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# Appendix A

## **APPENDIX A**

### **Broadband Public Housing Account Revised Application Requirements and Guidelines**

#### **I. Background**

Senate Bill (SB) 156 was signed into law on July 20, 2021.<sup>1</sup> SB 156 made significant changes to the Broadband Public Housing Account (BPHA) that require funds be made available for grants and loans to finance projects to build broadband networks offering free broadband service for residents of low-income communities.

#### **II. Grant Funding**

The Commission will award grants to finance up to 100 percent of the costs to install last mile infrastructure, inside wiring and broadband network equipment but will not finance operations and maintenance costs through this program.

The Commission will reimburse the following BPHA Infrastructure project-related expenses after a review of the project progress or completion reports and supporting documentation:

- All broadband networking equipment (hardware and software), wireless access points, wireless bridge(s), modem(s), switches, router(s), and firewall(s) for network security but not personal computers, laptops, handheld or human interface devices.
- Low voltage contracting work including the installation of inside wiring, network cabinets, NEMA boxes,<sup>2</sup> conduits, patch panels, cable tray or ladders, and other cabling requirements to provide power and connectivity for the broadband network equipment funded as part of the project. Major rehabilitation, demolition or construction work will not be funded.
- Broadband network engineering and designing documentation.

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<sup>1</sup> SB 156 is codified at Pub. Util. Code section 281 et seq.

<sup>2</sup> The National Electrical Manufacturers Association defines standards used in North America for various grades of electrical enclosures typically used in industrial applications.

- Hardware warranty of broadband network equipment as needed.
- Installation, provisioning, and configuration labor costs at the Minimum Point of Entry (MPOE), MDFs (Main Distribution Frame), IDFs (Intermediate Distribution Frame), WAPs (Wireless Access Point), Wireless Bridges such as P2P and P2MP (Point to Point and Point to Multi-point) Radios, Switched Ethernet, and xDSL (Digital Subscriber Line) modem.
- Taxes, shipping and insurance costs (if applicable) that are directly related to broadband network equipment deployed under the BPHA.

Reimbursement excludes any cost of installation to resident-owned units in a mobile home park or other housing development as defined in Section III.

The Commission will reimburse the following BPHA Internet Extension project related expenses after a review of the project completion form and supporting documentation submitted as required in Section VIII,;

- Cost of project labor and materials, including design, permitting, installation, supervision, and telecommunications equipment.
- Costs that include, but are not limited to, trenching, boring, backfill, cable, and conduits.
- Costs for wired and/or wireless installations and turning up service.
- Cost for all last mile infrastructure. For example, reimbursable costs would include wired installations to interconnect from an MPOE to a middle mile network.
- Cost of middle-mile infrastructure that is needed to achieve the last mile connection.
- Costs to lease access to property or for Internet backhaul services for a period not to exceed five years.

In the event an applicant requests funding for middle-mile infrastructure for the purpose of serving the last mile of a project, the following must be provided: A written justification as to why any existing middle-mile facility cannot support the serviceable locations requested in the project area and a notice confirming that the applicant has consulted with the California Department of Technology (CDT) within three (3) months after Commission approval to ensure that the middle mile components of the project complement the statewide open-access middle mile broadband network as described in SB 156.

Any middle-mile infrastructure funded by a BPHA Internet Extension project grant must be made available at reasonable and equal terms to any communications service provider that wishes to interconnect. For projects awarded BPHA grants to deploy middle mile infrastructure, Grantees are required to maintain the broadband network and offer free broadband service that meets or exceeds state standards for a period of five years after project completion for residents of the low-income communities that the project serves. After maintaining the broadband network and offering free broadband service for residents of the low-income communities for a period of five years, the middle mile segment or segments are deemed open access for the duration of the lifetime of that infrastructure. Open access requires that BPHA funded middle mile infrastructure be made available to provide nondiscriminatory interconnection and Internet.<sup>3</sup>

Middle-mile infrastructure that is funded by a BPHA Internet Extension project grant must provide open access at any technically feasible interconnection point along the network. Open access may be infeasible in some cases such as instances when interconnection would exceed current or reasonably anticipated capacity limitations. Further, open access may also be infeasible in instances when there is a lack of splice points over the length of a long fiber cable over many miles or when the desired interconnection location is physically inaccessible.<sup>4</sup> In such instances, broadband providers must make a good-faith effort to find a technically feasible solution where possible.

Interconnection includes, at a minimum, the physical interconnection of the middle-mile facilities that are funded by a BPHA Internet Extension project grant to a requesting party's facilities for the exchange of traffic. Service offerings may include, but not be limited to, lease of dark fiber, local transmission services, transport, and dedicated Internet access services.

Unless otherwise infeasible, points of interconnection shall be provided at, but not limited to, previously defined interconnection points, new and existing network exchange locations, and splice points. Further, points of interconnection shall be provided, but not limited to, 1) within 500 meters of a highway interchange and 2) where wireline infrastructure has been damaged and repairs

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<sup>3</sup> See, e.g., BroadbandUSA, Fact Sheet: Broadband Technology Opportunities Program, Nondiscrimination and Interconnection Obligations (Nov. 10, 2010), available at [https://www2.ntia.doc.gov/files/Interconnection\\_Nondiscrimination\\_11\\_10\\_10\\_FINAL.pdf](https://www2.ntia.doc.gov/files/Interconnection_Nondiscrimination_11_10_10_FINAL.pdf).

<sup>4</sup> Modern single-mode fiber is capable of carrying signals 60 miles (or more) before requiring repeaters or amplifiers.

are within 500 meters of an unserved community. Consistent with the requirement to negotiate in good faith, the CASF grant recipient must provide information detailing the CASF-funded infrastructure to parties requesting interconnection such as route maps, interconnection points, splice points, type of fiber, and number of strands.

Any infrastructure built with funds provided by a BPHA Internet Extension project shall become the property of, and part of, the network of the facility-based broadband provider to which it is connected, up to the Minimum point of entry.<sup>5</sup> For the purposes of BPHA Internet Extension project grant, MPOE is the closest practicable point to where the wiring crosses a property line.

The BPHA grant recipient, whose middle-mile facilities are funded by a BPHA Internet Extension project grant, must make all reasonable efforts to allow requesting entities to interconnect and procure transport service or a wholesale direct connection. In addition, the above mentioned BPHA grant recipient must provide requesting entities with an ability to connect to the Internet irrespective of whether the BPHA grant recipient connects to the Internet directly or indirectly.

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. BPHA grant recipients, whose middle-mile facilities are funded by a BPHA Internet Extension project grant, must offer tiered pricing for interconnection or a range of options to fit different business models. Offerings must be equivalent for all similarly situated entities such as a Wholesale Provider (ISP), Government, or Public Anchor Institution. Pricing, tariffs (if applicable), and the framework identifying standard terms and conditions must be provided to the Commission's Communications Division as part of the application for middle-mile funding and may be updated from time to time. Terms and conditions may address any essential elements of network operations such as cybersecurity, circuit provisioning, network outages, future capital investment costs, and operations and maintenance costs.

BPHA grant recipients shall negotiate in good faith with all requesting entities (i.e., public, private, non-profit, or other parties) who make a bona fide request for interconnection or wholesale services to the grant recipient's BPHA funded

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<sup>5</sup> Minimum point of entry (MPOE) and demarcation point, 47 CFR § 68.105.

middle-mile facilities.<sup>6</sup> Reasonable prices, terms, and conditions for last-mile provider access to middle-mile infrastructure may vary depending on local circumstances such as physical and network conditions, or the types of services and service levels needed by the last-mile provider.

