

West Virginia BEAD Program: FAQ

Updated July 3, 2024

Disclaimer: The National Telecommunications and Information Administration (NTIA) has approved West Virginia’s Initial Proposal Volume 2. In the event of any discrepancy between this FAQ document and West Virginia’s Initial Proposal as approved by NTIA, the requirements of the Broadband Equity Access and Deployment (BEAD) program will prevail.

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Change Log and Summary

#	Question	Last Updated
1 Pre-Application		
1.1	Can an applicant submit a Pre-Application if match funds are contingently available, such as those that may be dependent on allocations from the West Virginia State Legislature?	March 26, 2024
1.2	Where can applicants download the workbook files?	March 26, 2024
1.3	For the purposes of the E.2 Capital Cost Summary tab in the Pro Forma Workbook, who/what is considered a “customer?” Does this include broadband, phone, and cable television service?	April 9, 2024
1.4	1.4 The E.1 Project Specs tab in the Pro Forma Workbook asks “Do you have more than ___ customers across all states?” What is considered a “customer” and what is the purpose of this question?	April 9, 2024
1.5	Under what circumstance(s) is a third, Region-sized, pro forma required?	April 9, 2024
1.6	Does each pro forma represent an individual project?	April 9, 2024
1.7	How should applicants approach completing the Universal and Cost Factor workbook knowing that the Target Areas and Regions map may change after they submit their Pre-Applications?	May 17, 2024
1.8	During the workshops, WVDED provided screenshots from a completed or partially completed pro forma workbook. Is this an accurate representation of what a pro forma should look like, including the resulting figures such as return on investment?	April 9, 2024

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1.9	WVDED requires that applicants disclose whether and which other broadband deployment projects they, their contractors, or subcontractors are undertaking or plan on undertaking. Is there a threshold for when such a project must be disclosed? As an example, if an applicant plans to submit a proposal for a BEAD program in another state but has not yet decided which, does this need to be reported on?	April 9, 2024
1.10	Pre-application portal question #4 asks, "Which of the following describes the Applicant(s)?" The note immediately underneath the question states "Upload materials substantiating the Applicant's existence as one of the below entity types to the Documents tab for all non-government entities."	April 29, 2024
1.11	Question #3 on the Applicant Information tab in the pre-application portal previously asked for the "State Employer Identification Number" and currently asks for the "Federal Employer Identification Number." Which is correct?	April 29, 2024
1.12	Does an applicant need to list or provide information on all vendors, contractors, or subcontractors that it may use in its Pre-Application?	April 29, 2024
1.13	Should mobile broadband projects be included in the Disclosure of Publicly Funded Projects Form?	May 3, 2024
1.14	Is there a template for the letter of credit commitment letter or performance bond commitment letter required during the Pre-Application? If not, what should it contain?	May 9, 2024
1.15	Have there been any changes to the Pre-Application workbooks templates since the Pre-Application phase started?	May 17, 2024
1.16	The Summary tab of the pre-application portal may display an "IRS Verification" warning under the "Federal Tax ID (EIN) (XX-XXXXXXX)" response. Does this prevent the applicant from submitting its pre-application?	May 17, 2024
1.17	What "Speed and Latency of Service to be Provided" should applicants list in the Disclosure of Publicly Funded Projects Form? As an example, if an applicant committed to and deployed a network at a required speed then upgraded the facilities later to reach increased speeds, which speeds and latency should it report?	May 24, 2024
1.18	How should a not-for-profit cooperative complete the Company Ownership Form if it has a significant number of members/owners? Specifically, how should such an entity complete question #1 regarding persons or entities directly or indirectly owning or controlling the applicant?	May 24, 2024
1.19	The Workforce and Employment section of the WVDED Pre-Application Commitment Form includes a certification that:	May 24, 2024
1.20	How should applicants account for the excess conduit requirement in the cost factors?	May 30, 2024
1.21	Applicants must have a Cybersecurity and Supply Chain Risk Management (SCRM) plan that is, inter alia and per the Pre-Application Commitment Form:	May 30, 2024
1.22	What do the following status messages in the ZoomGrants Pre-Application portal mean?	June 13, 2024
1.23	What other material(s) are required to establish good standing within West Virginia?	June 13, 2024
2 Full Application		
2.1	When and where will the Full Application workbook(s) be available?	May 30, 2024
2.2	When proposing Projects using the Proposed Projects Workbook, should the proposed costs on tab D. Capital Cost Summary include those related to covering CAIs?	May 30, 2024
3 Relevant to Both Pre- and Full Application		
3.1	Are joint/consortium applications from two or more entities permitted? As an example, consider a scenario where Entity A intends on applying to the program to deploy fiber-optic broadband service and it plans on working with Entity B, which will provide the mobile wireless service portion of the network to earn points toward the Scalability and Resiliency criterion. Should Entity A and B submit a joint application, individual application(s), etc.?	April 29, 2024

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3.2	Can an entity be included as a vendor, contractor, or subcontractor on one or more applications in which they are not the lead applicant?	April 29, 2024
3.3	Can an entity both be included as a vendor, contractor, or subcontractor on one or more applications in which they are not the lead applicant and a lead applicant submitting an application?	April 29, 2024
3.4	Can applicants mark information contained in the application as confidential and/or proprietary?	May 9, 2024
3.5	If an applicant does not yet have the required audited financial statements for the prior year, what should it do?	May 9, 2024
4 Target Locations & Mapping		
4.1	Where can applicants find information related to obtaining a CostQuest Tier D license?	March 26, 2024
4.2	How do applicants obtain the December 31, 2022, June 13, 2023, update fabric data?	March 26, 2024
4.3	Where can applicants download the data related to the Target Areas and Regions?	March 26, 2024
4.4	When will an updated set of Target Locations (broadband serviceable locations (BSLs)) be made available and will BSLs funded through ARPA and/or other existing programs be removed from that data set?	March 26, 2024
4.5	How will unserviceable Target Locations (broadband serviceable locations (BSLs)) be handled, such as water tanks, gas wells, barns, etc.?	May 17, 2024
4.6	What is the difference between the high-cost areas defined by NTIA and the Extremely High Cost Threshold?	April 9, 2024
4.7	As far as location types, are unserved, underserved, and community anchor institutions all eligible?	April 9, 2024
4.8	What are Target Locations, Areas, and Regions?	April 29, 2024
4.9	Will WVDED provide final status updates on locations addressed during the Challenge Process?	June 13, 2024
4.10	Are Fabric Location IDs included in the June 4 version of the draft Target Areas and Regions?	June 13, 2024
4.11	In the June 4 version of the draft Target Areas and Regions, there is a field for Mobile Coverage, which is a binary field contained either "Y" or "N." What do these mean?	June 13, 2024
5 Program Information & Requirements		
5.1	Can subawardees (i.e., those receiving awards from WVDED) request reimbursement during the entire BEAD period of performance regardless of the "completion" of the network build as long as they still have funds in their awarded grant leftover? For instance, if a subawardee completes its general fiber network build within two years, can it continue to submit requests for reimbursement for eligible costs up through the full four years or until the grant amount is depleted?	March 26, 2024
5.2	Have the requirements related to ACP changed given the sunset of the program?	March 26, 2024
5.3	What is the maximum price of the middle-class affordability tier?	April 9, 2024
5.4	Do applicants need to apply for an entire Region, or can they apply for a specific Target Area?	April 9, 2024
5.5	What if an applicant does not have the financial resources to perform on an award for an entire Region? Can the applicant still participate in the program?	April 9, 2024
5.6	Some entities have relied on the Broadband Loan Insurance Program (BLINS) to secure funding from banks for previous broadband deployment efforts. With that program in flux, how should applicants approach securing match funding?	April 9, 2024
5.7	In the pro formas required during the Pre-Application stage, WVDED asks that applicants include costs associated with Non-Target Locations. Does this impact the Letter of Credit or Performance Bond requirement for the program?	April 9, 2024
5.8	Is reimbursement based on actuals or the averages in the cost factor?	April 9, 2024

