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Tribal Technical Assistance Application Requirements and Guidelines

1. Background

To advance the California Advanced Services Fund (CASF) goal of increasing broadband access pursuant to Public Utilities (Pub. Util.) Code section 281(b)(1)(A), the Commission makes available technical assistance grants to support Tribal broadband needs and to increase access. The Commission authorizes Communications Division Staff (Staff) to approve applications for CASF funds to provide technical assistance for Tribes. The following sections provide the process and guidelines for requesting, reviewing, and approving Tribal Technical Assistance (TTA) Grants.

a. Amount Available for Grants

CASF funds¹ will be available for communications technical assistance, including but not limited to feasibility studies, market studies, needs assessments, broadband deployment-related grant writing, and/or business plans, not to exceed \$250,000 per Tribe, per fiscal year.²

2. Definition of Technical Assistance/Eligible Projects

For the purpose of TTA Grants, technical assistance means reimbursement for work product resulting from activities such as:

- The preparation of environmental, feasibility, and engineering design studies or reports in the development of needs assessments, market studies, broadband strategic plans, or business plans by or for tribes in their pursuit of the provision of service to unserved communities.
- Costs incurred for broadband deployment-related grant writing for the purpose of the provision of broadband service to unserved communities.
- Consultant services secured to complete reimbursable work product(s).

¹ CASF Local Assistance.

² Tribes that have already applied for Tribal Technical Assistance funding under the previous program guidelines for Fiscal Year 2023-2024 may apply again under the program guidelines herein for Fiscal Year 2023-2024 for different Technical Assistance/Eligible Projects under Section 2, Definition of Technical Assistance/Eligible Projects.

- Tribal staff hours dedicated to reimbursable activities are eligible for reimbursement, provided that such work is incremental to a Tribe's pre-grant award scope of activities.³
- Separately, up to 15 percent of the total requested for reimbursement may be used to reimburse the Tribe for administrative costs⁴ associated with securing or completing the reimbursable work product(s).

The activities listed above are not intended to constitute the entirety of activities eligible for technical assistance. (Section 8, Resolution Review). Grant requests that do not meet the ministerial review criteria in Section 7 (Ministerial Review) or exceed \$250,000 per Tribe per fiscal year may be approved by Commission Resolution. TTA funds shall not be used to engage entities that have a financial interest in the work product(s) for which funds are granted.

For the purposes of the TTA, a reimbursable work product is the final report, broadband deployment grant proposal, study or agreement resulting from any of the eligible activities listed as reimbursable technical assistance above (Section 2, Definition of Technical Assistance/Eligible Projects).

Tribes may propose multiple reimbursable work products per application, with a total requested reimbursement not to exceed \$250,000 per Tribe per fiscal year.

Proposals for reimbursable work products that are reasonably expected to result in broadband infrastructure projects that will be designed to provide service to unserved households and businesses and that are designed to, upon completion, reliably meet or exceed 25 megabits per second download and 3 megabits per second upload are eligible TTA Grants.

³ Tribal staff hours means the specific task performed during the hours for which reimbursement is requested would not be performed by the Tribal staff absent the grant award.

⁴ We define administrative costs as "indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself." Applicants seeking additional funds will require Commission approval via draft resolution.

a. Eligible Applicants/Eligibility for Technical Assistance

Tribes are deemed eligible applicants for TTA Grants. An eligible Tribe is a California Tribe, with or without federal recognition, that demonstrates tribal leadership support. Staff shall consider Tribal support to be established, for example, by the furnishing of an official letter from the tribal administrator, chair, or council.

3. Subsidy Level

For projects that meet Ministerial Review criteria (see Section 7 below), the Commission may subsidize 100 percent of the cost of technical assistance, not to exceed \$250,000 per Tribe, in any one fiscal year. Projects that do not meet Ministerial Review criteria may only be approved by the Commission via the Resolution process (see Section 8 below).