A requesting entity may file a complaint with the Commission in the event that the BPHA grant recipient fails to comply with the open access requirement for the grant recipient's BPHA funded middle-mile facilities. The complaint may include, but not be limited to, an allegation that the BPHA grant recipient failed to comply with open access requirements in accordance with the terms of approval granted by the Commission. In addition, the complaint may include, but not be limited to, an allegation that the BPHA grant recipient did not negotiate in good faith with a requesting entity. The option to file a complaint is also available to parties requesting access pursuant to the open access requirement adopted in D.21-01-003 and D.21-03-006 for recipients of state-federal leveraging grants.

For the serviceable life of the BPHA funded middle-mile infrastructure, the BPHA grant recipient must provide, in its confidential annual report to the Commission, a detailing of the number of interconnection requests and executed service agreements. The report must include: date of request, requesting entity, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions. This requirement also applies to the state-federal leveraging grants authorized by D.21-01-003.

For wireless networking (BPHA Infrastructure) projects, equipment must meet at least the 802.11AC Wave2 (WiFi-5 wave2)<sup>7</sup> or 802.11ax standard.<sup>8</sup> Staff will accept applications that rely on 802.11n technology<sup>9</sup> to the extent that the applicant can demonstrate that this equipment was purchased prior to the

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<sup>6</sup> See FCC 04-164 Report and Order, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers (FCC Docket No.: CC 01-338). <https://www.fcc.gov/document/review-section-251-unbundling-obligations-incumbent-local-2>.

<sup>7</sup> Wi-Fi standard, also known as Wi-Fi 5 wave2 or 802.11ac wave2, is a wireless networking standard that operates on 2.4 GHz and 5 GHz frequency bands providing high-throughput wireless local area networks, introduced by the Wi-Fi Alliance in 2016.

<sup>8</sup> Wi-Fi standard, also known as Wi-Fi 6/6E, that operates on 2.4 GHz, 5 GHz and 6 GHz frequency bands, maintained by the Institute of Electrical and Electronics Engineers IEEE 802.11 working group. [https://www.ieee802.org/11/Reports/tgax\\_update.htm](https://www.ieee802.org/11/Reports/tgax_update.htm)

<sup>9</sup> A widely used wireless computer networking protocol standard by IEEE (The Institute of Electrical and Electronics Engineers) for Wi-Fi communication that operates on 2.4 GHz and 5 GHz frequency bands.

issue date of the decision adopting these Guidelines. For wireline networking projects, equipment must meet at least DOCSIS 3.1,<sup>10</sup> VDSL<sup>11</sup> or the 100BASE-X standard.<sup>12</sup>

For BPHA Internet Extension projects, the Commission will award grants to eligible applicants to cover costs of connecting a “low-income community” to a network that will provide free service to residents of the low-income community. Funds from this account are not eligible to finance operations and maintenance costs. The maximum grant amount for the BPHA Internet Extension projects that can be approved by ministerial review is \$500,000 per project. Applicants are responsible for all costs beyond the maximum amount the Commission will fund.

The Commission will only reimburse BPHA Internet Extension and BPHA Infrastructure project related expenses for CEQA-exempt projects.

In the event BPHA funding requests exceed available remaining funding, preference will be given to projects in the following numerical order:

1. BPHA Infrastructure projects with the lowest median household income in a census block group.
2. BPHA Infrastructure projects serving the highest number of low-income residents.
3. BPHA Internet Extension projects with the lowest median household income in a census block group.
4. BPHA Internet Extension projects serving the highest number of low-income residents.

### **III. Definitions**

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<sup>10</sup> The Data Over Cable Service Interface Specification (DOCSIS) is a widely used broadband data transfer standard using cable systems, originally used to transmit cable television signals, for Internet Protocol (IP) data services. Originally released by CableLabs in 2013, DOCSIS is an internationally accepted telecom standard by the ITU Telecommunication Standardization Sector (ITU-T).

<sup>11</sup> Very high-speed digital subscriber line (VDSL) is digital subscriber line (DSL) technology providing data transmission of up to 52 Mbit/s and 16 Mbit/s per ITU Telecommunication Standardization Sector (ITU-T) G.993.1 standard, faster than the earlier standards of asymmetric digital subscriber line (ADSL) G.992.1, G.992.3 (ADSL2) and G.992.5 (ADSL2+).

<sup>12</sup> Fast Ethernet is a variation of Ethernet standards that carry data traffic at 100 Mbps, under the IEEE 802.3u standard by the Institute of Electrical and Electronics Engineers (IEEE). 100 represents its maximum throughput of 100 Mbit/s, BASE indicates its use of baseband transmission, and X indicates the type of medium used.

“Broadband Internet Access Service”<sup>13</sup> is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. For the purposes of BPHA Internet Extension awards, this definition excludes satellite transponder services as well as terrestrial mobile wireless services but includes Local Agency<sup>14</sup> owned services.

“Broadband service provider” refers to an entity that is a facilities-based provider of “Broadband Internet Access Service” if any of the following conditions are met: (1) it owns the portion of the physical facility that terminates at the end-user premises or obtains the right to use dark fiber as part of its own network to complete such terminations; (2) it obtains unbundled network element (UNE) loops, special access lines, or other leased facilities that terminate at the end-user premises and provisions/equips them as broadband; or (3) it provisions/equips a broadband wireless channel to the end-user premises over licensed or unlicensed spectrum.

A “dwelling unit” is a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. Also referred to as a residential unit throughout.

“Farmworker housing” is housing that is consistent with the definition of “farmworker housing” set forth in California Health and Safety Code Section 50199.7 (h), which includes the requirement that “farmworker housing” means housing in which at least 50 percent of the units are available to, and occupied by, farmworkers and their households.

“Free broadband service” means broadband service that meets or exceeds state standards for the residents of a low-income community, and for which residents of the low-income community do not pay out-of-pocket costs, and provided that all residents of the low-income community have access to that service.

“Inside Wiring” means telephone wiring inside a residential unit or multi-dwelling unit (MDU) building. To the extent that this definition is applied to a

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<sup>13</sup> FCC Order FCC-17-166, p 318. [https://docs.fcc.gov/public/attachments/FCC-17-166A1\\_Rcd.pdf](https://docs.fcc.gov/public/attachments/FCC-17-166A1_Rcd.pdf)

<sup>14</sup> Per California Government Code Section 53600, “local agency” means county, city, city and county, including a chartered city or county, school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation.



mobilehome park or other development that may have resident-owned units, this inside wiring definition excludes any inside communications wiring installed in a residential unit or MDU building that is not owned by the mobilehome park or other development.