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5.9	On April 25, 2024, NTIA approved West Virginia's Initial Proposal Volume 2. What changes should applicants be aware of since the last publicly available version from October 2023?	May 17, 2024
5.10	To whom are awardees required to offer a low-cost service tier?	April 29, 2024
5.11	In the webinars, WVDED noted that the letter of credit or performance bond would need to be for at least 10% of the award amount. Given this, does the commitment letter for a letter of credit or performance bond that must be submitted during the Pre-Application phase need to be for at least 10% of the Maximum pro forma award amount?	April 29, 2024
5.12	Are vendors, contractors, or subcontractors required to obtain a letter of credit or performance bond?	May 3, 2024
5.13	If an applicant wants to make the decision of whether to use a letter of credit or performance bond after the Pre-Application phase, does it therefore need to submit a commitment letter for both?	May 17, 2024
5.14	Can the letter of credit be governed by another state's laws other than those of West Virginia?	May 10, 2024
5.15	If an applicant pursues a performance bond, what type should it acquire?	May 30, 2024
5.16	Can applicants keep funds available in a bank or credit union as a substitute for a letter of credit?	May 30, 2024
5.17	Does the term of the performance bond need to be for the duration of the Project, or can it be renewed annually?	May 30, 2024
5.18	Section 5.4 of the Deployment Program Procedures establishes that under certain circumstances, applicants may be required to accept additional funding to build line extensions. How would this work in practice?	May 30, 2024
5.19	Are backhoe cuts considered "force majeure" for the purpose of the network uptime requirement?	May 30, 2024
5.20	How can applicants earn points for Community Support?	May 30, 2024
5.21	What changes have been made to the Deployment Program Procedures since WVDED published the original draft in November 2023?	May 30, 2024
5.22	When will the content of the in-person workshops be made available online?	June 13, 2024
5.23	Are speed tests and costs associated with performing them, such as required special equipment and third-party agreements, considered eligible expenses?	July 3, 2024
5.24	What are the specific speed testing requirements, such as test samples, frequency, and timing?	July 3, 2024
5.25	What public awareness efforts must subgrantees partake in?	July 3, 2024

1. Pre-Application

Subject: Funding	Topic: Match
1.1 Can an applicant submit a Pre-Application if match funds are contingently available, such as those that may be dependent on allocations from the West Virginia State Legislature?	
Yes, Pre-Applications may be submitted if match funds are contingently available. Applicants should be sure to note that any such funds are contingently available in the description/details section of the Pre-Application Pro Forma Workbook, Funding and Match tab.	

Subject: Workbooks	Topic: Both Workbooks
1.2 Where can applicants download the workbook files?	
Applicants can download the Pre-Application workbook files in the Documents tab within the ZoomGrants Pre-Application portal.	

Subject: Workbooks	Topic: Pro Forma Workbook
1.3 For the purposes of the E.2 Capital Cost Summary tab in the Pro Forma Workbook, who/what is considered a “customer?” Does this include broadband, phone, and cable television service?	
For the purposes of the E.2 Capital Cost Summary tab, the term "customer" is used in relation to "customer installation[s]." These are locations receiving a connection capable of providing a broadband service that complies with the program’s minimum performance requirements.	

Subject: Workbooks	Topic: Pro Forma Workbook
1.4 The E.1 Project Specs tab in the Pro Forma Workbook asks “Do you have more than __ customers across all states?” What is considered a “customer” and what is the purpose of this question?	
<p>For the purposes of this question alone, a “customer” is a unique internet service subscriber that receives such service from the applicant or any of its affiliates with common ownership. The applicant should count broadband customers on service tiers that equal or exceed 100/20 Mbps. Do not count phone or cable television customers that are not also subscribed to broadband service.</p> <p>The number listed in the question within the pro forma is automatically calculated such that the number of Total Locations Covered is 10% of this figure. For instance, if an applicant has a pro forma with 5,000, the question will be “Do you have more than 50,000 customers across all states?” This question offers WVDED an indicator of whether a potential set of projects is large relative to existing operations. Note that this does <u>not</u> place a ceiling or cap on the number of locations that an applicant can be awarded.</p> <p>An applicant may seek an award comprising, and may be awarded, new locations greater than 10% of its existing customers. For this to occur, however, applicants must be able to demonstrate they have the financial and operational ability to scale and that the potential projects are financially sustainable with grant funding.</p>	

Subject: Workbooks	Topic: Pro Forma Workbook
1.5 Under what circumstance(s) is a third, Region-sized, pro forma required?	
Applicants must complete a Region-sized pro forma if both their Maximum and Medium pro formas are larger than 3,000 Total Locations Covered. Total Locations Covered are defined according to the Instructions tab in the pro forma workbook.	

Subject: Workbooks	Topic: Pro Forma Workbook
1.6 Does each pro forma represent an individual project?	
No. Each pro forma represents a set of projects together. For example, the Maximum pro forma represents the largest set of projects that the applicant would be able and willing to perform on if awarded.	

Subject: Workbooks	Topic: Universal and Cost Factor Workbook
1.7 How should applicants approach completing the Universal and Cost Factor workbook knowing that the Target Areas and Regions map may change after they submit their Pre-Applications?	
<p>Please note that the Universal and Cost Factor workbook allows applicants to describe their cost <u>factors</u> applicable across various projects in West Virginia. It does not ask for the costs specific to a particular project. During the Application Phase, applicants will use their cost factors and the specific facts of each project to summarize that proposed project's costs. For example, an applicant will be able to describe the cost of aerial roadside construction for a proposed project using its cost per mile for that type of construction, submitted at the Pre-application Phase and the number of miles of that type of construction the applicant determines will be required for that particular project.</p> <p>WVDED asks that applicants provide their best estimates of cost factors during the Pre-Application Phase. In the Application Phase, WVDED will allow differences in cost factors used by an applicant for a particular project to differ by up to 10% from the values presented in the Pre-Application Phase. Costs for pole licensing and make-ready may vary by a greater percentage. Applicants who use cost factors at the Application Phase that are within this range of variance will be able to use a simplified budget of their proposed costs when describing their proposed projects.</p> <p>Should an applicant have a proposed project which has exceptional circumstances that would make use of the applicant's own cost factors inappropriate for its proposed project, applicants will have the opportunity to justify these costs differences based on these circumstances. Applicants seeking approval to use cost factors with a greater variance from those presented during the Pre-Application Phase may not use the simplified budget to describe the proposed project costs.</p>	

Subject: Workbooks	Topic: Both Workbooks
1.8 During the workshops, WVDED provided screenshots from a completed or partially completed pro forma workbook. Is this an accurate representation of what a pro forma should look like, including the resulting figures such as return on investment?	
The numbers used in the example pro forma workbook were for illustrative purposes to demonstrate use of the workbook. While the overall process was indicative of what a single example of a pro forma may look like, it should not be considered complete and not give a specific expectation for results, including but not limited to costs or return on investment.	