4. Information Required from Applicants

The Tribal applicant must provide a proposed contract (the contract) or written estimate with scope of work from the Tribe's contractor for the purpose of the technical assistance. This contract or estimate must state details of the proposed work, including a statement of work, detailed cost estimate, and proposed timeline for completion.

Applications will be evaluated based on satisfying all the requirements in Sections 2, 3, 4, 5, and 6. A Tribal applicant will receive notification by letter or email specifying the reasons for rejection should an application fail to meet the TTA criteria set forth in these rules.

5. Affidavit

In addition to the grant application form, supporting documents, letter of Tribal support, consultant(s) scope of work or contract(s), consultant(s) resumes and company background, Tribal applicants 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 must attest that the individual completing the application has the authority to do so on behalf of the Tribe and personal knowledge of the facts contained in the application.
- 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 Pub. Util. Code sections 2108 and 2111.
- Applicant agrees to comply with Commission's Rules of Practice and Procedure, Rules 1, 1.11 and 2.2 and to be subject to Pub. Util. Code sections 2108 and 2111 for failure to meet the program and project compliance requirements as the Commission determines.
- Affirmation under penalty of perjury that, to the best of their knowledge, all statements and representations made in the application are true and correct with the accompanying appropriate signature of a person authorized to act on behalf of the Tribe.

Applications that do not include each item listed above will not be considered for approval.

6. Submission Requirements and Timelines

To be considered, Tribal applicants must submit the Commission-staff provided application form (to be made available on the Commission's website). Applicants may electronically submit their completed application, along with required documentation, using the Commission's email address at Tribal_tech_assist@cpuc.ca.gov or mail a separate hard copy to (postmarked by the quarterly application due dates):

Communications Division
Attn: California Advanced Services Fund, Technical Assistance
Grant
505 Van Ness Avenue
San Francisco, CA 94102

Applications may be submitted at any time. However, the Communications Division will consider applications submitted on or before each deadline listed below, on a quarterly basis, until the funding is exhausted.

January 1

April 1
July 1
October 1 and so on.

Any deadline that falls on a holiday or a weekend will be extended to the close of the following business day.

Notice of applications received will be published on the Commission's website on a quarterly basis.

The Commission delegates to staff the option to set additional application windows and review timelines for the CASF TTA Program. Revisions to the application window and review timelines will be issued via Communications Division Director letter through the CASF Distribution List.

7. Ministerial Review

The Commission authorizes Communications Division Staff to approve applications that meet all of the following criteria:

- The requested amount per technical assistance does not exceed \$250,000 per Tribe per fiscal year.⁵
- The application specifies that the technical assistance will advance the CASF program goal to "provide broadband access to no less than 98 percent of California households in each consortia region" where broadband access is defined as service at 25 megabits per second download and 3 megabits per second upload.⁶
- Applicant agrees that the technical assistance must be completed within 24 months from the date listed on the Award Letter.
- The application meets all the other requirements of a TTA grant included in Sections 2, 3, 4, 5, and 6 of these Rules.

⁵ Tribes that have already applied for Tribal Technical Assistance funding under the previous program guidelines for Fiscal Year 2023-2024 and apply again under the program guidelines herein for Fiscal Year 2023-2024 may still be eligible for Ministerial Review if the requested amount under the new rules does not exceed \$250,000.

⁶ Pub. Util. Code sections 281(b)(1)(A) and (b)(1)(B)(ii)(I).

When the application meets all of the criteria for Ministerial Review, staff is authorized to approve via ministerial approval. The Commission may also consider such applications for approval via Resolution.

8. Resolution Review

Staff may refer applications that do not meet the ministerial review criteria to the Commission for review and approval via the Resolution process.

The Commission assigns staff the task to propose administrative changes to the Tribal Technical Assistance program via Resolution for Commission review and approval of those changes.