“Low-income” for the purposes of the BPHA, means:

- a. A household income at or below 250% of the federal poverty guidelines for the 48 Contiguous States and the District of Columbia (250% FPG)<sup>15</sup>
- b. A household income at or below 80 percent of the statewide median income, or at or below the county-specific threshold designated as “low-income” by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code, or
- c. A household with at least one (1) person in the household currently enrolled in one or more of the following acceptable public assistance programs:
  - California Alternate Rates for Energy (CARE)<sup>16</sup>
  - Low Income Home Energy Assistance Program (LIHEAP)<sup>17</sup>
  - Medi-Cal<sup>18</sup>
  - CalFresh / Supplemental Nutrition Assistance Program (SNAP)<sup>19</sup>
  - Supplemental Security Income (SSI)<sup>20,21</sup>
  - California Work Opportunity and Responsibility to Kids (CALWORKS) / Temporary Assistance for Needy Families (TANF)<sup>22,23</sup>

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<sup>15</sup> <https://www.federalregister.gov/documents/2023/01/19/2023-00885/annual-update-of-the-hhs-poverty-guidelines>

<sup>16</sup> <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/electric-costs/care-fera-program>

<sup>17</sup> <https://www.csd.ca.gov/Pages/LIHEAP-Income-Eligibility.aspx>

<sup>18</sup> <https://www.dhcs.ca.gov/services/medi-cal/Pages/DoYouQualifyForMedi-Cal.aspx>

<sup>19</sup> <https://www.cdss.ca.gov/inforesources/cdss-programs/calfresh/eligibility-and-issuance-requirements#income>

<sup>20</sup> <https://www.ssa.gov/ssi/text-eligibility-ussi.htm>

<sup>21</sup> <https://www.ssa.gov/pubs/EN-05-10003.pdf>

<sup>22</sup> Page 488.2, <https://www.cdss.ca.gov/Portals/9/Regs/12EASa.pdf?ver=2022-03-08-145520-500>

<sup>23</sup> [https://hhsaprogramguides.sandiegocounty.gov/CalWORKS/45-200/Resources\\_and\\_Desk\\_Aids/CalWORKs\\_Assistance\\_Standards\\_Chart.pdf#:~:text=Minimum%20Basic%20Standard%20of%20Adequate%20Care%20%28MBSAC%29%20and,income%20last%20used%20in%20the%20CalWORKs%20benefit%20determination.](https://hhsaprogramguides.sandiegocounty.gov/CalWORKS/45-200/Resources_and_Desk_Aids/CalWORKs_Assistance_Standards_Chart.pdf#:~:text=Minimum%20Basic%20Standard%20of%20Adequate%20Care%20%28MBSAC%29%20and,income%20last%20used%20in%20the%20CalWORKs%20benefit%20determination.)

- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC<sup>24</sup>)

A “low-income community” is:

- A publicly supported housing development or;
- Farmworker housing or;
- Other housing development or;
- Mobilehome park or;
- One or more Census block group(s), each with a median household income at or below 80 percent of the statewide median income or with median household incomes at or below the county-specific threshold designated as “low-income” by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.<sup>25,26</sup>

A “minimum point of entry” (MPOE) is either the closest practicable point to where wiring crosses a property line or the closest practicable point to where the wiring enters a MDU building or buildings.

“Mobilehome” means any of the following (all internal citations in this definition refer to the California Health & Safety Code unless otherwise noted):

- a “mobilehome”<sup>27</sup> as defined in Section 18008 means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when

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<sup>24</sup><https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/LocalAgencies/WPPM/998-1060WICIncomeGuidelinesTable.pdf>

<sup>25</sup> Health & Saf. Code § 39713.

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=HSC&division=26.&title=&part=2.&chapter=4.1.&article](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=2.&chapter=4.1.&article)

<sup>26</sup> Environmental & Social Justice Action Plan, p. 74 <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>

<sup>27</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=18008.&lawCode=HSC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18008.&lawCode=HSC)

connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" shall meet all of the requirements of California Health & Safety Code 18007.

(b) a "manufactured home"<sup>28</sup> as defined in Section 18007 means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

(c) a "recreational vehicle"<sup>29</sup> as defined in Section 18010 means both of the following:

- i) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:
  - 1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
  - 2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.
  - 3) It is built on a single chassis.
  - 4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.
- ii) A park trailer, as defined in Section 18009.3.

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[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=18007.&lawCode=HS](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18007.&lawCode=HS)

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<sup>29</sup>

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=18010.&lawCode=HS](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18010.&lawCode=HS)

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(d) “factory-built housing”<sup>30</sup> as defined in Section 19971 means a residential building, dwelling unit, or an individual dwelling room or combination of rooms thereof, or building component, assembly, or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage, or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the commission pursuant to Section 19990. Factory-built housing does not include a mobilehome, as defined in Section 18008, a recreational vehicle, as defined in Section 18010.5, or a commercial modular, as defined in Section 18012.5.

“Mobilehome park”<sup>31</sup> is any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobilehomes, or recreational vehicles used for human habitation, as defined in Section 18214 of the California Health & Safety Code. The rental paid for a manufactured home, a mobilehome, or a recreational vehicle shall be deemed to include rental for the lot it occupies. This subdivision shall not be construed to authorize the rental of a mobilehome park space for the accommodation of a recreational vehicle in violation of Section 798.22 of the Civil Code. “Mobilehome park” shall meet all of the requirements of California Health & Safety Code 18214.

For the purposes of BPHA eligibility, a mobilehome park must have 80% or greater rented or leased lots occupied by households that are “low-income.”

“Other Housing Development” is (a) a multi-dwelling unit development in which all units are owned by the same entity(ies) and that has 80% or greater residential units that are “low-income” and (b) tribal housing, including

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[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=19971.&lawCode=HS](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=19971.&lawCode=HS)

<sup>31</sup>

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=18214.&lawCode=HS](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=18214.&lawCode=HS)

developments funded with Housing and Urban Development (HUD) funding or through a Tribally Designated Housing Entity.

“Project” means the work to connect a broadband network to a low-income community, as defined herein, that is requesting or has been authorized funds for a grant under one application from the BPHA.

“Publicly supported” means either that the housing development receives financial assistance from the United States Department of Housing and Urban Development (HUD) pursuant to an annual contribution contract or is financed with low-income housing tax credits, tax-exempt mortgage revenue bonds, general obligation bonds, or local, state, or federal loans or grants and the rents of the occupants, who are lower-income households, do not exceed those prescribed by deed restrictions or regulatory agreements pursuant to the terms of the financing or financial assistance.

“Publicly supported housing development” is a publicly supported multi-unit housing development that is wholly owned by either of the following:

- (i) A public housing agency that has been chartered by the state, or by any city or county in the state.
- (ii) An incorporated nonprofit organization as described in Section 501 (c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3))<sup>32</sup> that is exempt from taxation under Section 501 (a) of that code (16 U.S.C. Sec. 501(a)) and that has received public funding to subsidize the construction or maintenance of housing occupied by residents whose annual income qualifies as “low” or “very low” income according to federal poverty guidelines.

For the purposes of the BPHA Internet Extension projects, the “state standard” for broadband service is a network that is able to provide a minimum of 100 Mbps download and 20 Mbps upload service for an average user during peak and off-peak hours.<sup>33</sup> All BPHA Internet Extension projects shall provide service

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<sup>32</sup>Non-profit housing developers involved in limited partnerships with for-profit entities participating may also be eligible since the IRS considers an exempt organization's participation as a general partner in a limited partnership with for-profit limited partners as consistent with the organization's exempt status under Internal Revenue Code Section 501(c)(3).

<sup>33</sup> Peak hours mean 7 p.m. to 11 p.m. local time.; <https://www.fcc.gov/reports-research/reports/measuring-broadband-america/measuring-fixed-broadband-eleventh-report>

at a maximum of 50 ms of round-trip ping time, where technically feasible; if this is not technically feasible for a particular project, then the project must provide service a no more than 100 ms of round-trip ping time.