Subject: Disclosures	Topic: Previous Projects
<p>1.9 WVDED requires that applicants disclose whether and which other broadband deployment projects they, their contractors, or subcontractors are undertaking or plan on undertaking. Is there a threshold for when such a project must be disclosed? As an example, if an applicant plans to submit a proposal for a BEAD program in another state but has not yet decided which, does this need to be reported on?</p>	
<p>If an applicant has any expectation at all that it might pursue or simply apply for another program, it must disclose this information. Even if the only statement that the applicant can make is “We plan to apply for \$20 million in funding in at least one of the four following states...” it should disclose this.</p>	
<p>If an applicant does not have any such expectation but later does, it should reach out to WVDED and provide updated information as soon as it becomes available.</p>	

Subject: Portal	Topic: Applicant Information
<p>1.10 Pre-application portal question #4 asks, “Which of the following describes the Applicant(s)?” The note immediately underneath the question states “Upload materials substantiating the Applicant’s existence as one of the below entity types to the Documents tab for all non-government entities.”</p>	
<p>Is this the same as the document request for a “Statement of Existence for the Applicant as issued by the West Virginia Secretary of State?”</p>	
<p>Yes.</p>	

Subject: Portal	Topic: Applicant Information
<p>1.11 Question #3 on the Applicant Information tab in the pre-application portal previously asked for the “State Employer Identification Number” and currently asks for the “Federal Employer Identification Number.” Which is correct?</p>	
<p>Federal Employer Identification Number is correct. On April 23, 2024, it was changed from “State” to “Federal” to provide clarity.</p>	

Subject: Portal	Topic: Vendors, Contractors, Subcontractors
<p>1.12 Does an applicant need to list or provide information on all vendors, contractors, or subcontractors that it may use in its Pre-Application?</p>	
<p>An applicant is required to list or provide information on vendors, contractors, or subcontractors in its Pre-Application only to the extent that information is required to aid WVDED’s evaluation of the application, including its assessment of operational capability and/or capacity. For details on WVDED’s assessment of applications, please see the Deployment Program Procedures and Initial Proposal Volume 2.</p>	

Subject: Disclosures	Topic: Previous Projects
<p>1.13 Should mobile broadband projects be included in the Disclosure of Publicly Funded Projects Form?</p>	
<p>Yes, both fixed and mobile broadband projects should be included in the Disclosure of Publicly Funded Projects Form.</p>	

Subject: Uploads	Topic: LOC/Performance Bond
1.14 Is there a template for the letter of credit commitment letter or performance bond commitment letter required during the Pre-Application? If not, what should it contain?	
No, the letter of credit commitment letter or performance bond commitment letter is a non-binding opinion letter or comfort letter from an eligible institution indicating the applicant’s capacity to obtain a letter of credit or performance bond up to a stated dollar amount. The applicant and issuing entity can use their own wording provided it meets the above criteria and those included in the Deployment Program Procedures.	

Subject: Pre-Application Workbooks	Topic: Both Workbooks
1.15 Have there been any changes to the Pre-Application workbook templates since the Pre-Application phase started?	
On May 16, 2024, WVDED updated the two Pre-Application workbook templates to clarify two mislabels. Note that these edits did not impact the functionality of the workbooks and applicants therefore can continue using any that they have started provided they take into account these clarifications . WVDED uploaded new templates for the workbooks for consistency. The corrected items are as follows:	
<ol style="list-style-type: none"> 1. <u>Pro Forma Workbook – Tab “E.2 Capital Cost Summary.”</u> The units in column F for rows 18 and 19 should be “% of eligible subscribed <u>cable</u> customer installations” not those for fiber. As long as applicants answers these for cable information, the outputs of its workbook will use the appropriate cost factors. Column D contains those cost factor names. 2. <u>Both the Universal and Cost Factor Workbook and Pro Forma Workbook.</u> The unit labels for E36 and E37 are swapped in both the "Output" tab of the Universal Workbook and “D. Universal Info” tab of the Pro Forma Workbook. That is, E36 should be “Per Water Tank Colocation” and E37 should be “Per Rooftop Colocation.” Despite this label swap, applicants can continue using these tabs as they are and following the “Instructions” tabs in both workbooks. 	

Subject: Portal	Topic: Applicant Information
1.16 The Summary tab of the pre-application portal may display an “IRS Verification” warning under the “Federal Tax ID (EIN) (XX-XXXXXXX)” response. Does this prevent the applicant from submitting its pre-application?	
No, this will not prevent the applicant from submitting its pre-application and does not necessarily mean that the FEIN was entered incorrectly. Applicants should ensure the entered FEIN is correct and can ignore this warning if that is the case.	

Subject: Disclosures	Topic: Previous Projects
1.17 What “Speed and Latency of Service to be Provided” should applicants list in the Disclosure of Publicly Funded Projects Form? As an example, if an applicant committed to and deployed a network at a required speed then upgraded the facilities later to reach increased speeds, which speeds and latency should it report?	
For Speed and Latency of Service to be Provided, applicants should list the speed and latency “as measured and/or reported under the applicable rules,” as stated in NTIA’s Notice of Funding	

Opportunity, page 75. In the example provided, the applicant may provide the increased speeds and latency provided it was measured and/or reported according to the “applicable rules.”

