

## **APPENDIX A**

### Revised CASF Program Guidelines

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## **1. Background**

The CASF program was first authorized in 2007 via California Public Utilities Commission (Commission) Decision (D.) 07-12-054. The Legislature subsequently codified the program in California Public Utilities Code (Pub. Util. Code) Section 281, and later modified the program via subsequent legislation. Pub. Util. Code § 281 directs the Commission, among other things, to “encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies....” (Pub. Util. Code § 281(a)). Legislative modifications and other program refinements were implemented in Rulemaking (R.)12-10-012. Additional modifications have been implemented in R.20-08-021. CASF consists of the following accounts and programs:

- Broadband Infrastructure Grant Account
- Line Extension Program
- Rural and Urban Regional Broadband Consortium Grant Account
- Broadband Public Housing Account
- Broadband Adoption Account
- Tribal Technical Assistance

This document represents the most up to date program guidelines for the Broadband Infrastructure Grant Account. It incorporates modifications related to open access and data submission requirements, modifications adopted in D.18-12-018, non-substantive revisions to reflect the passage of time, and typographical edits.

## **2. Amount Available for Grants**

### **2.1. Background**

AB 1665, approved by the Governor on October 15, 2017, authorizes the Commission to collect an additional \$300 million to the Broadband Infrastructure Grant Account.<sup>1</sup> As of July 1, 2018, \$331 million remains in the Infrastructure

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<sup>1</sup> This includes \$5 million set aside for the Line Extension program.

Account's budget balance.<sup>2</sup> Upon the accomplishment of the program goal, AB 1665 also directs the Commission to reserve not more than \$30 million of Infrastructure grant funds for infrastructure projects that provide last-mile broadband access to households to which no facility-based broadband provider offers broadband service at speeds of at least 10/1.

## 2.2. Funding Criteria

PU Code Sec 281 (f)(12) allows the Commission to fund all or a portion of a project, on a case-by-case basis. The Commission must consider "the location and accessibility of the area, the existence of communication facilities that may be upgraded to deploy broadband, and whether the project makes a significant contribution to achieving the program goal." The Commission may also consider any other factors it deems appropriate. Additionally, Pub. Util. Code Section (b)(2)(B)(i) requires the Commission to, "give preference to projects in areas where Internet connectivity is available only through dial-up service that are not served by any form of wireline or wireless facility-based broadband service or areas with no Internet connectivity."

To determine the funding level for a project, the Commission will consider the following factors:

- Areas with only dial-up or no Internet connectivity (Pub. Util. Code Section (b)(2)(B)(i) – project areas with no Internet connectivity are eligible for up to 100 percent funding. Projects requesting funding for dial-up-only areas must identify in their application the households that are and are not eligible, so that Staff may calculate the appropriate funding level.
- Location and accessibility of the area – Project areas meeting two of the following five characteristics:
  1. The proposed project area contains rugged or difficult terrain (e.g., mountains, desert, national or state forest);

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<sup>2</sup> The \$3.2 million remaining in the Broadband Infrastructure Revolving Loan Account unencumbered as of January 1, 2018, will be transferred to the Broadband Infrastructure Grant Account.

2. The proposed project area is an unincorporated community;
  3. The proposed project area is more than 10 miles from the nearest hospital;
  4. The proposed project area is more than 10 miles from the nearest state or federal highway; and/or
  5. The proposed project area is located in a rural census block, as defined by the U.S. Census Bureau.
- Existence of communication facilities that may be upgraded to deploy broadband – project areas in which the applicant relies primarily on existing infrastructure, including poles and conduit, and thus will be less expensive to build.
  - Whether the project makes a significant contribution to achieving the program goal – project areas within a Broadband Consortium region that has not yet reached the goal of deploying broadband Internet service at speeds of 6 mbps download and 1 mbps upload to 98 percent of households are eligible for an additional 10 percent funding.
  - Low-income service – project areas for which Staff determines that the latest Census Bureau American Community Survey (ACS) 5-year median household income falls below the California Alternate Rates for Energy (CARE) income eligibility limit for a family of four, shall be eligible for an additional 30 percent funding. The effective definition of a low-income area, through May 31, 2021, is a median household income no greater than \$52,400. Projects with low-income households that offer service to low-income customers at less than \$15/month shall be eligible for an additional 10 percent funding.

## Summary of Funding Criteria

<b>Maximum Funding Level: 100%</b>
<b>Baseline for Eligible Project: 60% of total construction costs</b>
<b>Presence of Dial-up Only: Up to + 40%<sup>3</sup></b>
<b>Low Income: Up to + 40%</b>
<ul style="list-style-type: none"> <li>• Median Household Income for community is less than CARE standard for a family of 4, which is currently \$52,400 (30%).</li> <li>• Applicant serves low-income customers for no more than \$15/month (10%).<sup>4</sup></li> </ul>
<b>PU Code Sec 281 (f)(12) Criteria: + 10% per criterion, up to + 20%</b>
<ul style="list-style-type: none"> <li>• Inaccessible Location (10%)</li> <li>• Uses Existing Infrastructure (10%)</li> <li>• Makes a Significant Contribution to the Program Goal (10%)</li> </ul>

### 2.3. Prioritization

In the event that Staff receives more applications for CASF projects than can be adequately analyzed within the time constraints defined in this document, applications will be considered on a lowest-income-first basis.

### 3. Definitions

“Baseline Data” means the reported served status of broadband at or above 6 Mbps downstream and 1 Mbps upstream in California by Consortium as reflected in the California Interactive Broadband Map published by the Commission. [www.cpuc.ca.gov/General.aspx?id=6442455975](http://www.cpuc.ca.gov/General.aspx?id=6442455975)

“Broadband Map” means the California Interactive Broadband Map showing served status and eligibility, maintained by the Commission. <http://www.broadbandmap.ca.gov/>

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<sup>3</sup> The percentage of additional funding will be proportional to the percentage of households in the project area that have access to dial-up only at best.

<sup>4</sup> The low-income service offering must be offered throughout the entire project area and must meet all of the CASF performance criteria.

“Consortium Map” means a static (pdf) map showing eligible areas in a Consortium’s region published by the Commission available on the Rural and Urban Regional Broadband Consortia Account webpage.

<https://www.cpuc.ca.gov/General.aspx?id=870>.

"Household" means an occupied primary residence.

"Subscriber type" means the category of potential end user, including low-income households, other households, housing units, and other end user types as may be defined by Staff such as anchor institutions, schools, libraries, small business, enterprise, agricultural entities, healthcare providers, first responders, etc.

“Location” means an individual, serviceable location that is identified by street address (if one exists) and latitude/longitude coordinates, as well as potential subscriber type.

“Eligible Project” means an area containing unserved households and that is not within an ROFR or existing CASF project area. Eligible projects must be capable of offering broadband service at or above 10/1 Mbps, irrespective of the project’s technology.

“Low-income areas” means areas identified by the median income within a Census Block Group having median income less than the CARE standard for a household of 4, which will be updated annually. Through May 31, 2021, this value is \$52,400.<sup>5</sup>

"Low-income customers" are households with incomes that would qualify for California Alternate Rates for Energy (CARE) pursuant to Pub. Util. Code §739.1(a) and D.16-11-022 at 18 (or as updated in a successor decision). As noted above, for a household of four the income threshold is \$52,400 through May 31, 2021. The threshold is updated regularly in the CARE proceeding, A.19-11-003, et. al.

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<sup>5</sup> The Commission’s CARE program standard applies per household. We assume a household size of four persons. <http://www.cpuc.ca.gov/General.aspx?id=976>

"Low-income plans" are subscriptions costing no more than \$15 per month, consistent with Section 2.2 of this document (Funding Criteria).

An "unserved" area means an area for which no fixed facility-based broadband provider offers broadband service at speeds of at least 6 mbps downstream and 1 mbps upstream.<sup>6</sup> If a Consortia Region has met the goal 98 percent broadband deployment at served speeds of 6 mbps downstream and one mbps upstream, an unserved area will be a census block where no facility-based broadband provider offers broadband service at speeds of at least 10 mbps downstream and one mbps upstream.

"Unserved households with slow-service" means households' having service at speeds greater than 768 Kbps down or 200 Kbps up but less than 6 Mbps down or 1 Mbps up.

"Unserved households with no-service" means households' having speeds less than 768 Kbps down or 200 Kbps up, no service, or dial-up service.

#### **4. Who May Apply**

The following entities are eligible for a CASF Infrastructure Account grant:

- 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

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<sup>6</sup> Pub. Util. Code section 281(b)(1)(B). To determine if an area is unserved, the Commission will rely on both broadband deployment data and subscriber data submitted to the Communications Division as part of the annual broadband data collection efforts. Staff will use subscriber data to validate a provider's deployment data. For a census block to be served by a provider, the provider must submit deployment data indicating that it offers serves speeds to at least one household in that census block AND subscriber data indicating that it has one subscriber in that census block.

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, T-17443 and \_\_\_\_ [insert decision number of the PD]\_\_\_\_ )

- A local governmental agency if no other eligible entity applied.<sup>7</sup>

In addition, the Commission will consider applications from satellite service providers able to meet the minimum performance criteria. A local governmental agency may be eligible for an infrastructure grant only if the infrastructure project is for an unserved household or business, the Commission has conducted an open application process, and no other eligible entity applied.

The statute allows a Publicly Supported Community (PSC) eligible for funding via the Public Housing Account to submit an application for funding from the Infrastructure Account only after all funds available for the Public Housing Account have been awarded.<sup>8</sup> Those applications will continue to be reviewed subject to the rules and guidelines established for the Public Housing Account.

## **5. Eligible Projects**

In addition to serving an area defined as unserved, including “unserved households with slow service” and “unserved households with no service,” the following items also impact project eligibility.

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<sup>7</sup> For the purposes of this program, tribal governmental entities may also apply for CASF grants. Because the statute does not address specifically tribal governmental entities, which are sovereign, and distinctly different, we will provide them with the same treatment as local government agencies.

<sup>8</sup> Pub. Util. Code section 281(i)(2), (3).

### **5.1. Treatment of CAF II Areas**

The CAF II program has sunset. CASF program rules relating to the CAF II program are thus no longer needed in these guidelines and have been removed to increase readability.

### **5.2. Treatment of Rural Digital Opportunity Fund Areas**

CASF rules relating to Rural Digital Opportunity Fund Areas were adopted in D.21-01-003. Those rules are generally self-contained and not addressed in these guidelines. However, the open access reporting and decision enforcement guidelines (Sections 5.5.4 and 5.5.3, respectively) do apply to projects completed pursuant to D.21-01-003.

### **5.3. Right of First Refusal**

Any provider wishing to exercise its Right of First Refusal must submit a letter by January 15<sup>th</sup> of each year to the Communications Division Director with a copy to the CASF distribution service list, expressing its intent to upgrade services within 180 days. The letter also must include the following information:

- Area claimed pursuant to ROFR:
  - Must be a contiguous eligible area that includes all serviceable locations that fall within the area;
  - Must be submitted as a collection of individual locations and as a shapefile of the project area. Data must be submitted via comma-separated value (.csv) or geospatial file (e.g., shapefile, .kml, or .kmz file);
- Locations designated for broadband deployment by official street address (if one exists), geographic coordinates (latitude/longitude), census block code (GEOID field), and subscriber type in a .csv or geospatial file (e.g., shapefile, .kml, or .kmz file);
- The number of locations to be served, by subscriber type;
- A commitment to ensure that all locations within the claimed area will have the capability to receive minimum speeds;

- An estimate of the date (within the 180-day statutory requirement) by which the deployment will be completed with service available to the public;
- Proof that the provider is an existing facility-based provider in the area for which it claims ROFR. This proof may come in the following forms:
  - The company submitted data during the most recent California broadband data collection, and its submittal includes at least one validated in-service subscriber location within the area of its ROFR claim;
  - The company claiming ROFR has a video franchise under DIVCA, the area it claims in the ROFR submission is part of its DIVCA footprint, and it already offers video service in that area;
  - The company claiming ROFR is an ILEC and the area it claims in the ROFR is an unserved area within its wire center region;
  - If the company is a wireless internet service provider (WISP) and it has unserved subscribers in-service in an eligible area.;
- If the area claimed pursuant to ROFR includes any partial census blocks:
  - Attestation that the provider waives its right to challenge future CASF projects proposing to serve portions of these census blocks that do not fall with the area claimed pursuant to ROFR and are unserved.