For the purposes of the BPHA infrastructure projects, the “state standard” for broadband service is a network that is able to provide a minimum of 25 Mbps download and 3 Mbps upload service for an average user during peak and off-peak hours or the most-current broadband speed standard set by the Federal Communications Commission's annual broadband deployment report,<sup>34</sup> whichever is greater. Applications submitted three months after the issue date of that report, and thereafter, must at minimum, meet the higher speed benchmark specified by that report as the minimum speed standard, and wireline networking projects must meet at least 1000BASE-X Ethernet standard.<sup>35</sup> Applications using DSL technology submitted three months after the issue date of the FCC report, and thereafter, will not be accepted.

A “sovereign tribal government” is a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004, (see Cal. Pub. Res. Code § 21073). For purposes of the Broadband Infrastructure Grant Account, “sovereign tribal government” also includes wholly-owned tribal corporations, tribal nonprofits, and tribal utility companies with proof of authorization to apply by the Tribe’s Council or other governing body.

“Tribally Designated Housing Entity” or “TDHE” means a Housing Authority or other governmental or wholly owned tribal entity that is authorized to engage or assist in the development or operation of low-income housing on behalf of a Tribe.

#### **IV. Eligible Applicants**

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<sup>34</sup> Section 706 of the Telecommunications Act of 1996, as amended (1996 Act), requires Federal Communications Commission (FCC) to “determine whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion” and report annually.

Telecommunications Act of 1996 | Federal Communications Commission (fcc.gov); Telecommunications Act of 1996, Pub. L. No. 104-104, § 706(b), 110 Stat. 153 (codified at 47 U.S.C. S 157 note) (1996 Act).

<sup>35</sup> Gigabit Ethernet is a variation of Ethernet standards that carry data traffic at 1000 Mbps, under the IEEE 802.3z standard by the Institute of Electrical and Electronics Engineers (IEEE). 1000 represents its maximum throughput of 1000 Mbit/s, BASE indicates its use of baseband transmission, and X indicates the type of medium used.

An applicant is eligible to apply for a BPHA Infrastructure and BPHA Internet Extension award if it is a low-income community as defined in Section III above and if it does not have access to any broadband service provider that offers free broadband service that meets or exceeds state standards for the residents of the low-income community, also as defined in Section III.<sup>36</sup> For a BPHA Internet Extension project, the following entities are also eligible, if applying on behalf of a low-income community as defined in Section III.

- Entities with a Certificate of Public Convenience and Necessity (CPCN) that qualify as a “telephone corporation” as defined under Public Utilities (Pub. Util.) Code section 234; or
- Wireless carriers who are registered with the Commission (i.e., hold a Wireless Identification Registration (WIR)) – wireless carriers need not obtain a CPCN to qualify for CASF funding; or
- Non-telephone corporations that are facilities-based broadband service providers – the Commission uses the National Telecommunications and Information Administration’s (NTIA) definition of a facilities-based broadband service provider, which is generally defined as any entity providing internet access service or middle mile transport, over its own fixed or wireless facilities to residence, businesses, or other institution – must also meet the CASF eligibility requirements and comply with program requirements. (See D.14-02-018 and T-17443).
- Sovereign Tribal Government; or
- A city or a county government.

For BPHA Internet Extension projects where an applicant’s low-income community is eligible based on its census block group, the applicant must provide each address that is being served by the proposed project.

## **V. Information Required from Applicants**

Applicants must submit the following information to the Commission for each proposed project. Application forms can be found on the CASF BPHA webpage. Applications and supporting material must be submitted online.

### **1. BPHA Infrastructure Project Applications**

Applicants are required to provide the following information as part of their

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<sup>36</sup> Pub. Util. Code, § 281 (i)(3).

respective applications. Applications that do not include each item listed below may not be considered for approval. Staff will post a list of applications submitted by the deadline on the CASF BPHA webpage.

### **1.1. Funds Requested**

The applicant must indicate the amount of funding requested.

### **1.2. Project Location**

The applicant must include a physical address for each project location along with an image of the location on the map. The Commission will accept a screenshot image from online maps or similar images.

### **1.3. Key Project Contact Information**

- First name
- Last name
- Physical mailing address
- E-mail address
- Phone number(s)

### **1.4. Key Management Contact Information**

- First name
- Last name
- Position title
- E-mail address
- Phone number(s)

### **1.5. Key Vendor Contact Information (if applicant has identified vendor)**

- First name
- Last name
- Position title
- Company name
- Physical mailing address
- E-mail address
- Phone number(s)

### **1.6. Assertion of Community need for Affordable Broadband Service that Meets State Standards**

An applicant must attest to whether the low-income community that will be connected through the proposed project has access to a broadband internet service provider that offers the community residents free broadband service



that meets or exceeds state standards, as defined in Section III.

### **1.7. Proposed Project Description**

An applicant must provide a detailed description of the broadband project, including but not limited to, the elements listed below.

- a. Detailed broadband project plan proposal that includes:
  - The type of technology that will be used on the project with all technical specifications, network topology, schematic diagram, engineering, and design documentation.
  - Project plan showing the number of residential units in the low-income community to be connected.
  - Entities that will provide broadband Internet service on the project site (E.g., The type of Internet service and the bandwidth offered by a named ISP).
  - Download and upload data rate/speed capabilities for an average user within the property at a given time of peak and off-peak hours must meet at least 25 Mbps downstream and 3 Mbps upstream (for an average user) or current state standard.
  - Project budget outlining all the budget costs, both actual line items and the matching funds.
- b. Actual budget cost line items proposed to be funded by the grant, including:
  - The cost for all eligible equipment as listed in Section II.
  - The cost for low voltage contracting work as described in Section II.
  - Broadband network engineering and designing cost with required supporting documentation.
  - The cost of any required hardware warranty for broadband network equipment.
  - The cost of installation, provisioning, and configuration labor as described in Section II.
  - Any applicable taxes, shipping, and insurance costs that are directly related to broadband network equipment deployed under the BPHA.
- c. Matching Funds to be provided by the application that include:
  - Monthly recurring Internet bandwidth cost for the five-year project period, post-project completion.
  - Operations and Maintenance (O&M) cost to ensure the network and broadband services are operational for at least five years post

completion of the project.

- d. Project milestones with a delineated deployment schedule that includes:
- A commitment timeline to complete the project within 12 months of Commission approval of the application for BPHA Infrastructure grants and within 18 months of Commission approval for BPHA Internet Extension grants.
  - The schedule identifying major prerequisites such as a detailed project plan with a timeline including low voltage construction, network installation, provisioning and configuration, testing, submission of closeout package with project completion report, and any other milestones that can be verified by the Commission staff.

### **1.8. Organizational Chart and Background**

The applicant must submit an organizational chart showing the parent organization, subsidiaries, and affiliates.

### **1.9. Economic Useful Life of Assets to be Funded and End-Of-Service Life (EOSL)**

The applicant must identify the expected economic useful life of the assets funded by the BPHA Infrastructure grant.

The applicant must provide the EOSL date for all networking equipment, including access points, firewalls, routers, switches.

### **1.10. Commitment to Providing Broadband Service at No-Cost-to-Residents**

The applicant must attest to committing to offer broadband service that meets or exceeds state standards as defined by these Guidelines at no cost to residents of the low-income community(ies). The applicant must provide the end-of-service-life (EOSL) date for the networking equipment to be used in grant funded projects and attest that the equipment's EOSL meets program requirements.

### **1.11. Permitting Compliance**

The applicant should state whether the project is statutorily or categorically exempt from CEQA requirements and cite the relevant authority, as applicable.