Subject: Uploads	Topic: Company Ownership Form
1.18 How should a not-for-profit cooperative complete the Company Ownership Form if it has a significant number of members/owners? Specifically, how should such an entity complete question #1 regarding persons or entities directly or indirectly owning or controlling the applicant?	
<p>All applicants, including not-for-profit cooperatives, must complete the Company Ownership Form. When addressing question #1, if such an applicant has more than 25 members, the applicant can list its board members, officers, and/or executive committee in place of its members. However, the applicant should include as attachment(s) a description of its composition and nature as a cooperative and any supporting organizational documents and materials that demonstrate this. This information should include, at a minimum, information on the structure of the cooperative, number of members, role of the board members, officers, and/or executive committee as listed in question #1, and governance structure.</p> <p>The remainder of the questions in the Form should be addressed to the extent they apply to the applicant.</p>	

Subject: Uploads	Topic: Commitment Form
1.19 The Workforce and Employment section of the WVDED Pre-Application Commitment Form includes a certification that: <i>“...the Applicant, its contractors, and its subcontractors will adhere to the following labor standards, as applicable...”</i> <i>a. A commitment to union neutrality...”</i>	
<p>What does adhering to a commitment to union neutrality mean?</p> <p>As stated in the certification, applicants should adhere to this standard as it may apply to them. In other words, the applicant certifies that it, its contractors, and its subcontractors will adhere to commitments to union neutrality to the extent that they</p> <ul style="list-style-type: none"> a. are required to by federal or West Virginia law, or b. have or will have union neutrality agreement(s) in place, <p>for the duration of, and only within the context of, this program.</p>	

Subject: Pre-Application Workbooks	Topic: Universal and Cost Factor Workbook
1.20 How should applicants account for the excess conduit requirement in the cost factors?	
<p>Applicants should account for the costs of deploying excess conduit in their cost factors for underground construction.</p>	

Subject: Uploads	Topic: Cybersecurity and SCRM Plans
<p>1.21 Applicants must have a Cybersecurity and Supply Chain Risk Management (SCRM) plan that is, inter alia and per the Pre-Application Commitment Form:</p> <ol style="list-style-type: none"> <i>“Operational, if the Applicant is already providing service at the time of the grant; or</i> <i>Ready to be operationalized, if the Applicant is not yet providing service at the time of grant award...”</i> <p>Can an applicant submit attestation that it has plans that meet the applicable standards, including those of NIST, instead of submitting the plans themselves?</p> <p>No, the applicant must provide such plans to WVDED per the Deployment Program Procedures and Pre-Application Commitment Form. If the applicant is concerned about sharing sensitive information contained in the plans, it may redact it to the extent necessary. However, WVDED may request additional information if it is required to verify that the plans meet the requirements detailed in the aforementioned documents.</p>	

Subject: Portal	Topic: Status Messages
<p>1.22 What do the following status messages in the ZoomGrants Pre-Application portal mean?</p> <ol style="list-style-type: none"> Under Applicant information, it says “Submitted-Approved.” On the main portal page, the application says “(full application submitted, decision pending).” <p>The first message should not be taken to convey any meaning related to the approval status of an applicant’s Pre-Application submission. It is an artifact of the ZoomGrants system. The second item solely reflects that the applicant has submitted the Pre-Application.</p> <p>WVDED will directly and unambiguously inform applicants of the status of their Pre-Applications and whether they are able to participate in the Full Application phase.</p>	

Subject: Uploads	Topic: Good Standing
<p>1.23 What other material(s) are required to establish good standing within West Virginia?</p> <p>As of June 13, 2024, WVDED will require that during the Pre-Application process, applicant must provide a Letter of Good Standing from the West Virginia Tax Division.</p> <p>Information on how to acquire the Letter can be found here: https://tax.wv.gov/Business/GoodStanding/Pages/RequestForLetterOfGoodStanding.aspx.</p>	

2. Full Application

Subject: Full Application Workbook	Topic: Proposed Projects Workbook
2.1 When and where will the Full Application workbook(s) be available?	
They will be available when the Full Application phase begins in the ZoomGrants portal.	

Subject: Full Application Workbook	Topic: Proposed Projects Workbook
2.2 When proposing Projects using the Proposed Projects Workbook, should the proposed costs on tab D. Capital Cost Summary include those related to covering CAIs?	
Yes, the costs provided in the Proposed Project Workbook should include those to cover all Target Locations in each scenario, including CAIs if they apply. Specifically, if the applicant has selected “Yes” for “Provide 1/1 Gbps to CAIs?” on the A. Project Selection tab for a given Project, then it must include the cost to cover CAIs in the Primary scenario for that Project.	

3. Relevant to Both Pre- and Full Application

Subject: Joint/Consortium Applications	Topic: Permissibility
3.1 Are joint/consortium applications from two or more entities permitted? As an example, consider a scenario where Entity A intends on applying to the program to deploy fiber-optic broadband service and it plans on working with Entity B, which will provide the mobile wireless service portion of the network to earn points toward the Scalability and Resiliency criterion. Should Entity A and B submit a joint application, individual application(s), etc.?	
Only a single application is permitted for a given Proposed Project(s). Put differently, only one application may be associated with a Proposed Project. Thus, in the example provided, only one application should be submitted.	
Applicants that intend on having a relationship with another entity have two options for submitting this singular application:	
<ol style="list-style-type: none"> 1. <u>The application is associated with a single lead entity.</u> With this option, a single entity submits the application and lists any partners or other entities with which it will have a relationship in the same manner it would any other vendor, contractor, or subcontractor. Using the scenario from the question, Entity A would submit the application and list Entity B as a vendor, contractor, or subcontractor for specific services within the relevant sections of the application. WVDED strongly recommends that entities pursue this option first. 2. <u>The entities establish a separate entity that will have responsibility for the Proposed Project and that will submit a single application.</u> Entities pursuing this option must establish this separate entity for the purpose of carrying out any and all activities related to this program. It is incumbent upon the entities establishing this entity that they address the following considerations in forming the entity: Corporate form, ownership and control, profits and losses, responsibility for liabilities, capitalization, conflicts of interest, and the potential lack of audited financial records for the period and in the form required by the program. The separate entity will be the sole applicant and will be responsible for the Proposed Project. 	
In all cases, applicants should consult with their legal counsel and must comply with WVDED’s Anti-Collusion and Prohibited Communications Policy and Certification.	

Subject: Joint/Consortium Bids	Topic: Multiple Applications
3.2 Can an entity be included as a vendor, contractor, or subcontractor on one or more applications in which they are not the lead applicant?	
<p>Communications to third parties supporting development of a prospective subgrantee’s proposal, including communications to contractors, service providers, professional advisors, legal counsel, financial advisers, lenders, and consultants are permissible, provided that the prospective subgrantee takes steps necessary to prevent the third party from becoming a conduit for communicating bid and application information or bid and application strategies to other prospective subgrantees. For example, BEAD-related communications to third-party contractors and consultants are permissible to the extent such third parties enter into agreements with the prospective subgrantee that include protections consistent with WVDED’s Anti-Collusion and Prohibited Communications Policy, such as non-disclosure and firewall provisions that will protect the integrity of the competitive bidding and selection process.</p>	
<p>Please refer to WVDED’s Anti-Collusion and Prohibited Communications Policy for more detail.</p>	

Subject: Multiple Applications	Topic: Multiple Applications
3.3 Can an entity both be included as a vendor, contractor, or subcontractor on one or more applications in which they are not the lead applicant and a lead applicant submitting an application?	
<p>Third parties supporting development of a prospective subgrantee’s proposal, including communications to contractors, service providers, professional advisors, legal counsel, financial advisers, lenders, and consultants shall not themselves be prospective subgrantees. Parties approached by prospective subgrantees must disclose if they intend to apply or have applied to the BEAD Program as prospective subgrantees.</p>	
<p>Routine business communications do not violate WVDED’s Anti-Collusion and Prohibited Communications Policy if they do not convey BEAD bid and application information or BEAD bid and application strategies.</p>	
<p>Please refer to WVDED’s Anti-Collusion and Prohibited Communications Policy for more detail.</p>	

