have to include non-targeted addresses in the passed address list, does that mean a provider has to match \$500 for non-targeted addresses passed? Or is it a \$500 match for each Targeted passed address?

Match is required for all passed addresses within 250 feet of the network route. The match is for all addresses passed with infrastructure that's capable of last mile connections within 250 feet of the route. 250 feet is the threshold within which you must include passed addresses. You may include ones beyond 250 feet and certainly if those are targeted addresses then including them is strongly encouraged.

Will the maps as they are now change at all? Is there still a way for someone to challenge an address listing whether that's a resident, ISP, municipality, or other entity? Or are these final for funding purposes?

The Department provided a preliminary map and engaged in an extensive request for comments earlier this year. The map was then refined after that comment process. There is a section in the Program Procedures called Post Award Notification process; this is a process that will happen after review of the proposed projects but prior to finalization of the awards and it provides an opportunity for the department to consider additional data about the proposed funded project. There is built into the published process an opportunity for the department to consider additional information prior to finalizing an award.

We see several addresses marked as "Funded" that we know do not have Broadband and are not shown on the map as being inside of an actual or pending RDOF Award area. How do you plan to address this? How can we challenge/modify your map?

Addresses classified as "non-Targeted" due to a funded project may be due to RDOF or a variety of other programs. Please see the last paragraph in the published Program Procedures, cooperation with state broadband mapping, this is a requirement that will

be made of awardees. Providers who receive funds under this Program are going to be required to provide/cooperate with data collection requests from the State Broadband Office on an annual basis, and you should expect to provide address level information. This is part of the ongoing effort to continue to refine and improve broadband availability information at the address level. Not only in areas where there's a funded project but in areas that have not yet been funded as well. So please do pay attention to that requirement. That's an important part of the effort to continually improve the maps that are available at the state.

Do we need to include 'other addresses' as match in an area where fiber must be extended to the closest Network Access Point? Specifically, if the other addresses are our existing customers?

From page 8 of the Program Procedures: "Addresses must be considered 'passed' if they are within 250 feet of the proposed project route **and the facilities along the route will be capable of providing last-mile services to those addresses.**" (Emphasis added.) If the facilities passing non-Targeted addresses are necessary to serve Targeted address they may be included in the project. But the non-Targeted addresses that they pass must be included in the passed count if those facilities can serve those addresses, but not if they can't. If you are building sections of middle mile network passing non-targeted addresses than they do not need to be included in the count, but of course we would then expect not to see any facilities that are capable of providing last mile services or service drops to those addresses included in the project scope.

Can you provide additional detail about the 4mb ZoomGrants file size limit? Multi-page PDF files can be split by Adobe but large single-page files or files in other formats can sometimes exceed 4mb and may not be easily divisible.

ZoomGrants does have an option to link to a file shared by a cloud storage provider. That is the option for files larger than 4 MB. While some larger files might be able to be separated into smaller files, it might simply be easier to place them on a Dropbox or

similar file transfer site. Please take into account that if you do break them up into smaller files, we have to reassemble them and we want to avoid any confusion or potential manual errors in reassembly. So probably best to use the file transfer site for larger files.

This question is regarding prior defaults. Is this a rebuttable presumption or an absolute prohibition? In particular, would an RDOF awardee who was asked by the FCC to reconsider certain areas and default be prohibited from participating in the program or will the Department consider the situation?

The FCC did invite provisional RDOF winners to default on certain census blocks identified by the FCC post auction as likely non-eligible blocks, and submit a Petition for Waiver of any penalties associated with that default. That was the FCC process to allow those companies to remove those census blocks from their award, and it makes sense if it's not a serviceable location that you should not receive the government subsidy. However, our concern would be whether it was a true default, if a company had pledged to provide service to a residence or business and then actually did not. Those are the things that we'll be looking at in terms of our review. But being given an opportunity to cure from the FCC is not really a negative. That can be seen as the FCC moving toward greater accuracy and it was a good step in that direction. But there's a big difference there between that process and an actual default. Or a failure to provide service.

Can you please detail how potentially competitively sensitive or confidential information requested in the application and/or budget workbook will be addressed?

WV Code 31G-1A-5 provides protection to proprietary business information provided to the Office of Broadband including broadband deployment information, physical plant locations, subscriber levels and market penetration data. These items are exempt from disclosure under FOIA. The information should be identified as confidential when

submitted to the Office. Standard practice is to stamp every piece of paper you want treated as confidential and include an explanatory cover letter.

Can the LEAD fund supplement an existing fiber project that is being deployed but not yet complete as long as both are completed within 12 months?

Grant funds should not be requested to serve addresses that are already a funded obligation from another program. You can certainly say: here's a project that's going to be done, it's going to be completed within 12 months, we now want to go further than that project and serve additional addresses beyond. That would be a good case for how you would combine the lead program with another deployment. But you still do need \$500 in matching funds for past address. So there certainly are scenarios where you could use LEAD as a way of further extending and supplementing other projects.

This is a very good way to leverage funds provided while not duplicating benefits. If there is an existing network expansion and the Program can be leveraged to build out further into the communities, that's an excellent approach and that can all be articulated in the application and show a good community benefit. Those are some of our scoring factors as well.