### **1.12. Affidavit**

An applicant must submit an affidavit, under penalty of perjury, containing at minimum the following attestations, the final form of which will be made available on the Commission's website:

- Applicant agrees that by receiving a CASF grant, the grantee agrees to comply with the terms, conditions, and requirements of the grant and thus submits to the jurisdiction of the Commission with respect to the disbursement and administration of the grant.
- Applicant agrees to abide by the CASF program rules the Commission established as well as all other applicable state and federal rules and regulations concerning broadband services.
- Applicant agrees to abide by the Commission's Rules of Practice and Procedure and applicable statutes, and to be subject to Public Utilities Code sections 2108 and 2111.
- Applicant agrees that no officer, director, or partner of the Applicant or its Fiscal Agent has: 1) filed for bankruptcy; 2) was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order; nor 3) has been found either civilly or criminally liable by a court of appropriate jurisdiction for violation of § 1700 et. seq. of the California Business and Professions Code, or for any action which involved misrepresentations to consumers, nor is currently under investigation for similar violations.
- Applicant affirms that the low-income community the project seeks to serve does not have access to free broadband service that meets or exceeds state standards as defined in these Guidelines.
- Applicant agrees to provide free broadband service that meets or exceeds state standards as defined by these Guidelines to residents of the low-income community the project is intended to serve upon project completion.
- Applicants of Other Housing Developments and Mobilehome parks agree to maintain 80% or greater residential units and 80% or greater rented or leased lots occupied by households, respectively, as "low-income" for a period of five (5) years after the project completion, and 50% or greater residential units and 50% or greater rented or leased lots occupied by households, respectively, as "low-income" for the following (5) years.
- Tenant protection requirements for applicants other than publicly supported and tribal housing developments and farmworker housing:

- Applicant agrees not to raise rents or charge any costs as a direct result of the broadband infrastructure improvements received under this grant for a period of five (5) years after completion of the project.
- Applicant must notify tenants of the upgrade and affirmatively state how the grant afforded the opportunity for the upgrade and therefore there are no costs/rent increases to the tenants for the better broadband service, as a condition of the grant award.
- The Commission may also prohibit future participation in the CASF program for failure to comply with these provisions.

### **1.13. Applicant-Specific Documents and Information Required**

A publicly supported housing development applying for BPHA Infrastructure project funds must include in its submission the Annual HUD Contributions Contract and HA Code, allowing staff to verify its certification along with its most recent HUD Public Housing Assessment System (PHAS) score. A publicly supported housing development that is not in contract with HUD must include in its submission the program details of the publicly supported housing development, including any applicable income eligibility requirements for the program residents, and any housing development contracts or agreements between the applicant and the source of the public subsidy, as defined above.

If staff is unable to confirm the eligibility of a publicly supported housing development that is not in contract with HUD using the documents and information submitted pursuant to the paragraph above, the application will not be approved ministerially and may instead be subject to review by the Commission via resolution.

Tribal housing applicants must submit a letter from the Tribal Governing Body or designee (such as Tribal Chairperson or Tribal Administrator) authorizing it to seek funding and (1) the total number of units in the housing development and (2) the number of units available to and occupied by tribal members at the time of the application.

Non-profit applicants must submit an IRS letter approving the applicant's status as a 501(c)(3) entity incorporated for the purposes of providing affordable housing, which must include the applicant's Tax Identification Number, along with an award letter from a public agency such as the California Tax Credit Allocation Committee (CTCAC), proving its receipt

of public funding for affordable housing purposes.

Applicants representing farmworker housing must provide (1) the total number of units in the housing development and (2) the number of units available to and occupied by farmworkers at the time the application is submitted.

Applicants that are categorically eligible as CTCAC awardees must provide a copy of the award letter.

For projects that request eligibility based on household income levels (250% FPG) or based on current enrollment in acceptable public assistance programs, the applicant must attest to and provide the following information:

1. The number of total residential units at the property.
2. The number of residential units that are “low-income” (at or below 250% FPG) based on each unit household income or that are “low-income” through current enrollment in an acceptable public assistance program by at least one (1) person in the household.
3. Attest that 80% or greater of the total units at the property are “low-income” by having a ratio of the total number of low-income units (2 and 3) to the total number of units (1) that is greater than or equal to 0.8.
4. The number of units that are eligible based on an income threshold from the above definition or under categorical eligibility due to current enrollment in acceptable public assistance programs.

For low-income community project applications based on location in one or more census block groups with a median household income at or below 80 percent of the statewide median income or with median household incomes at or below the county-specific threshold designated as “low-income” by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health

and Safety Code<sup>37</sup>, the applicant must attest to the specific form of eligibility claimed on the application. Applicants in this category must also report the median household income for the census block group(s) in which the project is located, as well as the appropriate comparison threshold (e.g., also provide the relevant county-specific low-income threshold). The California Broadband Map (<http://www.broadbandmap.ca.gov/>) includes census derived population and income data and information regarding existing service providers and their reported service speeds. Using the census block group layer data return, the median household income and census block group code can be obtained. For reference, census block group codes are formatted as follows:

- CBG(s) must be based on the latest decennial census. CBG(s) must be in a twelve-digit format, as follows:

State CA	County	Tract	Block Group
2 digits	3 digits	6 digits	1 digit

## 2. BPHA Internet Extension Project Applications

An eligible project meets the following:

- The project is capable of providing broadband internet service speeds of at least 100 Mbps downstream and 20 Mbps upstream for an average user during peak and off-peak hours, or current state standard, whichever is higher.
- The project must connect the low-income community residents to a broadband network that offers free broadband service that meets program requirements.
- The project is statutorily or categorically exempt from CEQA requirements.

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<sup>37</sup> The HCD State Income Limits (<http://www.hcd.ca.gov/grants-and-funding/income-limits>) vary by household size for each county and provide income thresholds for “Extremely Low”, “Very Low”, “Low”, “Median” and “Moderate” income categories. To translate the county-level “Low-income” limit from this dataset to define “low-income” at the census block group level, the average household size for the census block group obtained from the CA Broadband Map (<http://www.broadbandmap.ca.gov/>) is rounded to the nearest whole number. This average household size of the census block group-county combination is used to determine the appropriate “Low-income” limit from HCD’s State Income Limits table. If the median household income for a census block group-county combination was equal to or less than the appropriate HCD Low-income Limit, the census block group will be defined “low-income”.

Applicants must submit the following information to the Commission for each proposed project as discussed in Section V. Applications that do not include each item listed below may not be considered for approval and may be rejected.

### **2.1. Funds Requested**

The applicant must indicate the amount of funding requested.

### **2.2. Applicant Information**

- Applicant Name
- Title
- Email
- Phone
- Eligibility Type
- Key Contact Information (Name, Title, Address, Email Address, and Phone number).
- Key Company Officers.

### **2.3. Applicant Organization Information**

- Organization Name
- Organization Street Address
- Organization City
- Organization State
- Organization Zip
- Organization County

Specific applicant type information

- CPCN/U-Number or WIR or pending CPCN/WIR application number.
- Tribal housing applicants must submit a letter from the Tribal Governing Body or designee (such as Tribal Chairperson or Tribal Administrator) authorizing it to seek funding and (1) the total number of units in the housing development and (2) the number of units available to and occupied by tribal members at the time of the application.

### **2.4. Project Location Information**

- Median Household Income of the project area.
- The applicant must include a physical address(es) for each project

location along with an image of the location on the map. The Commission will accept a screen shot image from online maps or similar images.

For projects where an applicant's low-income community is eligible based on its census block group, the applicant must provide each address that is being served by the proposed project.

- Project type.
- Description of the project
  - Download speed capabilities of proposed facilities.
  - Upload speed capabilities of proposed facilities.
- Project equipment and expenses.