The Commission has delegated to Communications Division Staff the responsibility to approve or deny each ROFR filing. Staff will post determinations by January 31 of each year. Letters containing incomplete information or not filed in a timely manner will be denied.

As provided in Pub. Util. Code Sec. 281(f)(4)(A)(iii), if the existing facility-based broadband provider (“existing provider”) is unable to complete the deployment of broadband within the delineated unserved area within 180 days, the provider shall provide the Commission with information to demonstrate what progress has been made or challenges faced in completing the deployment. A ROFR may be extended for 180 days if deployment is held up due to permitting issues and

environmental review, weather or other acts of God. If the Commission finds that the provider is not making progress towards completing the deployment, the delineated unserved area will be eligible for CASF funding.

#### **5.4. Middle Mile Funding**

Pub. Util. Code Section 281 (f)(5)(B) states that projects that only deploy middle-mile infrastructure are not eligible for grant funding. For a project that includes funding for middle-mile infrastructure, the Commission is required to verify that the proposed middle-mile infrastructure is indispensable for accessing the last-mile infrastructure.

If Staff finds existing middle-mile infrastructure in a proposed project area where an applicant proposes to construct new infrastructure, Staff will ask the applicant to justify its request and explain why the existing middle-mile facilities cannot meet the needs of the last-mile infrastructure or the needs of the community. A project requesting middle mile funding may also be challenged by owners of middle mile facilities in the area. If an application proposing to build middle-mile infrastructure to offer last-mile service is not challenged, that is a strong indication that the middle mile funding applied for is indispensable to the project.

In some instances, there may be relevant middle mile facilities in the area, but the applicant and the owner of the middle mile facilities are unable to agree to prices or other terms for wholesale services that will enable delivery of last-mile service at reasonable quality and price levels. For middle mile facilities subject to the open access requirement set forth in Section 5.5, the applicable open access rules and decision enforcement processes will apply. If the parties are unable to come to an agreement even after the applicant has filed a complaint and the Commission has issued a decision on the matter, or if the open access requirement does not apply, the Commission will make a discretionary decision. Staff will draft a resolution for Commission approval on a case-by-case basis. In a situation where a provider is unwilling to offer service, or only offers service at exorbitant prices, the Commission will find that the proposed middle-mile build is indispensable to the project.

Regarding whether leasing or purchasing of middle-mile facilities and services for terms beyond five years (e.g., Indefeasible Right to Use (IRU) for 20 years) are allowable or even preferred over building new infrastructure, the Commission adopts rules to reimburse these services.

## **5.5. Open Access**

For projects awarded CASF funding to deploy middle-mile infrastructure, the middle-mile segment(s) are deemed open access for the duration of the lifetime of that infrastructure. Open access requires that CASF funded middle-mile infrastructure be made available to provide nondiscriminatory interconnection and internet access at reasonable and equal terms to any communications service provider that wishes to interconnect with that infrastructure, wherever technically feasible.<sup>9</sup> This open access requirement only applies to grants awarded on or after the effective date of the decision adopting the requirement, except as otherwise noted in Section 5.2 of these guidelines.

### **5.5.1. Interconnection**

CASF grant recipients subject to the open access requirement must provide open access at any technically feasible interconnection point along the network. Open access may be infeasible in some cases, such as when interconnection would exceed current or reasonably anticipated capacity limitations, in instances of a fiber run over many miles with no splice points, or when the desired interconnection location is physically inaccessible. 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 CASF recipient's facilities 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, splice points, within 500 meters of a highway

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<sup>9</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).

interchange, and where wireline infrastructure has been damaged and repairs 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, and type of fiber.

CASF grant recipients must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection. In addition, CASF grant recipients must provide requesting parties with an ability to connect to the Internet irrespective of whether the CASF grant recipient connects to the Internet directly or indirectly.

### **5.5.2. Pricing**

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. CASF grant recipients must offer tiered pricing or a range of options to fit different business models; offerings must be equivalent for all similarly situated entities such as Wholesale (ISP) / Government / 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.

CASF grant recipients shall negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.<sup>10</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.

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<sup>10</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>

### **5.5.3. Open Access Decision Enforcement**

In the event that the CASF grant recipient fails to comply with the open access requirement in accordance with the terms of approval granted by the Commission, or in the event that the CASF grant recipient does not negotiate in good faith with a requesting party, the requesting party may file a complaint with the Commission. 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 for recipients of state-federal leveraging grants.

### **5.5.4. Open Access Reporting**

For the serviceable life of the middle-mile infrastructure, the CASF 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 party, 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 the Commission in D.21-01-003.

### **5.6. Previous CASF Areas**

In areas where the Commission has already awarded a CASF grant, new CASF grant funding for broadband projects in the same area will be available only after three years from the start of broadband service of the first CASF-funded project in order to ensure that existing grantee(s) are able to realize returns on their investment.

## **6. Performance Criteria**

At a minimum, all CASF Infrastructure projects must meet the performance criteria outlined below:

- **Project Completion:** All CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct.

- Pricing: All applicants shall commit to serve customers in the project area at the prices provided in the application for two years after completion of the project.
- Speeds: All households in the proposed project areas must be offered a broadband Internet service plan with speeds of at least 10 Mbps download and 1 Mbps upload.
- Latency: All projects shall provide service at a maximum of 100 ms of latency.
- Data Caps: All projects implementing data caps shall provide a minimum of 190 GBs per month.
- Affordability: All projects shall provide an affordable broadband plan for low-income customers.

## **7. Reimbursable Expenses**

Pub. Util. Code section 281(f)(11)(A-C) define the costs the Commission may reimburse as follows:

- Costs directly related to the deployment of infrastructure;
- Costs to lease access to property or for Internet backhaul services for a period not to exceed five years; and
- Costs incurred by an existing facility-based broadband provider to upgrade its existing facilities to provide for interconnection.

Additionally, administrative expenses directly related to the project shall be capped at 15 percent of the grant amount.<sup>11</sup>

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<sup>11</sup> 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 a Commission exemption included in a draft resolution.

## 8. Information Required from Applicants

A single CASF Grant Application is to be submitted by each applicant for any eligible project areas. Non-contiguous project areas may be considered as a single project. Project applications can include either or both wireline and wireless technologies. Applicants proposing projects with middle-mile infrastructure must show that it is indispensable for accessing the last-mile infrastructure and must commit to open access requirements. In order to be reviewed, all applications must include the items listed below.

### 8.1. Application Item 1 – Project Summary (Distributed Publicly)

The applicant must submit a Project Summary, which Communications Division Staff will post on the CASF webpage. The applicant also must submit the Project Summary to the CASF Distribution List. The summary must include the following information:

- Company/Applicant's name.
- CPCN/U-Number or WIR or pending CPCN/WIR application number.<sup>12</sup>
- Contact person.
- Project title.
- Named project location (Community/County).
- Project type (Last-mile or Hybrid Last-mile/Middle-mile).
- Amount of CASF grant funding requested and project cost.
- Map of the proposed project area.
- The number of unserved households with no-service and the number of unserved households with slow-service for which the project will provide service.
- If the project is requesting dial-up-only funding, it must state the number of households with dial-up-only service and the number of other CASF-eligible households.

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<sup>12</sup> A CPCN or WIR authority is not necessary to apply or be awarded a CASF grant. CPCN/WIR information is available at [www.cpuc.ca.gov/General.aspx?id=1019](http://www.cpuc.ca.gov/General.aspx?id=1019)

- The maximum Mbps downstream and upstream speed currently offered to households.
- Median Household Income of the project area.
- The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service.
- 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 breakdown of aerial and underground installation.
- Major equipment expenses (e.g., number of DSLAMs, multiplexers, etc.).
- 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.
  - The project description will provide enough construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contains any environmentally sensitive areas. For example, when trenching is required, the applicant will state and describe the manner in which the site is to be restored, post-trenching.
  - Identification of the leveraging of existing available facilities (e.g., interconnection in lieu of overbuilding existing facilities of another provider).
  - A statement of whether the applicant is disputing the Broadband Map depiction of served status.
  - A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review.

- An explanation of why any Middle Mile facilities in the proposed project are “indispensable” for accessing the proposed last-mile infrastructure.
- A statement accepting the open access requirements for any Middle Mile facilities in the proposed project.

The applicant may also use this summary information in its adoption and outreach efforts, i.e., in soliciting local government and community support for the proposed project, in disseminating information to their proposed communities/areas.

## **8.2. Application Item 2 – Applicant Entity Information**

The applicant must provide the following information, as necessary:

- Information Sheet (Attachment A to this document) with a Certificate of Good Standing issued by the Secretary of State;
- Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband;
- Key Contact Information (Name, Title, Address, Email Address, and Phone number);
- Key Company Officers.

## **8.3. Application Item 3 – Description of the Applicant’s Current Broadband Infrastructure and Existing Infrastructure in the Area**

The applicant must provide:

- A description of the provider’s current broadband infrastructure and service within five miles of the proposed project;
- A description of other providers’ infrastructure within the project area which can be leased, purchased or accessed via interconnection.

## **8.4. Application Item 4 – Project Location Data**

The applicant must provide the following:

- The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values

(CSV format) file, or kmz/kml file or shapefile, that contains geo-located street address information, including latitude and longitude coordinates.<sup>13</sup> Additional information about how to format this item is available on the CASF webpage;

- The geographic location of the project related key network equipment, such as; DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etcetera. Additional information about how to format this item is available on the CASF webpage.
- The specific geographic boundary of the project area within which all project locations will fall (shapefile or .kml).

### **8.5. Application Item 5 - Median Income**

The applicant must report the median household income for each Census Block Group (CBG) that intersects the project area. 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 income and CBG code can be obtained. For reference, CBG 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:<sup>14</sup>

<u>State CA</u>	<u>County</u>	<u>Tract</u>	<u>Block Group</u>
2 digits	3 digits	6 digits	1 digit

### **8.6. Application Item 6 – Project Eligibility**

The applicant must rely on the Broadband Map to identify project eligibility and that the project reported households (CSV file referenced in Application Item 4) are within eligible census blocks (unserved blocks that are not within a CAF II, ROFR or existing CASF project area). Eligible projects must offer broadband

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<sup>13</sup> There are a several possibilities for acquiring geolocated street address level data. This document from USAC provides an overview of geolocation methods:

[http://www.usac.org/\\_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf](http://www.usac.org/_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf)

<sup>14</sup> For example, a census block in the town of Fort Bidwell in Modoc County is 060490040001.

service at or above 10 Mbps downstream and 1 Mbps upstream, irrespective of the project's technology. The applicant must:

- Provide an assertion that the applicant reviewed the wireline, fixed-wireless and mobile served status on the Broadband Map and determined that the broadband project area proposed is eligible.
- The applicant may provide CalSPEED tests to show actual speeds or denials of service or other public feedback as evidence on unserved status. The Commission's public feedback tools are available on the Communications Division website: [www.cpuc.ca.gov/General.aspx?id=5868](http://www.cpuc.ca.gov/General.aspx?id=5868). Such evidence may be used to dispute the Broadband Map depictions of served status.

### **8.7. Application Item 7 - Deployment Schedule**

The applicant must provide:

- A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable.
- A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA. The schedule needs to identify and describe construction milestones and include start and end dates for each milestone.
- If the applicant is unable to construct and complete the proposed project within the approved timeline, it must notify CASF staff as soon as it becomes aware and explain reasons for the delay and when the project will be completed.

### **8.8. Application Item 8 - Proposed Project Expenditures**

The applicant must provide:

- Identification of expense categories; direct and or indirect expenses;
- Identification of direct expenses; equipment/materials, labor/construction wages and permitting/CEQA review;

- Identification of individual cost elements and their cost amount with associated costs for last-mile and middle-mile infrastructure separated. The applicant must identify all the equipment to be funded by the CASF by category, (buildings, towers and poles, network and access equipment, operating equipment, customer premise equipment, materials), and the type of equipment (new building, prefabricated building, rehab of existing building, new towers or poles, modification towers and poles, broadband switching equipment, cable, etc.);
- Identification of allocated indirect costs; General and Administrative expenses, such as; repair & maintenance expenses for equipment and facilities, utilities, rent of equipment and facilities, administrative costs, indirect materials and supplies, insurance on equipment & machinery, indirect labor and contract supervisory wages, production period interest expense;
- Administrative expenses, including executive salaries, are limited to 15 percent of the total grant amount. 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.