Subject: Confidentiality	Topic: Confidentiality
3.4 Can applicants mark information contained in the application as confidential and/or proprietary?	
<p>During the Pre-Application, applicants can mark the material in their workbooks as confidential using the “Confidentiality” tab. During the Full Application, WVDED will provide a way for applicants to mark certain materials or information as confidential and/or proprietary.</p>	

Subject: Financial Statements	Topic: Financial Statements
3.5 If an applicant does not yet have the required audited financial statements for the prior year, what should it do?	
<p>If the applicant has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant before WVDED announces provisional awards.</p>	

4. Target Locations & Mapping

Subject: Target Locations	Topic: CostQuest License
4.1 Where can applicants find information related to obtaining a CostQuest Tier D license?	
Applicants can find information on obtaining a CostQuest Tier D license, which all applicants to the program need, here: https://drive.google.com/file/d/1sJo85oUnefDC0e3GIAxShgDn3fDR1s-c/view .	
Applicants should specifically request the December 31, 2022, updated June 13, 2023, fabric data.	

Subject: Target Locations	Topic: CostQuest License
4.2 How do applicants obtain the December 31, 2022, June 13, 2023, update fabric data?	
Applicants should request this from CostQuest during the license acquisition process.	

Subject: Target Locations	Topic: Data Set
4.3 Where can applicants download the data related to the Target Areas and Regions?	
Information on the draft Target Areas and Regions is available here: https://broadband.wv.gov/draft-target-areas-for-bead/ . WVDED is accepting comments on these materials until April 5, 2024. After this, and before the Full-Application period begins, WVDED will publish the final Target Areas and Regions for applicants to use when creating Proposed Projects.	

Subject: Target Locations	Topic: Data Set
4.4 When will an updated set of Target Locations (broadband serviceable locations (BSLs)) be made available and will BSLs funded through ARPA and/or other existing programs be removed from that data set?	
WVDED will make available a new set of Target Locations after the conclusion of the Challenge Process. As a part of the deduplication process, WVDED will mark locations with enforceable commitments as served, such as those with enforceable commitments through the ARPA program.	

Subject: Target Locations	Topic: Unserviceable Locations
4.5 How will unserviceable Target Locations (broadband serviceable locations (BSLs)) be handled, such as water tanks, gas wells, barns, etc.?	
The Federal Communications Commission addressed unserviceable locations during its challenge process. This is not a feature of West Virginia's Challenge Process. WVDED may consider any further guidance that NTIA provides on the matter.	
Furthermore, as noted in West Virginia's Initial Proposal Volume 2, subgrantees must serve all Target Locations in their awarded Projects; however, in circumstances where they cannot provide service for reasons completely outside of their control, such as no electricity provided to the BSL or where a property owner refuses the provision of service, subgrantees will be required to compile a list of such BSLs and present it to WVDED.	
Subject to NTIA approval and during the post-award process, WVDED may consider removing location(s) from an award provided the applicant submits sufficient evidence to justify this, it files the	

location challenge with the Federal Communications Commission as a part of its Broadband Data Collection (BDC) program, and WVDED determines such removal to be appropriate.

Subject: Target Locations

Topic: High Cost Locations

4.6 What is the difference between the high-cost areas defined by NTIA and the Extremely High Cost Threshold?

These are different and they do not correlate.

High-cost areas describe areas in which there is an opportunity for reduced match. The high-cost areas are census blocks defined by NTIA. NTIA has already selected these blocks “in which at least 80% of the locations are unserved, and in which the cost of building out broadband service is higher than the average for all such unserved areas.” (See <https://www.internetforall.gov/program/broadband-equity-access-and-deployment-bead-program/bead-allocation-methodology>.) The match for Target Areas that contain Target Locations that fall in the high-cost areas will be reduced proportionately to the number of such Target Locations.

The Extremely High Cost Threshold describes a threshold above which proposed projects may be too expensive for the program to fund. It represents the point at which the proposed project’s grant cost per Target Location is so expensive that the program may fund a less expensive competing project using a less preferred technology. WVDED will establish this threshold after it has received Proposed Projects and it will utilize the threshold as detailed in its Initial Proposal Volume 2.

Projects exceeding the “Extremely High Cost Threshold” may or may not be in “high cost areas.” Similarly, projects in “high cost areas” may or may not exceed the “Extremely High Cost Threshold.”

Subject: Target Locations

Topic: Eligible Locations

4.7 As far as location types, are unserved, underserved, and community anchor institutions all eligible?

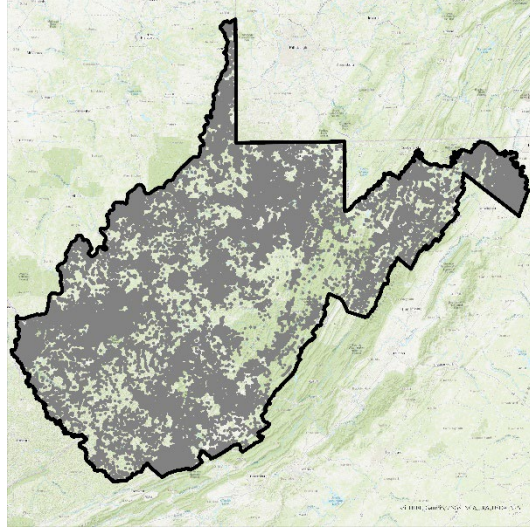
Yes, Target Locations include unserved, underserved, and eligible community anchor institutions.

Subject: Target Locations

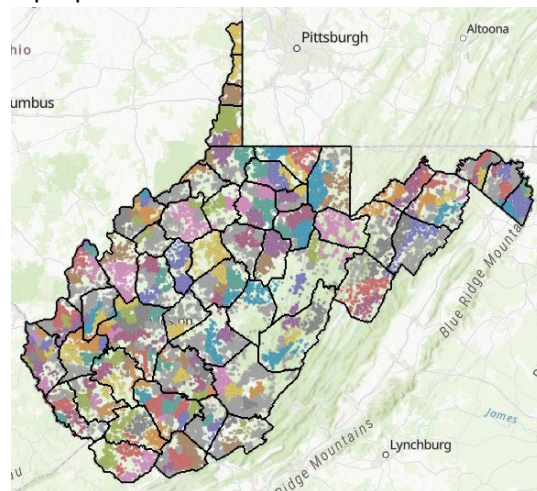
Topic: Explanation

4.8 What are Target Locations, Areas, and Regions?

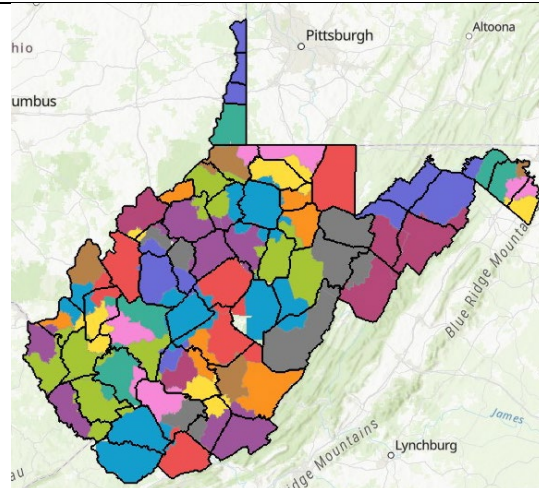
Target Locations are individual unserved or underserved homes, businesses, or eligible community anchor institutions (CAIs). NTIA refers to these as broadband serviceable locations (BSLs). The draft set of Target Locations are depicted as the gray points on the following map.