## **2.5. Assertion of Community need for Affordable Broadband Service that Meets State Standards**

An applicant must attest to whether the low-income community that will be connected through the proposed project has no access to a broadband service provider that offers the community residents free broadband service that meets or exceeds state standards as defined in Section III of this Appendix.

## **2.6. Additional Information About Broadband Providers in Area**

- Broadband Providers in Area
- Broadband Barriers

## **2.7. Project Summary**

Applications must include a Project Summary (Staff will post a list of project summaries submitted on the CASF BPHA webpage). The Project Summary must include, at a minimum, the following information as part of its application listed below. The final template of which will be made available on the Commissions website.

- Project type (Last-mile or Hybrid Last-mile/Middle-mile).
- Amount of CASF grant funding requested and project cost.
- Address(es) of project location.
- Map of the proposed project area.
- Project Location Data.<sup>38</sup>

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<sup>38</sup> For BPHA Internet Extension projects, the following project location data is required:



- The number of serviceable locations the proposed project will serve.
- The maximum mbps download and upload speed currently offered to serviceable locations in the project area.
- Median Household Income of the project area.
- A description of the major infrastructure to be deployed: miles of planned fiber, Central Offices used, number of remote terminals/fiber huts/wireless towers to be built, and if an IRU is used.
- Estimated construction timeline.
- Description of proposed broadband project plan for which CASF funding is being requested, including the type of technology to be provided in the proposed service areas.
- Download speed capabilities of proposed facilities/Upload speed capabilities of proposed facilities.
- An explanation of why any middle mile facilities in the proposed project are necessary for accessing the proposed last-mile infrastructure. A statement accepting the open access requirements for any middle mile facilities in the proposed project. Projects will interconnect with the statewide open-access middle mile network, where reasonable.
- Economic Life of All Assets to be Funded.<sup>39</sup>

The Commission will post a list of all pending applications, program deadlines and notices on the CASF website. The Commission will post project

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1. The geographic location of all serviceable locations in the project area. This information will be provided in a plain-text, comma-separated values (CSV format) file, or kmz/kmlfile or shapefile, that contains geo-located street address information, including latitude and longitude coordinates. Additional information about how to format this item is available on the CASF webpage. (<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/project-development-resources---data-and-maps>)
  2. The geographic location of the project related key network equipment, such as DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etc.. Additional information about how to format this item is available on the CASF webpage.
  3. The specific geographic boundary of the project area within which all project locations will fall (shapefile or .kml).

<sup>39</sup> For BPHA Internet Extension Projects, the applicant must identify all the equipment to be funded by the CASF by category (buildings, outside plant, towers and poles, network and access equipment, operating equipment, customer premise equipment), the type of equipment (new building, prefabricated building, rehab of existing building, new towers or poles, modification of existing towers and poles, broadband switching equipment, office furniture and fixture, etc.), and the estimated useful life (10, 15, 20, etc. years).

summaries of applications and amendments to an application to the CASF webpage at least 30 days before publishing the draft resolutions or Ministerial Approvals for the corresponding applications.

## **2.8. Affidavit**

Applicants must submit an affidavit, under penalty of perjury attesting to the statements made on the application, the final form of which will be made available on the Commission's website:

- Applicant agrees that by receiving a CASF grant, the grantee agrees to comply with the terms, conditions, and requirements of the grant and thus submits to the jurisdiction of the Commission with respect to the disbursement and administration of the grant.
- Applicant agrees to abide by the CASF program rules the Commission established as well as all other applicable state and federal rules and regulations concerning broadband services.
- Applicant agrees to abide by the Commission's Rules of Practice and Procedure and applicable statutes, and to be subject to Public Utilities Code sections 2108 and 2111.
- Applicant agrees that no officer, director, or partner of the Applicant or its Fiscal Agent has: 1) filed for bankruptcy; 2) was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order; nor 3) has been found either civilly or criminally liable by a court of appropriate jurisdiction for violation of § 1700 et. seq. of the California Business and Professions Code, or for any action which involved misrepresentations to consumers, nor is currently under investigation for similar violations.
- Applicant affirms that the low-income community the project seeks to serve does not have access to free broadband service that meets or exceeds state standards as defined in these Guidelines.
- Applicant agrees to provide free broadband service that meets or exceeds state standards as defined by these Guidelines to residents of the low-income community the project is intended to serve upon project completion.
- The Commission may also prohibit future participation in the CASF program for failure to comply with these provisions.

## **VI. Submission and Timelines**

Applicants must electronically submit completed applications using the

Commission's FTP file server (<https://kwftp.cpuc.ca.gov>).

Applications may be submitted at any time. However, staff will consider applications submitted on or before each deadline listed below as a batch.

Staff shall notify an applicant by a letter specifying reasons for rejection should an application fail to meet the BPHA eligibility criteria for either BPHA Infrastructure or BPHA Internet Extension projects.

Deadlines:

- July 1, 2024
- January 1, 2025
- July 1, 2025
- January 1, 2026

And every January 1 and July 1 thereafter, until funds are exhausted. Any deadline falling on a holiday, or a weekend will be extended to the following business day.

Additionally, after each deadline, staff will post notice of all applications received on the Commission's website.

## **VII. Ministerial Review**

The Commission assigns to staff the task of approving applications for BPHA Infrastructure and BPHA Internet Extension projects that meet all of the following criteria:

### **1. BPHA Infrastructure Projects**

- Applicant meets the eligibility requirements under Pub. Util. Code, § 281(i)(1), § 281(i)(2) and (i)(3).
- Applicant attests that no broadband service provider offers free service that meets state standards, as defined in Section III, to the subject low-income community.
- Applicant requests a grant of up to \$200,000 in BPHA infrastructure grant funds per project.
- For projects connecting 50 units or less, the proposed project costs \$3,000 per unit or less.

- For projects connecting 51-100 units, the proposed project costs \$1,500 per unit or less.
- For projects connecting 101 units or more, the proposed project costs \$1,000 per unit or less.
- Applicant must attest that it expects the property to be in residential use as a low-income community as defined above for at least the next 10 years.
- The property qualifies for an exemption pursuant to CEQA Guidelines.
- For wireless networking projects, the equipment must meet at least the 802.11AC Wave2 (WiFi-5 wave2) standard or 802.11ax (WiFi-6/6E) standard. Staff will accept, for Ministerial Review, applications that rely on 802.11n technology to the extent that the applicant can demonstrate that this equipment was purchased prior to the issue date of the decision adopting these Guidelines.
- For wireline networking projects, the equipment must meet at least DOCSIS 3.1, VDSL, or 100 BASE-X standards.
- Applicant attests that it will operate and maintain project equipment, broadband technology, and internet services for at least five years after successful completion of the project and that it has sufficient funds to do so. In addition, the Applicant attests that it will acquire the necessary hardware warranty and service agreement to support the operation of the proposed network for the five-year period.
- For BPHA Infrastructure projects the proposed project network is capable of providing broadband internet service speeds of at least 25 Mbps downstream and 3 Mbps upstream for an average user during peak and off-peak hours, or current state standard, whichever is higher (supported by submitted documentation).
- Applicant attests that it will not charge residents for broadband internet services.
- Applicant has signed an affidavit agreeing that the statements and representations made in the application are true and correct, agrees that no officer, director, or partner of the Applicant or its Fiscal Agent has: 1) filed for bankruptcy; 2) was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order, nor 3) has been found either civilly or criminally liable by a court of appropriate jurisdiction for violation of §1700 et. seq. of the California Business and Professions Code, or for any action which involved misrepresentations to consumers, nor is currently under investigation for similar

violations, and to abide by the CASF program rules established by the Commission, Commission rules of practice and procedure and statutes, and Pub. Util. Codes, §§ 2111 and 2108.