### **8.9. Application Item 9 – Economic Life of All Assets to be Funded**

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).

### **8.10. Application Item 10 – Letter of Credit Requirement**

An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit. The Letter of Credit must be irrevocable and will permit the Commission to immediately reclaim any funds provided in

the event of non-compliance with the Commission's rules or requirements. The applicant must provide a letter of credit covering the full CASF grant amount issued to the applicant. The letter of credit must be valid throughout its entire 24-month project construction period.

### **8.11. Application Item 11 – Pricing Commitment**

Applicants must submit the fixed monthly service subscription rates that it will offer to all consumers during a 24-month period following completion of the project. To encourage adoption, installation charges must be waived during the commitment period. After this 24-month period, the service provider may revise their generally applicable service rates and reinstate installation/connection charges for new service connections. The applicant shall identify in its application:

- Fixed monthly service level subscription rates.
- Waived installation/service connection charges.
- Specify any commitments and/or requirements that the customer must accept in order to receive equipment during the commitment period, such as return of equipment.
- Low-income broadband plan detailing prices and speeds to be offered. At minimum, the low-income broadband plan must meet all CASF performance criteria.

Applicants requesting funding for middle-mile infrastructure must submit a framework identifying open access offerings including tiered pricing structures and the standard terms and conditions that will be available to entities requesting interconnection.

### **8.12. Application Item 12 – Marketing/Outreach Plan**

The applicant must provide a plan to encourage subscription of the broadband service in the project location. The submission shall explain the marketing and outreach plans the applicant will employ to attract residents to sign up for service during the pricing commitment period.

### **8.13. Application Item 13 – Government and Community Support**

The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.

### **8.14. Application Item 14 – Funding Sources**

The applicant must identify each applicable project funding source, such as; loans, financial contributions from the service provider, public or private broadband adoption or deployment program funds, and federal and state grants or loans.

### **8.15. Application Item 15 - Financial Qualifications**

The following must be submitted by applicant regarding the company:

- CPA Audited/Attested Financial Statements for the last three years:
  - Balance Sheet
  - Income Statement
  - Statement of Cash Flows
- Pro Forma Financial Forecast for a five-year period, including a list of assumptions supporting the forecast. Projections must include:
  - Balance Sheet
  - Income Statement
  - Statement of Cash Flows
- Five-year annual EBIT (Earnings Before Income and Tax) projection for the company.

CPA Audited or Attested Financial Statements will be accepted from parent companies in lieu of financial statements from subsidiaries that have no audited or attested financial statements. If applicant has been in existence for less than three years, financial statements for as long as applicant has been in existence, e.g. one or two years, will be accepted.

### **8.16. Application Item 16 – Project Viability**

The applicant must provide a five-year projected project business plan showing project profitability, revenues, and expenses. Include an EBIT for the project overall. The project viability forecast must include projected revenue from customers, showing changes in subscriptions and service rates and charges through the pricing commitment period and the period thereafter, years three through five, as applicable.

### **8.17. Application Item 17 – Providing Voice Service**

The applicant must provide information about the following:

- Availability of voice service that meets FCC standards for E-911 service and battery back-up;
- Listing of types of voice services offered; and
- Timeframe of voice offering(s).

### **8.18. Application Item 18 – CEQA Attestation**

The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained. The applicant shall attest that they have contacted the Commission's Energy Division CEQA section in advance of the filing and have consulted with CEQA Staff regarding the process of developing and filing a Proponent's Environmental Assessment (PEA) or other CEQA documents and are aware of their responsibilities if their proposed project is not exempt from CEQA. Information on PEA and CEQA requirements is available on the Commission's website at: [www.cpuc.ca.gov/ceqa](http://www.cpuc.ca.gov/ceqa).

### **8.19. Application Item 19 – Application Checklist**

An applicant must complete the CASF Application Checklist Form and attach it to each project proposal. (See Attachment B to this document.)

## 8.20. Application Item 20 – Affidavit

Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. (See Attachment C to this document.)

## 9. Submission and Timelines

Applications are due annually on April 1. Staff then has six months to process all applications. If by October 1 an application has not been approved by Staff under its Ministerial Review authority, nor has Staff published a Draft Resolution recommending Commission approval, the application is deemed denied, though it may be eligible for approval the next year.

In the event the Commission receives a small number of applications, the Commission delegates to Communications Division Staff the option, but not the obligation, of opening a second shortened application round in a year. Applications during this round must meet the criteria outlined in the Ministerial Review Section. Any applications submitted during this special round receiving a complete and timely challenge are automatically denied.

### CASF Infrastructure Account Timeline

Event	Date <sup>15</sup>
Broadband Availability Map Published	November/December
Right of First Refusal Submission Deadline	January 15
Filing Deadline for CAF Providers to indicate blocks that will not be served using CAF support, blocks that will be served using CAF support and blocks that have not yet been determined	January 15
Communications Division Staff Publishes ROFR Determination and Updates to Broadband Availability Map	January 31
CASF Infrastructure Account Application Deadline	April 1

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<sup>15</sup> In the event any date falls on a weekend or holiday, the deadline is the next business day.

Deadline for CD Staff to post Application Summaries and Maps to CPUC website and notify CASF Distribution List	April 15
Deadline for Challenge Submissions	May 6
Deadline for Communications Division Staff to Announce if it will offer a second application round	May 15
Deadline for Application Approvals Under Ministerial Review	October 1
Deadline for publishing Draft Resolutions recommending Project Approval	October 1

Applicants should electronically file their completed applications at <http://www.cpuc.ca.gov/puc/> and mail a separate hard copy to the Communications Division, Attn: California Advanced Services Fund, and mail another hard copy to the Public Advocates Office at the CPUC. Since applications are not filed with the Commission’s Docket Office, they will not be assigned proceeding number(s).

Communications Division Staff may create subsequent filing periods if applications do not exceed the available funds. After considering all of the applications for unserved areas received by the initial deadline for the first application window and if funds are still available, Communications Division Staff will consider applications for underserved areas subject to the availability of remaining CASF funds.

Any party that challenges a proposed area or CBG as already served or not underserved must provide documentation that the area or CBG is in fact already served and not underserved (e.g., maps or a copy of a customer bill). Communications Division Staff will then investigate this information, along with the applicant’s documentation supporting its assertion that the CBG is unserved or underserved. Communications Division Staff will inform the applicant of the challenges filed on its application and provide the challenger’s name and all information submitted. Once Communications Division Staff makes a final determination, it will notify the applicant of its determination.

If a challenged census block (or CBG) is determined to be “served” or not underserved, the applicant has the option to submit a modified application either

for the same area (provided that the parts of the CBG that are not “unserved” are omitted from project cost and budget considerations) or for only those parts of the CBG that are unserved.

Entities who challenged applications submitted must submit maps of their service area(s) and addresses of households in their service area(s) to enable staff to verify the challengers’ allegation that the area(s) are already served and not underserved.

## **10. Posting of Applications**

The Commission will post a list of all pending applications, challenge deadlines, and notices of amendments to pending applications on the CASF webpage. The Commission already has a CASF distribution list of interested parties, and will continue to notify the distribution list of interested parties for any CASF applications. The Commission will serve applications and any amendments to an application for project funding to those on the service list and post on the CASF webpage at least 30 days before publishing the corresponding draft resolution.

## **11. Project Challenges**

Pursuant to Public Util. Code Sec. 281(f)(8), the Commission shall provide each applicant, and any party challenging an application, the opportunity to demonstrate actual levels of broadband service in the project area, which the Commission will consider in reviewing the application.

An entity challenging a CASF Infrastructure Grant application must submit its complete challenge no later than 21 calendar days from the notice of the application being served on the CASF Distribution List. Challengers must provide a public notice of the challenge to the CASF Distribution List and submit the confidential challenge report to the Communications Division Director, inclusive of the following:

- The geographic location of all households it serves in the challenged area(s). This information must be provided in a plain-text, comma-separated values (CSV) file, that contains geo-located street address information, including latitude and longitude coordinates.

- Customer billing from one subscriber in each census block of the challenge indicating that the customer received served speeds at least one day prior to the application filing. Additionally, the billing statement must contain sufficient information so that Staff can verify it with the customer.
- An attestation that the households identified in (a) are offered service and have the capability to receive minimum speeds of 6 Mbps download and 1 Mbps upload.

The Commission has delegated to Communications Division Staff the authority to uphold or deny a challenge. Staff will inform the applicant of its determination of the challenge based on the confidential challenge report. Incomplete challenges or challenges filed after the deadline will be deemed denied. As noted in Section 5.3, a provider that submits an ROFR claim for a partial census block waives its right to challenge proposals to serve portions of the block that are unserved and do not fall with the area claimed pursuant to ROFR.

In the unlikely event that an applicant proposes to expand its proposed project area after the challenge period has passed, and staff decides to consider this revision, the revised application must be served on the CASF Distribution List to allow interested parties the opportunity to challenge only the expanded areas of the project.

## **12. Ministerial Review**

The Commission delegates to Communications Division Staff the authority to approve applications, including determinations of funding, that meet all of the following criteria:

1. Applicant meets the program eligibility requirements.
2. The application is not challenged or Staff has determined that the project area is unserved.
3. The total grant does not exceed \$10,000,000.
4. The project must be California Environmental Quality Act (CEQA)-exempt, or approval letter must state that authorization

to construct and release funds will be provided in a forthcoming resolution.

5. There must be no competing applications for the same project area in the same application period.
6. Costs per household are low:
  - a. For projects building wireline connections, proposed project costs \$9,300 per household or less.
  - b. For fixed wireless projects, proposed project costs \$1,500 per household or less.

Applications not meeting these criteria may only be approved by the Commission via resolution. All applications shall be approved, denied, or marked for further review by the Commission (through a Resolution) within three months. If an application is neither approved nor marked for further review by the Commission, it shall be presumed denied.

Ministerial Process	Resolution Process
Maximum Cost / HH <ul style="list-style-type: none"> <li>• \$9,300 for wireline</li> <li>• \$1,500 for fixed wireless</li> </ul>	Does not meet all criteria under Ministerial Process
Maximum Grant Amount: \$10,000,000	
Must be CEQA-exempt, or approval letter must state that authorization to construct and release funds will be provided in a forthcoming resolution.	

### 13. Semi-Annual and Completion Reporting

Grantees are required to file progress reports on a bi-annual basis. Progress reports are due on March 1 and September 1 of each year. In the event either date falls on a weekend or holiday, the reports are due the following business day. Progress reports shall contain the following:

- Description of project accomplishments during this period.

- Identification of project milestones and the percent complete to date. If the percent completed is different from the estimated target milestones from the CASF application, it is necessary to provide a narrative description explaining what occurred.
- Major construction milestones (including a reporting on all CEQA mitigation implementation and monitoring activities, if CEQA review was required), date of completion of each task/milestone as well as problems/issues encountered, and actions taken to resolve these issues/problems during construction (including CEQA compliance, if applicable).
- Description of any challenges or issues and any risks faced during this past quarter in achieving planned progress on the project, including environmental compliance and permitting challenges if applicable.
- Description of significant project milestones or accomplishments planned for next quarter.
- Subscribership information to date.
- Certification that each progress report is true and correct, under penalty of perjury.

Grantees also must submit completion reports prior to receiving the final payment. These reports shall contain the following:

- Comparison of approved versus actual costs of construction.
- Description of the project, including any changes in the project construction and alignment, if applicable.
- Milestones and completion dates for each milestone.
- Final date of completion of the project, problems/issues encountered since last semi-annual report and actions taken to resolve these issues/problems during construction (and comprehensive reporting on CEQA mitigation compliance, if applicable).
- Speed test data at the address level for the project area, including:
  - Test results for download and upload speeds;

- A representative sample of speed test results at dispersed locations in the project area, including locations at the edge of the project area; number of tests will vary based on project;
  - Maps and associated data of speed test locations and results in a .kmz/ .kml file, shapefile, or .csv spreadsheet.
  - A screenshot of results of CalSPEED speed tests, which can be accessed at <http://calspeed.org/index.html>;<sup>16</sup>
- An attestation that all locations within the project area are offered service at minimum speeds of 10 Mbps download and 1 Mbps upload or higher;
- Maps and associated data of all locations served
  - The geographic coordinates of all locations that are served. This information will be provided in a plain-text, comma-separated values (.csv) file, or .kmz/ .kml file or shapefile that contains geo-located street address information, including latitude and longitude, as well as census block code (GEOID);
  - Projected subscribers versus actual subscribers (by subscriber type), as of the date of the completion report;
  - The actual number of current subscribers by subscriber type and subscriber speed;
  - The potential number of subscribers of each type that could be served using the CASF project's existing facilities at the same minimum defined speed;
  - Both the number of low-income customers in the project area and the number of low-income customers subscribing to low-income plans;
  - Identification of the number of served locations in the project area that have broadband availability at or above the aforementioned minimum speeds;

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<sup>16</sup> The technically available speed at the location shall be tested, not a customer's subscribed speed

- Documentation of advertisements, billing inserts and marketing information, by speed tier and prices;
- Open access interconnections (if applicable)
  - The number of interconnection requests and executed service agreements.