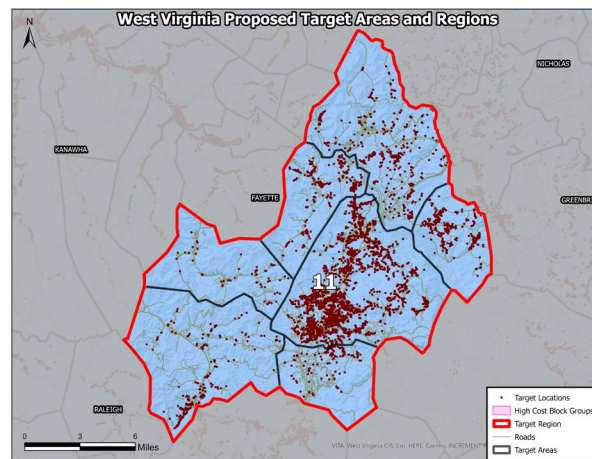
Target Areas are clusters, or groups, of Target Locations. These are depicted by each of the colored groupings of Target Locations in the following map. Note that the black borders represent county borders purely for orientation purposes.



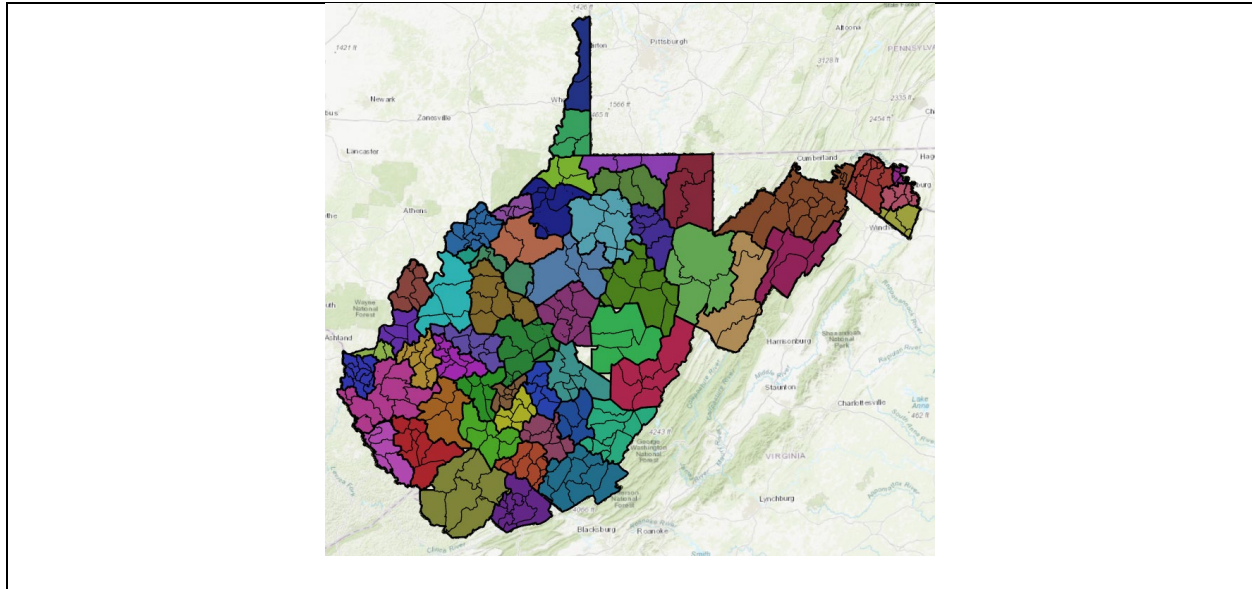
Target Regions are groups of Target Areas. These are depicted by each of the colored groupings in the following map. Again, the black borders represent county borders purely for orientation purposes.



Examined more closely, the following is a map of draft Target Region 11, the data of which can be accessed here <https://broadband.wv.gov/draft-target-areas-for-bead/>. The dark red dots represent Target Locations. While in practice the Target Areas only constitute the groupings of Target Locations, they are often depicted as shapes containing those Locations for simplicity: the blue-gray lines in this case. Similarly, the red border represents the Target Region as a general concept. Again, in practice only the points comprise the Areas and Regions.



Zooming out but still using these simplified shapes, the following is the abstracted full draft map of Target Areas and Regions in West Virginia—with the different colors symbolizing different Regions and the lines symbolizing the shapes of the Areas.



Subject: Challenge Process	Topic: Updates
4.9 Will WVDED provide final status updates on locations addressed during the Challenge Process?	
The Challenge Process results are still under review and pending approval by NTIA. After NTIA approves the results, WVDED will make these available online.	

Subject: Target Locations	Topic: Data Set
4.10 Are Fabric Location IDs included in the June 4 version of the draft Target Areas and Regions?	
No, these are not included in the data set as the precise eligibility status of these Locations is dependent upon the results of the Challenge Process, which is pending NTIA's review and approval by NTIA as of the publication of this revised data set.	

Subject: Target Locations	Topic: Data Set
4.11 In the June 4 version of the draft Target Areas and Regions, there is a field for Mobile Coverage, which is a binary field contained either "Y" or "N." What do these mean?	
For the Mobile Coverage field, "Y" means yes the Target Location has FCC-reported mobile coverage. A "N" means no the Target Location does not have FCC-reported mobile coverage.	

5. Program Information & Requirements

Subject: Program Requirements	Topic: Reimbursements
5.1 Can subawardees (i.e., those receiving awards from WVDED) request reimbursement during the entire BEAD period of performance regardless of the “completion” of the network build as long as they still have funds in their awarded grant leftover? For instance, if a subawardee completes its general fiber network build within two years, can it continue to submit requests for reimbursement for eligible costs up through the full four years or until the grant amount is depleted?	
Yes, subawardees may request reimbursement during the entire BEAD period of performance so long as they are for the project as awarded, are eligible costs, are during the period of performance, and meet all other reimbursement requirements associated with the program, which are detailed in the Deployment Program Procedures. Please note, once a grant is closed out, no further grant funds will be available. For example, an awardee may continue to seek reimbursement for costs related to new subscriber connections at Target Locations within the scope of the awarded project after completion of a main fiber network build out through the period of performance, but not after the closeout of the grant.	