- Applicant agrees to complete the project within 12 months from the date of the Commission approval if the project is a BPHA Infrastructure Project.
- Applicant agrees to complete the project within 18 months from the date of the Commission approval if the project is a BPHA Internet Extension Project.
- Applicant has an identified internet service provider with the required internet bandwidth capacity at the MPOE.
- Applicant agrees to secure project funded hardware to prevent theft and vandalism.

## 2. BPHA Internet Extension Projects

- Applicant meets the eligibility requirements under Pub. Util. Code, § 281(i)(1), § 281(i)(2) and (i)(3).
- Applicant attests that no broadband service provider offers free service that meets state standards, as defined in Section III, to the subject low-income community.
- Applicant requests a grant of up to \$500,000 in BPHA Internet Extension grant funds per project.
- Applicant must attest that it expects the property to be in residential use as a low-income community as defined above for at least the next 10 years.
- The property qualifies for an exemption pursuant to CEQA Guidelines.
- For wireless networking projects, the equipment must meet at least the 802.11AC Wave2 (WiFi-5 wave2) standard or 802.11ax (WiFi-6/6E) standard. Staff will accept, for Ministerial Review, applications that rely on 802.11n technology to the extent that the applicant can demonstrate that this equipment was purchased prior to the issue date of the decision adopting these Guidelines.
- For wireline networking projects, the equipment must meet at least DOCSIS 3.1, VDSL, or 100 BASE-X standards.
- Applicant attests that it will operate and maintain project equipment, broadband technology, and internet services for at least five years after successful completion of the project and that it has sufficient funds to

do so. In addition, the Applicant attests that it will acquire the necessary hardware warranty and service agreement to support the operation of the proposed network for the five-year period.

- For BPHA Internet Extension projects the proposed project network is capable of providing broadband internet service speeds of at least 100 Mbps downstream and 20 Mbps upstream for an average user during peak and off-peak hours, or current state standard, whichever is higher (supported by submitted documentation).
- Applicant attests that it will not charge residents for broadband internet services.
- Applicant has signed an affidavit agreeing that the statements and representations made in the application are true and correct, agrees that no officer, director, or partner of the Applicant or its Fiscal Agent has: 1) filed for bankruptcy; 2) was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order, nor 3) has been found either civilly or criminally liable by a court of appropriate jurisdiction for violation of §1700 et. seq. of the California Business and Professions Code, or for any action which involved misrepresentations to consumers, nor is currently under investigation for similar violations, and to abide by the CASF program rules established by the Commission, Commission rules of practice and procedure and statutes, and Pub. Util. Codes, §§ 2111 and 2108.
- Applicant agrees to complete the project within 18 months from the date of the Commission approval if the project is a BPHA Internet Extension Project.
- Applicant has an identified internet service provider with the required internet bandwidth capacity at the MPOE.
- Applicant agrees to secure project funded hardware to prevent theft and vandalism.
- Applicant attests that it does not have access to any broadband service provider offering free service that meets state standards, as defined in Section III, to the low-income community.
- The project must connect the low-income community residents with a broadband network that offers free broadband service that meets program requirements.
- Grants over \$500,000 will not be eligible for ministerial review.

Applications not meeting the above ministerial review criteria may only be

approved by the Commission via Resolution.

The Commission assigns to staff the task of rejecting applications that meet any of the following criteria:

- The applicant has previously had a Commission grant award rescinded for violation of Commission or program rules:-
- The applicant has made false statements to the Commission or to the Federal Communications Commission (FCC).
- The applicant submitted an incomplete application and has not responded to a follow-up request sent to the designated contact on the application to provide missing material.

The Communications Division Director or Deputy Director will notify grantees of awards made via ministerial review by letter. Award letters will be regularly posted to the Commission's website.

The Commission assigns to staff to propose administrative changes to the CASF BPHA via resolution for Commission review and approval of those changes.

## **VIII. Project Status and Reporting**

### **1. BPHA Infrastructure Projects**

Grantees are required to submit a project status report within six months of the project award date if the project has not been completed, irrespective of whether the grantee requests reimbursement or payment. The project status report must include the following:

- Project Plan and deployment schedule showing major milestones with planned and actual completion dates.
- Any variance between planned and actual dates needed to support with proper reasoning.
- Project Risk Mitigation plan.<sup>40</sup>
- Budget Plan with a cost line item matched with the application.

Grantees must certify that each project status report submitted is true and correct under penalty of perjury.

Grantees must submit a project completion report with all required supporting

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<sup>40</sup> Plan that identifies, evaluates, selects, and implements options in order to balance the BPHA project cost and schedule implications associated with risk response or mitigation plan by setting risk at acceptable levels given program constraints and objectives.

documentation in order to receive final payment. The project completion report contains, total project cost, project cost summary breakdown, project milestone deployment details, CalSPEED<sup>41</sup> test results, bill of materials (BOM), invoices supporting BOM, network and low-voltage engineering and design documentation, installation and commissioning checklist, provisioning and configuration files, as-built documentation with pictures showing labels and annotations, and project expenses summary. The project completion report template can be found on the BPHA website.

Grantees are required to maintain the broadband network for a period of five years after the network is installed and internet services turned on for residential use. From the date broadband network and internet services are turned on the grantees are required to submit a KPI (Key Performance Indicator) report bi-annually for a period of five years.<sup>42</sup> The KPI report and its supporting system data can be submitted through an online portal that can be found on the Commission website under the CASF BPHA hyperlink.

The KPI report includes the following:

1. Monthly Percentage Uptime of network and internet services
2. Monthly Bandwidth Utilization by the residents (the amount of internet data transferred or the usage in gigabytes on the network)
3. Monthly Number of Unique User Devices Logged-in by the residents to access the broadband network for internet services

To support the above KPI report information, the grantee must submit the system data obtained from the network.

## 2. BPHA Internet Extension Projects

Upon completion of the project and before payment, the grantee must provide a signed completion form stating that the service connection has been installed and that they are receiving “Broadband Internet Access Service” and that the service has been turned on. In addition, the grantee must provide the following supporting documentation:

- Project Invoice

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<sup>41</sup> CalSPEED is an open source, non-proprietary, network performance measurement tool and methodology created for the Commission, funded originally via a grant from the National Telecommunications and Information Administration.

<sup>42</sup> KPI report is to measure the broadband network service performance and to keep proper checks and balances on the BPHA program goals and objectives.



- As-built engineering drawings and documentation
- Test results of the Calspeed test conducted at the network interface device of the grantee's MPOE, which demonstrates meeting or exceeding the "State-standard."

Additional instructions and application materials are provided on the CPUC website on the CASF BPHA webpages.

## **IX. Sale or Transfer of Assets**

### **1. BPHA Infrastructure Projects**

Grantees with BPHA Infrastructure projects must notify the Commission about any proposed sale or transfer of ownership of the project property that occurs prior to the completion of the five-year requirement. The grantee must require the new owner to assume grant obligations of operating and maintaining the broadbandinternet services for the remaining period of the five years term. The grantee shall notify the Director of the Communication's Division in writing of its intentto sell or transfer its assets within five days of becoming aware of these plans.

The grantee shall also provide documentation, including an affidavit, stating that the new entity or owner will take full responsibility and ownership to comply with the terms of the CASF grant award. The new entity shall agree in writing to such.