## **14. Payment**

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.

If an application also meets the ministerial review criteria, a provider with a CPCN that wishes to front the full costs of a project in exchange for reduced reporting burdens may request an alternative payment structure. The one-time payment request must include a project completion report and receipts/invoices of major equipment and materials purchased, with labor costs and other items being line items reflecting the remaining total amounts charged to CASF. CASF Staff must conduct a site visit to confirm project completion prior to authorizing payment and these reimbursements are still submit to audit.

Grantees shall submit the final request for payment within 90 days after completion of the project. If the grantee cannot complete the project within the 24-month timeline, the grantee shall notify the Commission as soon as they become aware that they may not be able to meet the timeline and provide a new project completion date.

In the event that the recipient fails to notify the Communications Division of any delays in the project completion and the project fails to meet the approved

completion date, the Commission may impose penalties to be adopted in a Commission resolution. Invoices submitted will be subject to a financial audit by the Commission at any time within 3 years of completion of project. If portions of reimbursements are found to be out of compliance, Grantees will be responsible for refunding any disallowed amounts along with appropriate interest at rates determined in accordance with applicable Commission decisions.

## **15. CEQA Payment**

CEQA consultant costs shall be paid directly by the Commission to the contractor. Following award of a grant the Energy Division CEQA Section Staff will obtain a contractor to review the CEQA documents for the project. The CASF will pay directly the project's CEQA PEA preparation costs, but those costs will be identified as costs associated with the grant and will have no effect on the applicable shares of grantee assigned and program supported total project costs.

The applicant may file with the Energy Division's CEQA Section a completed CEQA review conducted by another agency acting as the Lead Agency pursuant to CEQA. Should this occur, grantees may request funds to pay for preparation of a PEA.

## **16. Execution and Performance**

Staff and the CASF grant recipient shall determine a project start date after the CASF grant recipient has obtained all approvals, commonly 30 days after approval of the resolution or ministerial review approval. Should the recipient or Contractor fail to commence work at the agreed upon time, the Commission, upon five days written notice to the CASF recipient, reserves the right to terminate the award.

In the event that the CASF recipient fails to complete the project, in accordance with the terms of approval granted by the Commission, the CASF recipient must reimburse some or all of the CASF funds that it has received. The CASF grant recipient must complete all performance under the award on or before the termination date of the award.

### **16.1. 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 CASF 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 CASF grants. The grantee shall not transfer CASF 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.

### **16.2. 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 CASF grant. The new entity shall agree in writing to such.

## **17. Compliance Changes Pursuant to CASF Performance Audit**

All applicants are required to sign a consent form agreeing to the terms and conditions of the CASF Infrastructure Grant Account. These will be stated either in the Resolution approving the project, or in a letter sent by Staff to the successful applicant. The agreement will provide the name of the applicant, names of officers and members, and must be signed by the applicant. The proposed wording of the consent form is in Attachment D to this document.

## **18. Penalties**

Non-telephone corporations, grantees must agree to the following language in the affidavit found in Attachment C to this document.

*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.*

**ATTACHMENT A**

**Information Sheet to be submitted by Applicants Requesting for CASF Funding**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

1 Application of:	
Name of Applicant	
for CASF Funding pursuant to Decision _____	
(Insert the full legal name of applicant in blank above; see instruction 1; attach fictitious names, if any)	
Street address:	
Telephone: (    )	Fax No.: (    )
E-Mail:	

2 Applicant is: (Check only one; see instruction 2.)	A corporation (attach good standing certificate)	<input type="checkbox"/>
	A general partnership (attach good standing certificate)	<input type="checkbox"/>
	A limited liability partnership (attach good standing certificate)	<input type="checkbox"/>
	A limited liability company (attach good standing certificate)	<input type="checkbox"/>
	A general partnership	<input type="checkbox"/>
	A sole proprietor	<input type="checkbox"/>
	A trust	<input type="checkbox"/>
	Other (describe)	<input type="checkbox"/>
Attach name, street address, and telephone number of applicant's registered agent for service of process <b>Attach list of the names, titles, and street addresses of all officers and directors, general partners, trustees, members, or other persons authorized to conduct the business of applicant at a similar level</b> <i>Attach list of all affiliated entities (see instruction 2)</i>		

3 Legal domicile of applicant is:	California	<input type="checkbox"/>
	Other (identify):	<input type="checkbox"/>
<i>(Check only one; see instruction 3.)</i>		

4 Applicant will provide service:	In specific portions only (attach description and map)	<input type="checkbox"/>
<i>(Check only one; see instruction 5.)</i>		

5. Applicant will provide broadband service only	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<i>(Check only one; see instruction 6.)</i>		

6. For the past 10 years, no affiliate, officer, director, general partner, or	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<p>person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with any company that filed for bankruptcy or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code or for any actions which involved misrepresentations to consumers, and to the best of applicant's knowledge, is not currently under investigation for similar violations.</p> <p style="text-align: center;"><i>(Check only one; see instruction 2.)</i></p>		

7. To the best of applicant's knowledge, neither	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<p>applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission, or any state regulatory agency for failure to comply with any regulatory statute, rule or order, or convicted by any court for any criminal activity for the past 10 years.</p>		

8. Applicant has the required financial capability and technical	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
expertise to build a broadband infrastructure and operate and maintain a broadband service.		

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

**Signed:** \_\_\_\_\_

**Name (Print):** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Street Address:**

**Telephone Number:**

**Fax Number:**

**Email:**

**Principal Place of Business (if different from address on page 1).**

**Street Address:**

**City:**

**State:**

**ZIP Code:**

**Telephone Number:**

**Instructions:**

1. Enter the legal name of applicant exactly as it appears on its articles or certificate of corporation or similar charter document.
2. Specify the type of applicant's organization. Applicant must provide a Good Standing Certificate which is available from the office of the Secretary of State of the State of California and should be dated of a date not more than 60 days prior to the date of filing the application. An original certificate must be attached to the manually signed copy of the application. An affiliated entity is any entity under common control with applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.
3. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
4. Specify the exact area for which authority is requested, i.e., Community and County.
5. Indicate whether the applicant will be providing broadband service only.

**Items 2, 6 and 7 are subject to confirmation by the Commission through the conduct of background check(s). For numbers 6 and 7, attach detailed description, if applicable.**

6. Detailed information should be provided for the past 10 years, if applicable.
7. Detailed Information should be provided for the past 10 years, if applicable.
8. Attach audited balance sheet for the most recent fiscal year and an unaudited balance sheet as of the most recent fiscal quarter, a bank statement as of the month prior to the date of filing the application, or a third-party undertaking to provide the required amounts on behalf of applicant. If the balance sheet shows current liabilities in excess of current assets or negative equity, explain how applicant will be able to maintain sufficient liquidity for its first year of operations. Attach detailed summary, if applicable.

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

## ATTACHMENT B

### CASF APPLICATION CHECKLIST (Required for EACH proposed project)

To assist the Commission in verifying the completeness of your proposal, mark the box to the left of each item submitted. Please note that the Checklist is intended only as an aid for applicants and Staff. Necessary information for many of these items can only be found in the Program Rules. This checklist incorporates Staff revisions made in 2019 to implement D.18-12-018.<sup>17</sup>

	1. Project Summary (This is the only section that will be released publicly, and may duplicate information collected elsewhere. All other items are considered confidential and will not be released publicly)
	Basic Project/Applicant Information, including: <ul style="list-style-type: none"> <li>• Company/Applicant's Name</li> <li>• CPCN/U-Number or WIR or pending CPCN/WIR application number, if applicable</li> <li>• Contact person</li> <li>• Project title</li> <li>• Named Project Location (community/county)</li> <li>• Project Type (Last-mile or hybrid last-mile/middle mile)</li> <li>• Amount of CASF grant funding requested and project cost</li> </ul>
	Map of the proposed project area
	The number of unserved households with no-service and the number of unserved households with slow-service for which the project will provide service
	If the project is requesting dial-up-only funding, it must state the number of households with dial-up-only service and the number of other CASF-eligible households
	The maximum Mbps downstream and upstream speed currently offered to households
	Median household income of the project area
	The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service
	A description of the major infrastructure to be deployed

<sup>17</sup> These revisions were originally made available in April 2019 at [https://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/Utilities\\_and\\_Industries/Communications\\_-\\_Telecommunications\\_and\\_Broadband/CASF%20InfrastructurePublished%20Rules%20Revised.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Communications_-_Telecommunications_and_Broadband/CASF%20InfrastructurePublished%20Rules%20Revised.pdf).

		Estimated breakdown of aerial and underground installation
		Major equipment expenses
		Estimated construction timeline
		<p>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:</p> <ul style="list-style-type: none"> <li>• Download speed capabilities of proposed facilities.</li> <li>• Upload speed capabilities of proposed facilities.</li> <li>• Sufficient construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contains any environmentally sensitive areas.</li> <li>• Identification of the leveraging of existing available facilities</li> <li>• A statement of whether the applicant is disputing the Broadband Map depiction of served status.</li> <li>• A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review.</li> <li>• An explanation of why any Middle Mile facilities in the proposed project are “indispensable” for accessing the proposed last-mile infrastructure.</li> <li>• A statement accepting open access requirements for any Middle Mile facilities in the proposed project</li> </ul>
		<b>2. Applicant Entity Information</b>
		Information Sheet (Attachment A of the Program Rules) with a Certificate of Good Standing issued by the Secretary of State
		Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband
		Key Contact Information (Name, Title, Address, Email Address, and Phone number)
		Key Company Officers
		<b>3. Description of the Applicant’s Current Broadband Infrastructure and Existing Infrastructure in the Area</b>
		A description of the provider’s current broadband infrastructure and service within five miles of the proposed project
		A description of other providers’ infrastructure within the project area which can be leased, purchased or accessed via interconnection

4. Project Location Data	
	The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values (CSV format) file, or .kmz/ .kml or shapefile, that contains geo-located street address information, including latitude and longitude coordinates.
	The geographic location of the project related key network equipment, such as; DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etcetera.
	The specific geographic boundary of the project area within which all household and housing unit project locations will fall (shapefile or .kml).
5. Median Income	
	The median household income for each census block group (CBG) that intersects the project area.
6. Project Eligibility	
	An assertion that the applicant reviewed the available data on the Broadband Map and determined that the broadband project area proposed is eligible.
7. Deployment Schedule	
	A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable
	A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA.
8. Proposed Project Expenditures	
	Identification of expense categories (direct or indirect)
	Identification of direct expenses
	Identification of individual cost elements and their cost amount.
	Identification of allocated indirect costs
9. Economic Life of All Assets to be Funded	
	The applicant must identify all the equipment to be funded by the CASF by category, the type of equipment, and the estimated useful life
10. Letter of Credit Requirement	
	An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit.

	11. Pricing Commitment
	Fixed monthly service level subscription rates
	Acknowledgement that any installation/service connection charges will be waived
	Any commitments and/or requirements that the customer must accept in order to receive equipment during the commitment period, such as return of equipment
	Low-income broadband plan detailing prices and speeds to be offered. At minimum, the low-income broadband plan must meet all CASF performance criteria
	12. Marketing/Outreach Plan
	The applicant must provide a plan to encourage subscription of the broadband service in the project location.
	13. Government and Community Support
	The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.
	14. Funding Sources
	The applicant must identify each applicable project funding source.
	15. Financial Qualifications
	CPA Audited/Attested Financial Statements for the last three years, including: <ul style="list-style-type: none"> <li>• Balance Sheet</li> <li>• Income Statement</li> <li>• Statement of Cash Flows</li> </ul>
	Pro Forma Financial Forecast for a five-year period, including: <ul style="list-style-type: none"> <li>• Balance Sheet</li> <li>• Income Statement</li> <li>• Statement of Cash Flows</li> </ul>
	Five-year annual EBIT (Earnings Before Income and Tax) projection for the company
	16. Project Viability
	The applicant must provide a five-year projected project business plan showing project profitability, revenues, and expenses.
	17. Providing Voice Service
	The applicant must provide information about the following: <ul style="list-style-type: none"> <li>• Availability of voice service that meets FCC standards for E-911 service and battery back-up;</li> <li>• Listing of types of voice services offered; and</li> <li>• Timeframe of voice offering(s).</li> </ul>

	18. CEQA Attestation
	The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained.
	19. Application Checklist
	This is the Application Checklist; please check the boxes as you complete the sections, and include the complete Checklist with your application.
	20. Affidavit
	Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. (See Attachment C of the Program Rules.)