Subject: Program Requirements	Topic: Affordable Connectivity Program (ACP)
5.2 Have the requirements related to ACP changed given the sunseting of the program?	
For the purposes of this program, the ACP-related requirements have not changed.	

Subject: Program Requirements	Topic: Middle-Class Affordability Plan
5.3 What is the maximum price of the middle-class affordability tier?	
As listed in West Virginia’s Initial Proposal Volume 2, applicants can earn points for the Affordability criterion according to the following schedule, which depends on the type of project (priority or non-priority) that they are proposing to deploy: <ul style="list-style-type: none"> • Priority Project: One point for every \$2 below \$115 per month for plans offering 1/1 Gbps or better (max 25 points) • Non-Priority Project Scoring: One point for every \$2 below \$85 per month for plans offering 100/20 Mbps or better (max 25 points) 	

Subject: Program Requirements	Topic: Proposing Projects
5.4 Do applicants need to apply for an entire Region, or can they apply for a specific Target Area?	
Yes, applicants must apply for an entire Region. Applicants may do so by proposing one or more projects using the Target Areas as minimum building blocks and must comply with the other rules established in Initial Proposal Volume 2.	
Note that even though applicants must apply for entire Regions, they are not guaranteed to be awarded the entire Region. Awards depend on many factors including project rank and score and applicant capacity. Regarding the latter, applicants will not be awarded more than they have the financial and relative capacity to carry out.	

Subject: Program Requirements	Topic: Program Participation
5.5 What if an applicant does not have the financial resources to perform on an award for an entire Region? Can the applicant still participate in the program?	
Yes. Applicants should indicate the largest set of projects that they will be able and willing to perform in the Maximum pro forma at the Pre-Application Phase. Applicants may apply for a set of proposed projects that exceed this maximum, but they will only be awarded a set of projects that is at or under their demonstrated capacity. If an applicant's capacity is less than that of a single Region, it may only be awarded projects that are less than a full Region. Applicants should take care in this case to divide a Region's Target Areas into projects during the Application Phase such that at least one would be the same size or smaller than that Applicant's Maximum pro forma at the Pre-Application Phase. A proposed project may be as small as a single Target Area.	
Subject: Program Requirements	Topic: Funding
5.6 Some entities have relied on the Broadband Loan Insurance Program (BLINS) to secure funding from banks for previous broadband deployment efforts. With that program in flux, how should applicants approach securing match funding?	
At the Pre-Application Phase, applicants may indicate that proposed non-grant funding sources are contingent, including a contingency related to legislative extension of BLINS to cover projects applying for BEAD. Applicants may also provide a letter of commitment from an eligible bank or credit union to provide a Letter of Credit that is contingent on BLINS loan insurance.	
Subject: Program Requirements	Topic: LOC/Performance Bond
5.7 In the pro formas required during the Pre-Application stage, WVDED asks that applicants include costs associated with Non-Target Locations. Does this impact the Letter of Credit or Performance Bond requirement for the program?	
No, this does not impact the Letter of Credit or Performance Bond requirement. The Letter of Credit or Performance Bond is based on the grant amount. Costs exclusively for the benefit of Non-Target Locations are not eligible for grant funding. Costs and revenue associated with incidental service to Non-Target Locations are allowed to be part of the pro forma for applicants to present a complete cash flow, but do not enlarge the scope of potential projects to include these locations.	
Subject: Program Requirements	Topic: Reimbursements
5.8 Is reimbursement based on actuals or the averages in the cost factor?	
It is based on actuals.	

Subject: Initial Proposal Volume 2	Topic: Initial Proposal Volume 2
5.9 On April 25, 2024, NTIA approved West Virginia’s Initial Proposal Volume 2. What changes should applicants be aware of since the last publicly available version from October 2023?	
<p>WVDED published a new set of Deployment Program Procedures that have been updated to match the NTIA approved version of Initial Proposal Volume 2. Applicants should review the revised Procedures in full. That said, the following is a summary of the significant updates that have been made to Initial Proposal Volume 2 that may impact applicants at one or more stage of the application process:</p> <ul style="list-style-type: none"> • Match from applicants is now required on a per-Proposed Project basis. • The total number of points available (200) has stayed the same, but how the points are distributed among some of the criteria has changed. • The Minimal BEAD Outlay criterion no longer includes Scalability and Resiliency credits. Scalability and Resiliency now form their own scoring criterion. • The Minimal BEAD Outlay criterion language was updated, although the general points allocation method remains the same save for the Scalability and Resiliency credits. • The low-cost and middle-class affordability tiers must be offered for at least ten years from service turn up instead of eight. • As highlighted in the Pre-Application ZoomGrants portal, applicants must certify that they will comply with program requirements, including timelines. <p>Please see the revised Deployment Program Procedures and Initial Proposal Volume 2 for more details.</p>	

Subject: Program Requirements	Topic: Low-Cost Plan
5.10 To whom are awardees required to offer a low-cost service tier?	
<p>Awardees are required to offer and provide marketing for a low-cost service tier, as proposed to and approved by WVDED during the Pre-Application stage, to all individuals who:</p> <ol style="list-style-type: none"> 1. reside in Target Locations that are a part of their awarded project(s); and 2. qualify for and/or are enrolled in the Federal Communications Commission’s (FCC) Affordable Connectivity Program (ACP). <p>The specific marketing requirement and service requirements are detailed in section 2.8.1 Low-Cost Plan of the Deployment Program Procedures.</p>	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.11 In the webinars, WVDED noted that the letter of credit or performance bond would need to be for at least 10% of the award amount. Given this, does the commitment letter for a letter of credit or performance bond that must be submitted during the Pre-Application phase need to be for at least 10% of the Maximum pro forma award amount?	
<p>For instance, if the Maximum pro forma has a Total Grant Request Amount (see the Summary Output tab) of \$40,000,000, then would the commitment letter for a letter of credit or performance bond need to be for at least \$4,000,000?</p>	
Yes, that is correct.	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.12 Are vendors, contractors, or subcontractors required to obtain a letter of credit or performance bond?	
No, WVDED only requires that applicants obtain a letter of credit or performance bond.	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.13 If an applicant wants to make the decision of whether to use a letter of credit or performance bond after the Pre-Application phase, does it therefore need to submit a commitment letter for both?	
No, applicants only need to submit one commitment letter during the Pre-Application phase. Afterward, the applicant may choose to either use a letter of credit or performance bond pursuant to the requirements detailed in the Deployment Program Procedures.	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.14 Can the letter of credit be governed by another state's laws other than those of West Virginia?	
<p>WVDED strongly prefers that the letter of credit be governed by the laws of the State of West Virginia as stated in the provided Model Letter of Credit. However, and on a case-by-case basis, WVDED may work with an applicant and the bank or credit union issuing its letter of credit to allow for application of another state's law, provided it does not restrict, among other things, WVDED's ability to draw on the letter of credit within the letter's six-year duration or require venue for disputes in a state other than West Virginia. As the administrator of the BEAD program and the beneficiary of the letter of credit, WVDED's rights and remedies as a beneficiary may not be diminished through the application of another state's law.</p> <p>WVDED may reject, modify, or accept any proposed change to this requirement and will consider, at a minimum, the impact that the change has on itself and the program, as well as the creditworthiness of the issuing bank or credit union.</p> <p>WVDED will not allow for modification to any other portion of the Model Letter of Credit. In all cases, the letter of credit must meet NTIA requirements as detailed in West Virginia's Deployment Program Procedures and Initial Proposal Volume 2.</p>	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.15 If an applicant pursues a performance bond, what type should it acquire?	
Applicants are not required to obtain a specific type of performance bond so long as it meets all of the requirements established in the Deployment Program Procedures and Initial Proposal Volume 2.	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.16 Can applicants keep funds available in a bank or credit union as a substitute for a letter of credit?	
No. Applicants must obtain either a letter of credit or performance bond per the Deployment Program Procedures and Initial Proposal Volume 2.	