### **2. BPHA Internet Extension Projects**

## **Construction Phase**

A grantee must notify the Commission within five days of determining that the grantee is planning to sell or transfer its assets. The grantee shall notify the Director of the Commission's Communications Division in writing of its intent to sell or transfer company assets within five days of becoming aware of these plans. The grantee shall also provide documentation, including an affidavit, stating that the new entity will take full responsibility and ownership to comply with the requirements of the BPHA award. The new entity shall agree in writing to such. The grantee shall provide the Commission with any necessary documents requested in its review of the transfer. This will include all

documents that are generally required of all entities applying for the BPHA grant. The grantee shall not transfer BPHA funds or the built portion of the project to the new entity prior to Commission approval via a resolution/order. If the Commission does not provide approval, it will rescind the grant.

### **Post-Construction Phase**

For three years after project completion, a grantee must notify the Commission within five days of determining that the grantee is planning to sell or transfer its assets. The grantee shall notify the Director of the Commission's Communications Division in writing of their intent to sell or transfer company assets within five days of becoming aware of these plans. The grantee shall also provide documentation, including an affidavit, stating that the new entity will take full responsibility and ownership to comply with the requirements of the BPHA grant. The new entity shall agree in writing to such. Additionally, in such cases the grant recipients must submit a Tier 2 Advice Letter with the following information:

- Purchase price;
- Copy of the agreement;
- Binding agreement from the purchaser or lessee to fulfill the terms and conditions relating to the project award after such sale or lease; and,
- An explanation as to how the transaction would be in the best interests of those served by the project.

## **X. Payment Terms**

### **1. BPHA Infrastructure Projects**

Grantees are eligible to request payment for the expenditures incurred during the first six months if the grantee submits a six-month project status report and certifies that the status report is true and correct under penalty of perjury.

Grantees shall submit final report requests for payment no later than 90 days after completion of the project. If the grantee cannot complete the project within the 12-month timeline, the grantee must notify the Director of Communications Division as soon as they become aware that they may not meet the project timeline. In the event the grantee fails to notify the Director of Communications Division, the Commission may withhold or reduce payment.

Grantees must submit the project status and completion reports with all required supporting documentation for the staff to review in order to receive payment.

Payments are based on submitted receipts, invoices and other supporting documentation showing expenditures incurred and work done on the project in accordance with the approved CASF funding budget included in the grantee's application.

Payment in full can be made for the entire project upon review of the submitted project completion report and supporting documentation and after staff approvals.

The payments will be made in accordance with, and within the time specified in California Government Code § 927 et seq.

Grantees are required to maintain records such as files, invoices, and other related documentation for three years after final payment. Grantees shall make these records and invoices available to the Commission upon request and agrees that these records are subject to a financial audit by the Commission at any time within three years after the final payment made to the Grantee.

The Commission has the right to conduct any necessary audit, quality check, verification, and discovery during project implementation and post-project completion to ensure that CASF funds are spent in accordance with the terms of approval granted by the Commission. Invoices submitted will be subject to financial audit by the Commission at any time within 5 years of the release of the final payment.

If any portion of reimbursement is found to be out of compliance, grantees will be responsible for refunding any disallowed amount along with appropriate interest rates determined in accordance with applicable Commission decisions.

## 2. BPHA Internet Extension Projects

Requests for payments may be submitted as the project is progressively deployed. The prerequisite for first payment is the submittal of a progress report to the Commission showing that at least 10 percent of the project has been completed. Subsequent payments are made at the following deadlines: 35 percent completion, 60 percent completion, 85 percent completion and 100 percent completion. The final 15 percent payment request (from 85 to 100 percent) will not be paid without an approved completion report. Payments are

based on submitted receipts, invoices and other supporting documentation showing expenditures incurred for the project in accordance with the approved CASF funding budget included in the CASF grantee's application for BPHA Internet Extension Projects.

Payment will be based upon receipt and approval of the invoice submitted by the grantee showing the expenditures incurred for the project along with the forms detailed in the Section VIII "Project Status and Reporting" and in accordance with approved CASF funding budget included in the application. The invoice must be supported by documentation of equipment and supplies purchased, cost of labor and any other expenses.

Payment from the Commission will not exceed the approved grant amount. Any additional costs above the approved grant amount are the responsibility of the applicant.

## **XI. Execution and Performance**

### **1. BPHA Infrastructure Projects**

Grantees shall start the project within 30 days upon grant approval and complete the project within a 12-month timeframe. Should the grantee or Contractor fail to commence work within 30 days of grant approval, the Commission or Director of Communications Division, upon five (5) days written notice to the CASF recipient, reserves the right to terminate the award. If the grantee is unable to complete the proposed project within the required 12-month timeframe, it must notify the Commission as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment or rescind the grant for failure to satisfy this requirement.

Grantees must operate and maintain the network for a minimum of five years after it has been installed.

The grantee must complete all the performance on the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the grantee fails to complete the project or subsequently operate and maintain the network service in accordance with the terms of approval granted by the Commission and compliance with CASF program guidelines, the grantee must reimburse some or all of the CASF BPHA funds that it has received.

## 2. BPHA Internet Extension Projects

Grantees shall start the project within 30 days upon grant approval and complete the project within an 18-month timeframe. Grantees must offer the low-income community free "Broadband Internet Access Service" speeds consistent with the "State standard."

The grantee must ensure completion of the proposed BPHA Internet Extension project in accordance with the terms of the contract and the requirements of the grant. If the proposed BPHA Internet Extension project has not been completed within the 18-month period, the grant may be rescinded.

The Commission has the right to conduct any necessary audit, verification, and discovery during project implementation/construction for work done under the grant to ensure that CASF funds are spent in accordance with Commission approval.

Invoices from the grantee will be subject to financial audit by the Commission at any time within 3 years of completion of the work.

The Commission may withhold, reduce or terminate grant payments if the grantee does not comply with any of the requirements set forth in its application and compliance with CASF. In the event that the project is not completed in accordance with the terms of approval granted by the Commission, and as described in the application or contract the grantee must reimburse some or all of the CASF funds that it has received.

Material changes in the entries for this application, such as discontinuing operation or bankruptcy, or change of name (DBA<sup>43</sup>), change of address, telephone, fax number or e-mail address must be reported immediately by a letter to the CPUC, Director of the Communications Division, 505 Van Ness Avenue, San Francisco, CA 94102.

In addition, a scanned electronic copy should be sent to [cpuc\\_housing@cpuc.ca.gov](mailto:cpuc_housing@cpuc.ca.gov).

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<sup>43</sup> A DBA "Do Business As" is also known as a "fictitious business name," "trade name," or "assumed name."

## **XII. Consent Form**

All grantees are required to sign a consent form within 30 days from the date of the award agreeing to the terms stated in the resolution or award letter authorizing the CASF award. The agreement will provide the name of the grantee, names of officers, and must be signed by the grantee. Should the grantee not accept the award through failure to submit the consent form within 30 calendar days from the date of the award, the Commission may deem the grant null and void. The proposed wording of the consent form will be made available on the BPHA website.

## **XIII. Penalties**

As noted above, grantees that are non-telephone corporations must agree to the following language in an affidavit.

*If [Grantee Name] violates the terms and conditions of a CASF award or other program and project compliance requirements, it shall be subject to Public Utilities Code Sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code Sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.*

Submit completed applications online at <https://kwftp.cpuc.ca.gov>

**(END APPENDIX A)**