Applications are due annually on April 1<sup>st</sup>.  
Submit completed applications online at <http://www.cpuc.ca.gov/puc/>  
with hard copies mailed separately to:

Communications Division  
***Attn:*** California Advanced Services Fund  
California Public Utilities Commission  
505 Van Ness Ave.  
San Francisco, CA 94102

Public Advocates Office at the CPUC  
***Re:*** California Advanced Services Fund  
California Public Utilities Commission  
505 Van Ness Ave.  
San Francisco, CA 94102

**ATTACHMENT C**  
**Telephone Corporations**  
**NOTARIZED AFFIDAVIT**

Name of Carrier/ Company \_\_\_\_\_  
Utility Identification Number \_\_\_\_\_ or \_\_\_\_\_ check here if Application for  
CPCN is pending and the CPUC assigned application no., if available.  
My name is \_\_\_\_\_. I am \_\_\_\_\_ (Title) of  
\_\_\_\_\_ (Company). My personal knowledge of the facts stated  
herein has been derived from my employment with \_\_\_\_\_  
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application  
for the California Advanced Services Fund, I am competent to testify to them, and I  
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [Name of Carrier/ Company]  
agrees to comply with all federal and state statutes, rules, and regulations, covering  
broadband services and state contractual rules and regulations, if granted funding from  
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public  
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public  
Utilities Commission's Rules of Practice and Procedure, that, to the best of my  
knowledge, all of the statements and representations made in this Application are true  
and correct.

\_\_\_\_\_  
Signature and title

\_\_\_\_\_  
Type or print name and title

**SUBSCRIBED AND SWORN** to before me on the \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_.

Notary Public In and For the State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Non-Telephone Corporations**  
**NOTARIZED AFFIDAVIT**

Name of Carrier/Company \_\_\_\_\_  
Utility Identification Number \_\_\_\_\_ or \_\_\_\_\_ check here if Application for  
CPCN is pending and the CPUC assigned application no., if available.  
My name is \_\_\_\_\_. I am \_\_\_\_\_ (Title) of  
\_\_\_\_\_ (Company). My personal knowledge of the facts stated  
herein has been derived from my employment with \_\_\_\_\_  
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application  
for the California Advanced Services Fund, I am competent to testify to them, and I  
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [Name of Carrier/Company]  
agrees to comply with all federal and state statutes, rules, and regulations, covering  
broadband services and state contractual rules and regulations, if granted funding from  
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public  
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public  
Utilities Commission's Rules of Practice and Procedure, that, to the best of my  
knowledge, all of the statements and representations made in this Application are true  
and correct.

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.

\_\_\_\_\_  
Signature and title

\_\_\_\_\_  
Type or print name and title

**SUBSCRIBED AND SWORN** to before me on the \_\_\_\_ day of \_\_\_\_, 20\_\_.

Notary Public In and For the State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**ATTACHMENT D**  
**CONSENT FORM**

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



Name of Grantee: \_\_\_\_\_

The California Advanced Services Fund (CASF) Grantee identified above acknowledges receipt of either a Resolution or a letter from Commission Staff approving a grant under the Ministerial Review process. The Grantee agrees to comply with all grant terms, conditions, and requirements set forth in Resolution T-\_\_\_\_\_ or letter \_\_\_\_\_, as well as all CASF rules, including those in the Broadband Infrastructure Accounts Requirements, Guidelines and Application Materials.

Undersigned representative of \_\_\_\_\_ [Name of Grantee] is duly authorized to execute this Consent Form on behalf of the Grantee and to bind the Grantee to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution T-\_\_\_\_\_ or the letter referenced above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Title: \_\_\_\_\_

Organization or Name of Company: \_\_\_\_\_  
\_\_\_\_\_

Business Address (include street address, suite/apt. number, city, state, and ZIP Code):  
\_\_\_\_\_

Telephone Number (include area code): (\_\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

## **ATTACHMENT E**

### **SAMPLE ISSUES STAFF SHOULD ADDRESS IN IMPLEMENTING OPEN ACCESS REQUIREMENT**

The Middle-Mile infrastructure is eligible for a CASF grant. Staff determined the middle-mile infrastructure is indispensable to serving the proposed project areas and thus eligible for CASF Funding pursuant to Pub. Util. Code § 281(f)(5)(B). The CASF funded portion of the middle-mile fiber network shall be made available for access to any communications service provider seeking interconnection. The grantee shall provide nondiscriminatory interconnection and internet access at reasonable and equal terms at any technically feasible interconnection point along the network. Further, the grantee must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection.

An interconnection that would exceed current or reasonably anticipated capacity limitations is not considered technically feasible. The grantee shall provide feasible interconnection points along the middle-mile network, which may include previously defined interconnection points, new and existing network exchange locations, and splice points. The grantee shall provide information detailing the fiber infrastructure to parties requesting to procure dark fiber including, but not limited to, fiber route maps, interconnection points, splice points, and type of fiber. In addition, the grantee must provide requesting parties with an ability to connect to the Internet irrespective of whether the CASF recipient connects to the Internet directly or indirectly.

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. The grantee must offer tiered pricing or a range of options to fit different business models; offerings must be the same for all similarly situated interconnected entities such as Wholesale (ISP) / Government / Public Anchor Institution. Terms and conditions may include any essential elements of network operations such as cybersecurity, circuit provisioning, network outages, future capital investment costs, and operations and maintenance costs. CASF recipients must negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection services.

In the event that the CASF recipient does not negotiate in good faith with a party requesting open access, the requesting party may file a complaint with the Commission.

#### **Annual Reporting**

For the serviceable life of the middle-mile infrastructure, a grantee 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 party, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions.

**(END OF APPENDIX A)**

## **APPENDIX B**

### Redlined Changes to CASF Program Guidelines<sup>1</sup>

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<sup>1</sup> Automatically generated as a courtesy to the reader. Does not show formatting or table of contents changes; contains artifacts of the automatic generation process.

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Attachments:

Attachment A – Information Sheet

Attachment B – Application Checklist

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Attachment D – Consent Form

Attachment E – Sample Open Access Requirement

## 1. Background

~~On October 15, 2017, the Governor signed AB 1665 (Garcia)<sup>2</sup> into law. This urgency legislation amended the statutes governing the CASF program, Pub. Util. Code §§ 281, 912.2, and 914.7. On February 14, 2018, assigned Commissioner Martha Guzman Aceves issued an Amended Scoping Memo and Ruling (Amended Scoping Ruling) which set forth the amended procedural schedule and scope of this proceeding. In summary, AB 1665 makes the following specific changes to the Broadband Infrastructure Grant Account:~~

- ~~• Extends the date of the CASF goal from 2015 to 2022 and modifies the goal to approve funding for broadband infrastructure projects that will provide broadband access to no less than 98 percent of California households in each consortia region, as identified by the Commission as of January 1, 2017, instead of 98 percent statewide. Pub. Util. Code § 281(b)(1)(A)~~
- ~~• Requires the Commission to approve projects that provide last mile broadband access to households that are unserved by an existing facility based broadband provider. Pub. Util. Code § 281(b)(2)(A)~~

~~Specifies that projects that only deploy middle mile infrastructure are not eligible for grant funding. For a project that includes funding for middle mile infrastructure, the Commission is required to verify that the proposed middle-mile infrastructure is indispensable for accessing the last mile infrastructure. Pub. Util. Code § 281(b)(3)(A).~~

~~The CASF program was first authorized in 2007 via California Public Utilities Commission (Commission) Decision (D.) 07-12-054. The Legislature subsequently codified the program in California Public Utilities Code (Pub. Util. Code) Section 281, and later modified the program via subsequent legislation. Pub. Util. Code § 281 directs the Commission, among other things, to “encourage deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies....” (Pub. Util. Code § 281(a)). Legislative modifications and other program refinements were implemented in Rulemaking (R.)12-10-012. Additional~~

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<sup>2</sup> Ch. 851, Stats. 2017.

modifications have been implemented in R.20-08-021. CASF consists of the following accounts and programs:

- Broadband Infrastructure Grant Account
- Line Extension Program
- Rural and Urban Regional Broadband Consortium Grant Account
- Broadband Public Housing Account
- Broadband Adoption Account
- Tribal Technical Assistance

This document represents the most up to date program guidelines for the Broadband Infrastructure Grant Account. It incorporates modifications related to open access and data submission requirements, modifications adopted in D.18-12-018, non-substantive revisions to reflect the passage of time, and typographical edits.

- ~~Util. Code § 281(f)(5)(B)~~
- ~~Requires the Commission to give preference to projects in areas where Internet connectivity is available only through dial-up service that are not served by any form of wireline or wireless facility based broadband service or areas with no Internet connectivity. Pub. Util. Code § 281(b)(2)(B)(i) However, the Commission is not prohibited from approving funding for projects outside of the areas that are designated as prioritized.~~
- ~~Requires the Commission to recognize that broadband advanced communication services include both wireline and wireless technologies. Pub. Util. Code § 281(f)(1)~~
- ~~Requires the Commission to annually offer existing facility based providers the opportunity to demonstrate that they will provide broadband access to delineated unserved areas within 180 days and prohibits the Commission from approving funding for a project in those areas also known as right of first refusal (ROFR), provided the existing provider demonstrates that it will deploy broadband or upgrade existing broadband service throughout the project area. Pub. Util. Code § 281(f)(4)(A)(i)~~

- ~~Specifies that Connect America Fund Phase II (CAF II) areas are ineligible for CASF funding until July 1, 2020, unless the existing facility based broadband provider has notified the Commission before July 1, 2020 that it has completed its CAF deployment in the census block, however, an existing facility based broadband provider is eligible to apply for CASF funding pursuant to the CAF II fund to expand broadband service within identified census blocks, as needed. Pub. Util. Code § 281(f)(5)(C)(i)~~
- ~~Requires the provider to provide the Commission with information to demonstrate what progress has been made or challenges faced in completing the deployment if the existing facility based broadband provider is unable to complete the deployment of broadband within the delineated unserved area within 180 days and allows the Commission to extend the time to complete the project beyond the 180 days if the Commission finds that the provider is making progress towards completing deployment. If the Commission finds that the provider is not making progress towards completing the deployment, the delineated unserved area shall be eligible for CASF funding. Pub. Util. Code § 281(f)(4)(A)(iii)~~
- ~~Requires the Commission to not disclose public information submitted by the facility based broadband provider that includes plans for future deployment but allows the Commission to disclose publicly information regarding the area designated for broadband deployment, the number of households or locations to be served, and the estimated date the deployment will be completed. Pub. Util. Code § 281(f)(4)(B)(i)~~
- ~~Requires projects eligible for grant awards to meet the following requirements: (a) deploy infrastructure capable of providing broadband access at speeds of a minimum of 10 megabits per second (Mbps) downstream and 1 Mbps upstream to unserved households in census blocks where no provider offers access at speeds of 6 Mbps downstream and 1 Mbps upstream; and (b) all or a significant portion of the project deploys last mile infrastructure to provide service to unserved households. Pub. Util. Code § 281(f)(5)(A)~~
- ~~Prohibits the Commission from granting projects that are already funded by the Connect America Fund program or other similar federal~~

~~public program that funds that infrastructure, except for funding from the federal high cost support programs that support operations, including High Cost Loop Support, Connect America Fund Broadband Loop Support (CAF-BLS), or the Alternative Connect America Cost Model (A-CAM). Pub. Util. Code § 281(f)(12)~~

- ~~• Specifies that the Commission may award grants to fund all or a portion of the project, and the Commission shall determine funding on a case-by-case basis. Pub. Util. Code § 281(f)(13)~~
- ~~• Specifies that the Commission may require each infrastructure grant applicant to indicate steps taken to first obtain any available funding from the CAF program or similar federal public programs. Pub. Util. Code § 281(f)(14)~~
- ~~• Allocates \$30 million remaining in the Infrastructure Grant account for projects that provide last mile broadband access to households at speeds of at least 10/1. Pub. Util. Code § 281(f)(15)~~
- ~~• Requires the Commission to post on the homepage of the CASF on its Internet website a list of all pending applications, application challenge deadlines, and notices of amendments to pending applications. Pub. Util. Code § 281(k)~~
- ~~• Requires the Commission to establish a service list of interested parties to be notified of any CASF applications. Any application and any amendment to an application for project funding will be served to those on the service list and posted on the Commission's Internet website at least 30 days before publishing the corresponding draft resolution. Pub. Util. Code § 281(f)(10)~~

## **2. Amount Available for Grants**

### **2.1. Background**

AB 1665, approved by the Governor on October 15, 2017, authorizes the Commission to collect an additional \$300 million to the Broadband Infrastructure Grant Account.<sup>3</sup> As of July 1, 2018, \$331 million remains in the Infrastructure

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<sup>3</sup> This includes \$5 million set aside for the Line Extension program.