9. Reporting and Public Posting

Upon completion of the technical assistance and before payment, the Tribal grantee must provide a signed completion form stating that the technical assistance work has been completed. This form includes a short description of the work, including the activities and reimbursable work product(s) performed pursuant to the TTA grant, in a format amenable to posting on the Commission's webpage. Upon completion of the work, and before final payment, Tribal grantees shall provide Staff a copy of the final report(s) (e.g., plans, studies, etc.).

Notifications of awards will be made by letter from the Communications Division Director. Award information and letters will be regularly posted to the Commission's website.

All CASF grantees that use a licensed contractor or subcontractor with a contract in excess of \$25,000 must comply with the contractor reporting requirements required by Senate Bill 156.⁷ Licensed contractor or subcontractor means any contractor that holds a California state license through the contractor's state license board (<https://www.cslb.ca.gov/>). For information on reporting instructions and templates please refer to "CASF Grantee Monthly Contractor Reporting" on the CASF website.

10. Payment

⁷ Pub. Util. Code section 281(l)(1).

Payment will be made directly to the Tribal grantee. Payment will be based upon receipt of the completion form and final report and approval of the invoice(s) submitted by the Tribal grantee showing the expenditures incurred for the technical assistance along with the documents detailed in Section 9 "Reporting."

The invoice(s) must be supported by documentation such as cost of labor, travel expense claim form(s), receipts, monthly subcontractor reports, design documents, and any other expense that will be recovered by the grant. Staff will provide forms for all necessary reporting in the Administrative Manual, which will be posted on the CPUC TTA website, along with TTA instructions and application forms.

Tribal grantees must submit itemized accounting of any portions of an award used to reimburse for administrative costs associated with securing or completing a reimbursable work product; the itemized accounting must demonstrate that the total requested for reimbursement does not exceed 15 percent of the total authorized award.

Payments are based on submitted invoices, forms, completion form, final report, and supporting documentation showing expenditures incurred and work done on the project is in accordance with the approved CASF funding budget included in the application.

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

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

Tribal grantees are required to maintain records such as files, invoices, and other related documentation for five years after final payment. Tribal grantees shall make these records and invoices available to the Commission upon request and agree that these records are subject to a financial audit by the Commission at any time within five years after the final payment is made to the grantee.

11. Execution and Performance

The Commission has the right to conduct any necessary audit, verification, and discovery for work proposed or completed under the technical assistance for Tribes to ensure that CASF funds are spent in accordance with Commission rules and with the terms of approval granted by the Commission.

The CASF grant recipient must complete the project within the 24-month timeframe. If the Tribal grantee is unable to complete the proposed project within the 24-month required timeframe, it must notify the Commission or Director of Communications Division as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment or terminate the grant for failure to satisfy this requirement.

Invoices from the Tribe or its approved contractor will be subject to financial audit by the Commission at any time within five years of completion of the work.

In the event that the Tribal grantee or contractor fails to complete the work in accordance with the approval granted by the Commission, as set forth in its application and as described in the contract, the Tribal grantee must reimburse some or all of the funds that it has received.

12. Consent Form

All grantees are required to sign a Consent Form agreeing to the terms stated in the Resolution or Award Letter authorizing the CASF award. The agreement will provide the name of the person who is managing the consulting contract and must be signed by the grantee. Failure to submit the Consent Form within 30 days from the date of the Award Letter or Resolution's adoption will deem the grant null and void.

Material changes in the entries for the TTA application, such as discontinuing operation or bankruptcy, or change of scope of work or consultant, or change of name (DBA), change of address, telephone, fax number or E-mail address, must be reported in writing to the California Public Utilities Commission, Director of Communications Division, 505 Van Ness Ave, San Francisco, CA 94102 or using the Commission's email address at Tribal_tech_assist@cpuc.ca.gov.

Further, all grantees must communicate in writing to the Communications Division Director any changes to the substantive terms and conditions underlying Commission approval of the grant (such as changes to a reimbursable work product contract, work plan, or budget) at least 30 days before the anticipated change is to be effected. Substantive changes may require approval by either the Communications Division Director or by Commission Resolution before becoming effective.