Subject: Program Requirements	Topic: LOC/Performance Bond
5.17 Does the term of the performance bond need to be for the duration of the Project, or can it be renewed annually?	
<p>The performance bond must be for the duration of the Project(s). As stated in the Deployment Program Procedures,</p> <p><i>“The provisional subgrantee must commit to maintain the performance bond in the amount of 10% of the subaward until it has demonstrated to satisfaction of WVDED that it has completed the buildout of 100% of locations to be served by the project or until the period of performance of the subaward has ended, whichever occurs first.”</i></p>	

Subject: Program Requirements	Topic: Line Extensions
5.18 Section 5.4 of the Deployment Program Procedures establishes that under certain circumstances, applicants may be required to accept additional funding to build line extensions. How would this work in practice?	
<p>As noted in the Deployment Program Procedures, in a situation where WVDED pursues line extensions, applicants will only be required to accept up to 20% more of grant funding for this purpose.</p> <ul style="list-style-type: none"> • That is 20% of an applicant’s grant funding for its awarded Projects. • That “20%” is NOT 20% of all awards made under the Program, 20% of what was applied for, or 20% of capacity. <p>Furthermore, line extensions will also be limited by the following conditions: <u>awardees will</u></p> <ul style="list-style-type: none"> • only be asked to provide line extensions in Target Areas that did not receive an award (and may not necessarily be asked to provide line extensions covering the entire Target Area); • only be asked to provide line extensions that are adjacent to the applicant’s existing, awarded, or otherwise previously funded network subject to an existing state, federal, or local commitment; • not be asked to take on additional line extensions that cause them to exceed their demonstrated financial or relative capacity, including if that has been reached during the award phase; • have the opportunity to provide a line extension cost estimate to WVDED using the cost factors that they provided to WVDED during the Pre-Application phase; and • not be asked to take on additional line extensions that their pro forma cash flows, submitted after provisional awards, indicate would not be financially sustainable. 	

Subject: Program Requirements	Topic: Force Majeures
5.19 Are backhoe cuts considered “force majeure” for the purpose of the network uptime requirement?	
No.	

Subject: Scoring	Topic: Community Support
5.20 How can applicants earn points for Community Support?	
<p>First, note that points for Community Support are included under the broader category of Demonstrated Community Impact and Support, as indicated in the Scoring Criteria listed in the Deployment Program Procedures. Specifically with regard to earning points related to Community Support, applicants can earn two out of 20 points in this criterion if the Project has a formal expression of support from the leadership of the proposed communities served.</p> <p>To earn the full two points, an applicant will need to obtain expression(s) of support (such as letters of support) from jurisdictions covering all areas within the proposed Project Area. There are, however, different ways to accomplish this. For example, if a Project Areas contains several cities and towns within a county, the applicant may seek support at either the county level, or alternatively, from each individual city or town.</p>	

Subject: Program Procedures	Topic: Program Procedures
5.21 What changes have been made to the Deployment Program Procedures since WVDED published the original draft in November 2023?	
<p>The Deployment Program Procedures have been updated to match the NTIA approved version of Initial Proposal Volume 2 as well as provide any clarifications that WVDED felt could not be sufficiently covered by these FAQs.</p>	

Subject: Workshops & Webinars	Topic: Workshops & Webinars
5.22 When will the content of the in-person workshops be made available online?	
<p>WVDED has distributed the presentation slides to attendees via email. If you did not attend the workshops but would like the slides, you can request them from WVDED.</p>	

Subject: Program Requirements	Topic: Expenses
5.23 Are speed tests and costs associated with performing them, such as required special equipment and third-party agreements, considered eligible expenses?	
<p>As noted in Section 2.4 (Eligible Expenses) in the Deployment Program Procedures, equipment required to perform speed tests, including "...OTDR, speed testing devices..." are not eligible expenses. As listed in the Pre-Application Universal and Cost Factor Workbook, speed tests are eligible expenses only as they relate to "Customer Premise Installation Labor" as listed on tabs <i>C.1 Fiber, HFC, and DSL</i> and <i>C3. Satellite Costs</i>.</p>	

Subject: Program Requirements	Topic: Speed and Latency Requirements
5.24 What are the specific speed testing requirements, such as test samples, frequency, and timing?	
<p>Per NTIA's requirements, (see BEAD NOFO p. 64), the BEAD Program uses the compliance standards and testing protocols for speed and latency established and used by the FCC in multiple contexts, including the Connect America Fund and the Rural Digital Opportunity Fund. Details on these can be found here:</p>	
<p><i>Connect America Fund, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) (Performance Measures Order); Connect America Fund, Order on Reconsideration, WC Docket No. 10-90, 34 FCC Rcd 10109 (2019) (Performance Measures Reconsideration Order).</i></p> <p>https://www.fcc.gov/document/wcb-wtb-and-oet-adopt-performance-measures-caf-recipients.</p>	
<p>Applicants familiar with West Virginia's LEAD, MBPS, and GigReady Programs will note these are the same testing procedures as were required for those.</p>	

Subject: Program Requirements	Topic: Public Awareness
5.25 What public awareness efforts must subgrantees partake in?	
<p>Once a Project has been deployed, the relevant subgrantee must provide public notice of that fact to individuals residing in the locations to which broadband service has been provided and share the public notice with WVDED. Subgrantees will be required to provide WVDED with their plans for how they intend to notify relevant populations of the new or newly upgraded offerings available in each area. Subgrantees must utilize a variety of communications media (e.g., online, print, radio) and provide information in languages other than English when warranted based on the demographics of the community in which the network was deployed.</p>	
<p>Awareness campaigns must include information about low-cost service plans and any federal subsidies for low-income households such as the Lifeline Program, the Affordable Connectivity Program, and any successor programs. Further, awareness campaigns must be conducted in an equitable and nondiscriminatory manner.</p>	

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