Account's budget balance.<sup>4</sup> Upon the accomplishment of the program goal, AB 1665 also directs the Commission to reserve not more than \$30 million of Infrastructure grant funds for infrastructure projects that provide last-mile broadband access to households to which no facility-based broadband provider offers broadband service at speeds of at least 10/1.

## 2.2. Funding Criteria

PU Code Sec 281 (f)(~~13~~12) allows the Commission to fund all or a portion of a project, on a case-by-case basis. The Commission must consider "the location and accessibility of the area, the existence of communication facilities that may be upgraded to deploy broadband, and whether the project makes a significant contribution to achieving the program goal." The Commission may also consider any other factors it deems appropriate. Additionally, Pub. Util. Code Section (b)(2)(B)(i) requires the Commission to, "give preference to projects in areas where Internet connectivity is available only through dial-up service that are not served by any form of wireline or wireless facility-based broadband service or areas with no Internet connectivity."

To determine the funding level for a project, the Commission will consider the following factors:

- Areas with only dial-up or no Internet connectivity (Pub. Util. Code Section (b)(2)(B)(i) – project areas with no Internet connectivity are eligible for up to 100 percent funding. Projects requesting funding for dial-up-only areas must identify in their application the households that are and are not eligible, so that Staff may calculate the appropriate funding level.
- Location and accessibility of the area – Project areas meeting two of the following five characteristics:
  1. The proposed project area contains rugged or difficult terrain (e.g., mountains, desert, national or state forest);

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<sup>4</sup> The \$3.2 million remaining in the Broadband Infrastructure Revolving Loan Account unencumbered as of January 1, 2018, will be transferred to the Broadband Infrastructure Grant Account.

2. The proposed project area is an unincorporated community;
  3. The proposed project area is more than 10 miles from the nearest hospital;
  4. The proposed project area is more than 10 miles from the nearest state or federal highway; and/or
  5. The proposed project area is located in a rural census block, as defined by the U.S. Census Bureau.
- Existence of communication facilities that may be upgraded to deploy broadband – project areas in which the applicant relies primarily on existing infrastructure, including poles and conduit, and thus will be less expensive to build.
  - Whether the project makes a significant contribution to achieving the program goal – project areas within a Broadband Consortium region that has not yet reached the goal of deploying broadband Internet service at speeds of 6 mbps download and 1 mbps upload to 98 percent of households are eligible for an additional 10 percent funding.
  - Low-income service – project areas for which Staff determines that the latest Census Bureau American Community Survey (ACS) 5-year median household income falls below the California Alternate Rates for Energy (CARE) income eligibility limit for a family of four, shall be eligible for an additional 30 percent funding. The effective definition of a low-income area, through May 31, ~~2019~~2021, is a median household income no greater than ~~\$50,200~~\$52,400. Projects with low-income households that offer service to low-income customers at less than \$15/month shall be eligible for an additional 10 percent funding.

## Summary of Funding Criteria

<b>Maximum Funding Level: 100%</b>
<b>Baseline for Eligible Project: 60% of total construction costs</b>
<b>Presence of Dial-up Only: Up to + 40%<sup>5</sup></b>
<p style="text-align: center;"><b>Low Income: Up to + 40%</b></p> <ul style="list-style-type: none"> <li>• Median Household Income for community is less than CARE standard for a family of 4, which is currently <del>\$50,200</del><u>\$52,400</u> (30%).</li> <li>• Applicant serves low-income customers for no more than \$15/month (10%).<sup>6</sup></li> </ul>
<p><b>PU Code Sec 281 (f)(1312) Criteria: + 10% per criterion, up to + 20%</b></p> <ul style="list-style-type: none"> <li>• Inaccessible Location (10%)</li> <li>• Uses Existing Infrastructure (10%)</li> <li>• Makes a Significant Contribution to the Program Goal (10%)</li> </ul>

### 2.3. Prioritization

In the event that Staff receives more applications for CASF projects than can be adequately analyzed within the time constraints defined in this document, applications will be considered on a lowest-income-first basis.

### 3. Definitions

“Baseline Data” means the reported served status of broadband at or above 6 Mbps downstream and 1 Mbps upstream in California by Consortium as of ~~December 31, 2016,~~reflected in the California Interactive Broadband Map published by the Commission. [www.cpuc.ca.gov/General.aspx?id=6442455975](http://www.cpuc.ca.gov/General.aspx?id=6442455975)

“Broadband Map” means the California Interactive Broadband Map showing served status and eligibility, maintained by the Commission. <http://www.broadbandmap.ca.gov/>

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<sup>5</sup> The percentage of additional funding will be proportional to the percentage of households in the project area that have access to dial-up only at best.

<sup>6</sup> The low-income service offering must be offered throughout the entire project area and must meet all of the CASF performance criteria.

“Consortium Map” means a static (pdf) map showing eligible areas in a Consortium’s region published by the Commission:

[www.cpuc.ca.gov/General.aspx?id=6442455975](http://www.cpuc.ca.gov/General.aspx?id=6442455975) available on the Rural and Urban Regional Broadband Consortia Account webpage.

<https://www.cpuc.ca.gov/General.aspx?id=870>.

"Household" means an occupied primary residence.

"Subscriber type" means the category of potential end user, including low-income households, other households, housing units, and other end user types as may be defined by Staff such as anchor institutions, schools, libraries, small business, enterprise, agricultural entities, healthcare providers, first responders, etc.

"Location" means an individual, serviceable location that is identified by street address (if one exists) and latitude/longitude coordinates, as well as potential subscriber type.

“Eligible Project” means an area containing unserved households and that is not within a ~~CAF II~~ an ROFR or existing CASF project area. ~~CAF II areas remain project eligible to the corresponding existing facilities based provider to extend service within its CAF II area.~~ Eligible projects must be capable of offering broadband service at or above 10/1 Mbps, irrespective of the project’s technology.

“Low-income areas” means areas identified by the median income within a Census Block Group having median income less than the CARE standard for a household of 4, which will be updated annually. Through May 31, ~~2019~~2021, this value is ~~\$50,200~~\$52,400.<sup>7</sup>

"Low-income customers" are households with incomes that would qualify for California Alternate Rates for Energy (CARE) pursuant to Pub. Util. Code §739.1(a) and D.16-11-022 at 18 (or as updated in a successor decision). As noted above, for a household of four the income threshold is \$52,400 through May 31,

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<sup>7</sup> The Commission’s CARE program standard applies per household. We assume a household size of four persons. <http://www.cpuc.ca.gov/General.aspx?id=976>

2021. The threshold is updated regularly in the CARE proceeding, A.19-11-003, et. al.

"Low-income plans" are subscriptions costing no more than \$15 per month, consistent with Section 2.2 of this document (Funding Criteria).

An "unserved" area means ~~a census block~~ an area for which no fixed facility-based broadband provider offers broadband service at speeds of at least 6 mbps downstream and 1 mbps upstream.<sup>8</sup> If a Consortia Region has met the goal 98 percent broadband deployment at served speeds of 6 mbps downstream and one mbps upstream, an unserved area will be a census block where no facility-based broadband provider offers broadband service at speeds of at least 10 mbps downstream and one mbps upstream.

"Unserved households with slow-service" means households' having service at speeds greater ~~than 768~~ than 768 Kbps down or 200 Kbps up but less than 6 Mbps down or 1 Mbps up.

"Unserved households with no-service" means households' having speeds less than 768 Kbps down or 200 Kbps up, no service, or dial-up service.

#### **4. Who May Apply**

The following entities are eligible for a CASF Infrastructure Account grant:

- 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

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<sup>8</sup> Pub. Util. Code section 281(b)(1)(B). To determine if an area is unserved, the Commission will rely on both broadband deployment data and subscriber data submitted to the Communications Division as part of the annual broadband data collection efforts. Staff will use subscriber data to validate a provider's deployment data. For a census block to be served by a provider, the provider must submit deployment data indicating that it offers serves speeds to at least one household in that census block AND subscriber data indicating that it has one subscriber in that census block.

- 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, T-17443 and \_\_\_\_\_[insert decision number of the PD]\_\_\_\_\_ )
- A local governmental agency if no other eligible entity applied.<sup>9</sup>

In addition, the Commission will consider applications from satellite service providers able to meet the minimum performance criteria. A local governmental agency may be eligible for an infrastructure grant only if the infrastructure project is for an unserved household or business, the Commission has conducted an open application process, and no other eligible entity applied.

The statute allows a Publicly Supported Community (PSC) eligible for funding via the Public Housing Account to submit an application for funding from the Infrastructure Account only after all funds available for the Public Housing Account have been awarded.<sup>10</sup> Those applications will continue to be reviewed subject to the rules and guidelines established for the Public Housing Account.

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<sup>9</sup> For the purposes of this program, tribal governmental entities may also apply for CASF grants. Because the statute does not address specifically tribal governmental entities, which are sovereign, and distinctly different, we will provide them with the same treatment as local government agencies.

<sup>10</sup> Pub. Util. Code section 281(i)(2), (3).

## 5. Eligible Projects

In addition to serving an area defined as unserved, including “unserved households with slow service” and “unserved households with no service,” the following items also impact project eligibility.

### 5.1. Treatment of CAF II Areas

~~Pub. Util. Code Sec. 281(f)(5)(C) specifies that the CAF II areas are ineligible for CASF until July 1, 2020, unless the existing facility based broadband provider has notified the Commission before July 1, 2020, that it has either completed or elected not to build its CAF II deployment in the census block. Providers wishing to inform the Commission of their CAF deployment plans must submit a letter by January 15<sup>th</sup> of each year to the Communications Division Director with a copy to the CASF distribution service list, detailing the CAF II areas that have been completed and those that the provider is expressing its intent not to upgrade. The letter also must include the following information:~~

- ~~• Areas with CAF accepted locations by census block designated for planned broadband deployment in 2019, either in Excel or geospatial file format (.kmz, shapefile, etc.);~~
- ~~• Areas with CAF accepted locations by census block where broadband deployment has been completed as of December 31, 2018, either in Excel or geospatial file format (.kmz, shapefile, etc.); and~~
- ~~• Areas with CAF accepted locations by census block that the provider does not intend to build to and therefore releases as CASF eligible, either in Excel or geospatial file format (.kmz, shapefile, etc.).~~

~~The CAF II program has sunset. CASF program rules relating to the CAF II program are thus no longer needed in these guidelines and have been removed to increase readability.~~

### 5.2. Treatment of Rural Digital Opportunity Fund Areas

~~CASF rules relating to Rural Digital Opportunity Fund Areas were adopted in D.21-01-003. Those rules are generally self-contained and not addressed in these guidelines. However, the open access reporting and decision enforcement~~

guidelines (Sections 5.5.4 and 5.5.3, respectively) do apply to projects completed pursuant to D.21-01-003.

### **5.2.5.3. Right of First Refusal**

Any provider wishing to exercise its Right of First Refusal must submit a letter by January 15<sup>th</sup> of each year to the Communications Division Director with a copy to the CASF distribution service list, expressing its intent to upgrade services within 180 days. The letter also must include the following information:

- Area claimed pursuant to ROFR:
  - Must be a contiguous eligible area that includes all serviceable locations that fall within the area;
  - Must be submitted as a collection of individual locations and as a shapefile of the project area. Data must be submitted via comma-separated value (.csv) or geospatial file (e.g., shapefile, .kml, or .kmz file);
- Locations designated for broadband deployment by official street address (if one exists), geographic coordinates (latitude/longitude), census block code (GEOID field), and subscriber type in Excel .csv or census block-geospatial file, such as .kmz or (e.g., shapefile, .kml, or .kmz file);
- The number of ~~households or~~ locations to be served, by subscriber type;
- A commitment to ensure that all ~~households~~ locations within the claimed area will have the capability to receive minimum speeds;
- An estimate of the date (within the 180-day statutory requirement) by which the deployment will be completed with service available to the public;
- Proof that the provider is an existing facility-based provider in the ~~census block(s)~~ area for which it claims ROFR. This proof may come in the following forms:
  - The company submitted data during the most recent California broadband data collection, ~~or the most recent FCC Form 477 data submission that is publicly available,~~ and its ~~footprints~~ submittal

includes at least one validated in-service subscriber location within the area ~~in~~of its ROFR claim;

- The company claiming ROFR has a video franchise under DIVCA, the area it claims in the ROFR submission is part of its DIVCA footprint, and it already offers video service in that area;
- The company claiming ROFR is an ILEC and the area it claims in the ROFR is an unserved area within its wire center region;
- If the company is a wireless internet service provider (WISP) and it has a subscriber unserved subscribers in ~~the claimed census block(s).~~ service in an eligible area.;
- If the area claimed pursuant to ROFR includes any partial census blocks:
  - Attestation that the provider waives its right to challenge future CASF projects proposing to serve portions of these census blocks that do not fall with the area claimed pursuant to ROFR and are unserved.

The Commission has delegated to Communications Division Staff the responsibility to approve or deny each ROFR filing. Staff will post determinations by January 31 of each year. Letters containing incomplete information or not filed in a timely manner will be denied.

As provided in Pub. Util. Code Sec. 281(f)(4)(A)(iii), if the existing facility-based broadband provider (“existing provider”) is unable to complete the deployment of broadband within the delineated unserved area within 180 days, the provider shall provide the Commission with information to demonstrate what progress has been made or challenges faced in completing the deployment. A ROFR may be extended for 180 days if deployment is held up due to permitting issues and environmental review, weather or other acts of God. If the Commission finds that the provider is not making progress towards completing the deployment, the delineated unserved area will be eligible for CASF funding.

#### **5.3.5.4. Middle Mile Funding**

Pub. Util. Code Section 281 (f)(5)(B) states that projects that only deploy middle-mile infrastructure are not eligible for grant funding. For a project that includes funding for middle-mile infrastructure, the Commission is required to verify that the proposed middle-mile infrastructure is indispensable for accessing the last-mile infrastructure.

If Staff finds existing middle-mile infrastructure in a proposed project area where an applicant proposes to construct new infrastructure, Staff will ask the applicant to justify its request and explain why the existing middle-mile facilities cannot meet the needs of the last-mile infrastructure or the needs of the community. A project requesting middle mile funding may also be challenged by owners of middle mile facilities in the area. If an application proposing to build middle-mile infrastructure to offer last-mile service is not challenged, that is a strong indication that the middle mile funding applied for is indispensable to the project.

In ~~the event that~~some instances, there ~~are~~may be relevant middle mile facilities in the area, but the applicant and the owner of the middle mile facilities are unable to agree to prices or other terms for wholesale services that will enable delivery of last-mile service at reasonable quality and price levels,~~the Commission will have to.~~ For middle mile facilities subject to the open access requirement set forth in Section 5.5, the applicable open access rules and decision enforcement processes will apply. If the parties are unable to come to an agreement even after the applicant has filed a complaint and the Commission has issued a decision on the matter, or if the open access requirement does not apply, the Commission will make a discretionary decision. Staff will draft a resolution for Commission approval on a case-by-case basis. ~~Finally, in~~In a situation where a provider is unwilling to offer service, or only offers service at exorbitant prices, the Commission will find that the proposed middle-mile build is indispensable to the project.

Regarding whether leasing or purchasing of middle-mile facilities and services for terms beyond five years (e.g., Indefeasible Right to Use (IRU) for 20 years) are allowable or even preferred over building new infrastructure, the Commission

adopts rules to reimburse these services.

## **5.5. Open Access**

For projects awarded CASF funding to deploy middle-mile infrastructure, the middle-mile segment(s) are deemed open access for the duration of the lifetime of that infrastructure. Open access requires that CASF funded middle-mile infrastructure be made available to provide nondiscriminatory interconnection and internet access at reasonable and equal terms to any communications service provider that wishes to interconnect with that infrastructure, wherever technically feasible.<sup>11</sup> This open access requirement only applies to grants awarded on or after the effective date of the decision adopting the requirement, except as otherwise noted in Section 5.2 of these guidelines.

### **5.5.1. Interconnection**

CASF grant recipients subject to the open access requirement must provide open access at any technically feasible interconnection point along the network. Open access may be infeasible in some cases, such as when interconnection would exceed current or reasonably anticipated capacity limitations, in instances of a fiber run over many miles with no splice points, or when the desired interconnection location is physically inaccessible. 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 CASF recipient's facilities 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, splice points, within 500 meters of a highway interchange, and where wireline infrastructure has been damaged and repairs are within 500 meters of an unserved community. Consistent with the requirement to negotiate in good faith, the CASF grant recipient must provide

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<sup>11</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).

information detailing the CASF-funded infrastructure to parties requesting interconnection such as route maps, interconnection points, splice points, and type of fiber.

CASF grant recipients must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection. In addition, CASF grant recipients must provide requesting parties with an ability to connect to the Internet irrespective of whether the CASF grant recipient connects to the Internet directly or indirectly.

### **5.5.2. Pricing**

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. CASF grant recipients must offer tiered pricing or a range of options to fit different business models; offerings must be equivalent for all similarly situated entities such as Wholesale (ISP) / Government / 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.

CASF grant recipients shall negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.<sup>12</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.

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<sup>12</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>

### **5.5.3. Open Access Decision Enforcement**

In the event that the CASF grant recipient fails to comply with the open access requirement in accordance with the terms of approval granted by the Commission, or in the event that the CASF grant recipient does not negotiate in good faith with a requesting party, the requesting party may file a complaint with the Commission. 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 for recipients of state-federal leveraging grants.

### **5.5.4. Open Access Reporting**

For the serviceable life of the middle-mile infrastructure, the CASF 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 party, 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 the Commission in D.21-01-003.

### **5.4.5.6. Previous CASF Areas**

In areas where the Commission has already awarded a CASF grant, new CASF grant funding for broadband projects in the same area will be available only after three years from the start of broadband service of the first CASF- funded project in order to ensure that existing grantee(s) are able to realize returns on their investment.

## **6. Performance Criteria**

At a minimum, all CASF Infrastructure projects must meet the performance criteria outlined below:

- Project Completion: All CEQA-exempt projects must be completed within 12 months, and all other projects shall be completed within 24 months after receiving authorization to construct.

- Pricing: All applicants shall commit to serve customers in the project area at the prices provided in the application for two years after completion of the project.
- Speeds: All households in the proposed project areas must be offered a broadband Internet service plan with speeds of at least 10 Mbps download and 1 Mbps upload.
- Latency: All projects shall provide service at a maximum of 100 ms of latency.
- Data Caps: All projects implementing data caps shall provide a minimum of 190 GBs per month.
- Affordability: All projects shall provide an affordable broadband plan for low-income customers.

## **7. Reimbursable Expenses**

Pub. Util. Code section 281(f)(11)(A-C) define the costs the Commission may reimburse as follows:

- Costs directly related to the deployment of infrastructure;
- Costs to lease access to property or for Internet backhaul services for a period not to exceed five years; and
- Costs incurred by an existing facility-based broadband provider to upgrade its existing facilities to provide for interconnection.

Additionally, administrative expenses directly related to the project shall be capped at 15 percent of the grant amount.<sup>13</sup>

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<sup>13</sup> 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 a Commission exemption included in a draft resolution.

## 8. Information Required from Applicants

A single CASF Grant Application is to be submitted by each applicant for any eligible project areas. Non-contiguous project areas may be considered as a single project. Project applications can include either or both wireline and wireless technologies. Projects Applicants proposing projects with middle-mile infrastructure must show that it is indispensable for accessing the last-mile infrastructure- and must commit to open access requirements. In order to be reviewed, all applications must include the items listed below.

### 8.1. Application Item 1 – Project Summary (Distributed Publicly)

The applicant must submit a Project Summary, which Communications Division Staff will post on the CASF webpage. The applicant also must submit the Project Summary to the CASF Distribution List. The summary must include the following information:

- Company/Applicant's name.
- CPCN/U-Number or WIR or pending CPCN/WIR application number.<sup>14</sup>
- Contact person.
- Project title.
- Named project location (Community/County).
- Project type (Last-mile or Hybrid Last-mile/Middle-mile).
- Amount of CASF grant funding requested and project cost.
- Map of the proposed project area.
- The number of unserved households with no-service and the number of unserved households with slow-service for which the project will provide service.
- If the project is requesting dial-up-only funding, it must state the number of households with dial-up-only service and the number of other CASF-eligible households.

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<sup>14</sup> A CPCN or WIR authority is not necessary to apply or be awarded a CASF grant. CPCN/WIR information is available at [www.cpuc.ca.gov/General.aspx?id=1019](http://www.cpuc.ca.gov/General.aspx?id=1019)

- The maximum Mbps downstream and upstream speed currently offered to households.
- Median Household Income of the project area.
- The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service.
- 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 breakdown of aerial and underground installation.
- Major equipment expenses (e.g., number of DSLAMs, multiplexers, etc.).
- 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.
  - The project description will provide enough construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contains any environmentally sensitive areas. For example, when trenching is required, the applicant will state and describe the manner in which the site is to be restored, post-trenching.
  - Identification of the leveraging of existing available facilities (e.g., interconnection in lieu of overbuilding existing facilities of another provider).
  - A statement of whether the applicant is disputing the Broadband Map depiction of served status.
  - A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review.

- An explanation of why any Middle Mile facilities in the proposed project are “indispensable” for accessing the proposed last-mile infrastructure.

○ A statement accepting the open access requirements for any Middle Mile facilities in the proposed project.

The applicant may also use this summary information in its adoption and outreach efforts, i.e., in soliciting local government and community support for the proposed project, in disseminating information to their proposed communities/areas.

## **8.2. Application Item 2 – Applicant Entity Information**

The applicant must provide the following information, as necessary:

- Information Sheet (Attachment A to this document) with a Certificate of Good Standing issued by the Secretary of State;
- Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband;
- Key Contact Information (Name, Title, Address, Email Address, and Phone number);
- Key Company Officers.

## **8.3. Application Item 3 – Description of the Applicant’s Current Broadband Infrastructure and Existing Infrastructure in the Area**

The applicant must provide:

- A description of the provider’s current broadband infrastructure and service within five miles of the proposed project;
- A description of other providers’ infrastructure within the project area which can be leased, purchased or accessed via interconnection.

## **8.4. Application Item 4 – Project Location Data**

The applicant must provide the following:

- The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values (CSV format) file, or kmz/kml file or shapefile, that contains geo-located street address information, including latitude and longitude coordinates.<sup>15</sup> Additional information about how to format this item is available on the CASF webpage;
- The geographic location of the project related key network equipment, such as; DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etcetera. Additional information about how to format this item is available on the CASF webpage.
- The specific geographic boundary of the project area within which all project locations will fall (shapefile or .kml).

### 8.5. Application Item 5 - Median Income

The applicant must report the median household income for each Census Block Group (CBG) that intersects the project area. 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 medium income and CBG code can be obtained. For reference, CBG 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:<sup>16</sup>

<u>State CA</u>	<u>County</u>	<u>Tract</u>	<u>Block Group</u>
2 digits	3 digits	6 digits	1 digit

### 8.6. Application Item 6 – Project Eligibility

The applicant must rely on the Broadband Map to identify project eligibility and that the project reported households (CSV file referenced in Application Item 4) are within eligible census blocks (unserved blocks that are not within a CAF II,

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<sup>15</sup> There are a several possibilities for acquiring geolocated street address level data. This document from USAC provides an overview of geolocation methods:

[http://www.usac.org/\\_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf](http://www.usac.org/_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf)

<sup>16</sup> For example, a census block in the town of Fort Bidwell in Modoc County is 060490040001.

ROFR or existing CASF project area). Eligible projects must offer broadband service at or above 10 Mbps downstream and 1 Mbps upstream, irrespective of the project's technology. The applicant must:

- Provide an assertion that the applicant reviewed the wireline, fixed-wireless and mobile served status on the Broadband Map and determined that the broadband project area proposed is eligible.
- The applicant may provide CalSPEED tests to show actual speeds or denials of service or other public feedback as evidence on unserved status. The Commission's public feedback tools are available on the [CASF Communications Division](http://www.cpuc.ca.gov/CASFCommunicationsDivision) website: [www.cpuc.ca.gov/General.aspx?id=5868](http://www.cpuc.ca.gov/General.aspx?id=5868) [www.cpuc.ca.gov/General.aspx?id=5868](http://www.cpuc.ca.gov/General.aspx?id=5868). Such evidence may be used to dispute the Broadband Map depictions of served status.

### **8.7. Application Item 7 - Deployment Schedule**

The applicant must provide:

- A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable.
- A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA. The schedule needs to identify and describe construction milestones and include start and end dates for each milestone.
- If the applicant is unable to construct and complete the proposed project within the approved timeline, it must notify CASF staff as soon as it becomes aware and explain reasons for the delay and when the project will be completed.

### **8.8. Application Item 8 - Proposed Project Expenditures**

The applicant must provide:

- Identification of expense categories; direct and or indirect expenses;

- Identification of direct expenses; equipment/materials, labor/construction wages and permitting/CEQA review;
- Identification of individual cost elements and their cost amount with associated costs for last-mile and middle-mile infrastructure separated. The applicant must identify all the equipment to be funded by the CASF by category, (buildings, towers and poles, network and access equipment, operating equipment, customer premise equipment, materials), and the type of equipment (new building, prefabricated building, rehab of existing building, new towers or poles, modification towers and poles, broadband switching equipment, cable, etc.);
- Identification of allocated indirect costs; General and Administrative expenses, such as; repair & maintenance expenses for equipment and facilities, utilities, rent of equipment and facilities, administrative costs, indirect materials and supplies, insurance on equipment & machinery, indirect labor and contract supervisory wages, production period interest expense;
- Administrative expenses, including executive salaries, are limited to 15 percent of the total grant amount. 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.

### **8.9. Application Item 9 – Economic Life of All Assets to be Funded**

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).

### **8.10. Application Item 10 – Letter of Credit Requirement**

An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit. The Letter of Credit must be irrevocable and will permit the Commission to immediately reclaim any funds provided in the event of non-compliance with the Commission’s rules or requirements. The applicant must provide a letter of credit covering the full CASF grant amount issued to the applicant. The letter of credit must be valid throughout its entire 24-month project construction period.

### **8.11. Application Item 11 – Pricing Commitment**

Applicants must submit the fixed monthly service subscription rates that it will offer to all consumers during a 24-month period following completion of the project. To encourage adoption, installation charges must be waived during the commitment period. After this 24-month period, the service provider may revise their generally applicable service rates and reinstate installation/connection charges for new service connections. The applicant shall identify in its application:

- Fixed monthly service level subscription rates.
- Waived installation/service connection charges.
- Specify any commitments and/or requirements that the customer must accept in order to receive equipment during the commitment period, such as return of equipment.
- Low-income broadband plan detailing prices and speeds to be offered. At minimum, the low-income broadband plan must meet all CASF performance criteria.

-Applicants requesting funding for middle-mile infrastructure must submit a framework identifying open access offerings including tiered pricing structures and the standard terms and conditions that will be available to entities requesting interconnection.

### **8.12. Application Item 12 – Marketing/Outreach Plan**

The applicant must provide a plan to encourage subscription of the broadband service in the project location. The submission shall explain the marketing and

outreach plans the applicant will employ to attract residents to sign up for service during the pricing commitment period.

### **8.13. Application Item 13 – Government and Community Support**

The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.

### **8.14. Application Item 14 – Funding Sources**

The applicant must identify each applicable project funding source, such as; loans, financial contributions from the service provider, public or private broadband adoption or deployment program funds, and federal and state grants or loans.

### **8.15. Application Item 15 - Financial Qualifications**

The following must be submitted by applicant regarding the company:

- CPA Audited/Attested Financial Statements for the last three years:
  - Balance Sheet
  - Income Statement
  - Statement of Cash Flows
- Pro Forma Financial Forecast for a five-year period, including a list of assumptions supporting the forecast. Projections must include:
  - Balance Sheet
  - Income Statement
  - Statement of Cash Flows
- Five-year annual EBIT (Earnings Before Income and Tax) projection for the company.

CPA Audited or Attested Financial Statements will be accepted from parent companies in lieu of financial statements from subsidiaries that have no audited or attested financial statements. If applicant has been in existence for less than

three years, financial statements for as long as applicant has been in existence, e.g. one or two years, will be accepted.

#### **8.16. Application Item 16 – Project Viability**

The applicant must provide a five-year projected project business plan showing project profitability, revenues, and expenses. Include an EBIT for the project overall. The project viability forecast must include projected revenue from customers, showing changes in subscriptions and service rates and charges through the pricing commitment period and the period thereafter, years three through five, as applicable.

#### **8.17. Application Item 17 – Providing Voice Service**

The applicant must provide information about the following:

- Availability of voice service that meets FCC standards for E-911 service and battery back-up;
- Listing of types of voice services offered; and
- Timeframe of voice offering(s).

#### **8.18. Application Item 18 – CEQA Attestation**

The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained. The applicant shall attest that they have contacted the Commission’s Energy Division CEQA section in advance of the filing and have consulted with CEQA Staff regarding the process of developing and filing a Proponent’s Environmental Assessment (PEA) or other CEQA documents and are aware of their responsibilities if their proposed project is not exempt from CEQA. Information on PEA and CEQA requirements is available on the Commission’s website at: [www.cpuc.ca.gov/ceqa](http://www.cpuc.ca.gov/ceqa).

#### **8.19. Application Item 19 – Application Checklist**

An applicant must complete the CASF Application Checklist Form and attach it to each project proposal. (See Attachment B to this document.)

## 8.20. Application Item 20 – Affidavit

Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. (See Attachment C to this document.)

## 9. Submission and Timelines

Applications are due annually on April 1. Staff then has six months to process all applications. If by October 1 an application has not been approved by Staff under its Ministerial Review authority, nor has Staff published a Draft Resolution recommending Commission approval, the application is deemed denied, though it may be eligible for approval the next year.

In the event the Commission receives a small number of applications, the Commission delegates to Communications Division Staff the option, but not the obligation, of opening a second shortened application round in a year. Applications during this round must meet the criteria outlined in the Ministerial Review Section. Any applications submitted during this special round receiving a complete and timely challenge are automatically denied.

### CASF Infrastructure Account Timeline

Event	Date <sup>17</sup>
Broadband Availability Map Published	November/December
Right of First Refusal Submission Deadline	January 15
Filing Deadline for CAF Providers to indicate blocks that will not be served using CAF support, blocks that will be served using CAF support and blocks that have not yet been determined	January 15
Communications Division Staff Publishes ROFR Determination and Updates to Broadband Availability Map	January 31
CASF Infrastructure Account Application Deadline	April 1

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<sup>17</sup> In the event any date falls on a weekend or holiday, the deadline is the next business day.

Deadline for CD Staff to post Application Summaries and Maps to CPUC website and notify CASF Distribution List	April 15
Deadline for Challenge Submissions	May 6
Deadline for Communications Division Staff to Announce if it will offer a second application round	May 15
Deadline for Application Approvals Under Ministerial Review	October 1
Deadline for publishing Draft Resolutions recommending Project Approval	October 1

Applicants should electronically file their completed applications at <http://www.cpuc.ca.gov/puc/> and mail a separate hard copy to the Communications Division, Attn: California Advanced Services Fund, and mail another hard copy to the Public Advocates Office at the CPUC. Since applications are not filed with the Commission’s Docket Office, they will not be assigned proceeding number(s).

Communications Division Staff may create subsequent filing periods if applications do not exceed the available funds. After considering all of the applications for unserved areas received by the initial deadline for the first application window and if funds are still available, Communications Division Staff will consider applications for underserved areas subject to the availability of remaining CASF funds.

Any party that challenges a proposed area or CBG as already served or not underserved must provide documentation that the area or CBG is in fact already served and not underserved (e.g., maps or a copy of a customer bill). - Communications Division Staff will then investigate this information, along with the applicant’s documentation supporting its assertion that the CBG is unserved or underserved. - Communications Division Staff will inform the applicant of the challenges filed on its application and provide the challenger’s name and all information submitted. Once Communications Division Staff makes a final determination, it will notify the applicant of its determination.

If ~~the~~ challenged census block (or CBG) is determined to be “served” or not underserved, the ~~application cannot be considered and will be rejected. The~~

applicant, ~~however,~~ has the option to submit a modified application ~~in subsequent rounds of proposals,~~ either for the same area (provided that the parts of the CBG that are not “unserved” are omitted from project cost and budget considerations) or for only those parts of the CBG that are unserved.

Entities who challenged applications submitted must submit maps of their service area(s) and addresses of households in their service area(s) to enable staff to verify the challengers’ allegation that the area(s) are already served and not underserved.

## **10. Posting of Applications**

The Commission will post a list of all pending applications, challenge deadlines, and notices of amendments to pending applications on the CASF webpage. The Commission already has a CASF distribution list of interested parties, and will continue to notify the distribution list of interested parties for any CASF applications. The Commission will serve applications and any amendments to an application for project funding to those on the service list and post on the CASF webpage at least 30 days before publishing the corresponding draft resolution.

## **11. Project Challenges**

Pursuant to Public Util. Code Sec. 281(f)(8), the Commission shall provide each applicant, and any party challenging an application, the opportunity to demonstrate actual levels of broadband service in the project area, which the Commission will consider in reviewing the application.

An entity challenging a CASF Infrastructure Grant application must submit its complete challenge no later than 21 calendar days from the notice of the application being served on the CASF Distribution List. Challengers must provide a public notice of the challenge to the CASF Distribution List and submit the confidential challenge report to the Communications Division Director, inclusive of the following:

- The geographic location of all households it serves in the challenged area(s). This information must be provided in a plain-text, comma-

separated values (CSV) file, that contains geo-located street address information, including latitude and longitude coordinates.

- Customer billing from one subscriber in each census block of the challenge indicating that the customer received served speeds at least one day prior to the application filing. Additionally, the billing statement must contain sufficient information so that Staff can verify it with the customer.
- An attestation that the households identified in (a) are offered service and have the capability to receive minimum speeds of 6 Mbps download and 1 Mbps upload.

The Commission has delegated to Communications Division Staff the authority to uphold or deny a challenge. Staff will inform the applicant of its determination of the challenge based on the confidential challenge report. Incomplete challenges or challenges filed after the deadline will be deemed denied. As noted in Section 5.3, a provider that submits an ROFR claim for a partial census block waives its right to challenge proposals to serve portions of the block that are unserved and do not fall with the area claimed pursuant to ROFR.

In the unlikely event that an applicant proposes to expand its proposed project area after the challenge period has passed, and staff decides to consider this revision, the revised application must be served on the CASF Distribution List to allow interested parties the opportunity to challenge only the expanded areas of the project.

## **12. Ministerial Review**

The Commission delegates to Communications Division Staff the authority to approve applications, including determinations of funding, that meet all of the following criteria:

1. Applicant meets the program eligibility requirements.
2. The application is not challenged or Staff has determined that the project area is unserved.
3. The total grant does not exceed \$10,000,000.

4. The project must be California Environmental Quality Act (CEQA)-exempt, or approval letter must state that authorization to construct and release funds will be provided in a forthcoming resolution.
5. There must be no competing applications for the same project area in the same application period.
6. Costs per household are low:
  - a. For projects building wireline connections, proposed project costs \$9,300 per household or less.
  - b. For fixed wireless projects, proposed project costs \$1,500 per household or less.

Applications not meeting these criteria may only be approved by the Commission via resolution. All applications shall be approved, denied, or marked for further review by the Commission (through a Resolution) within three months. If an application is neither approved nor marked for further review by the Commission, it shall be presumed denied.

Ministerial Process	Resolution Process
Maximum Cost / HH <ul style="list-style-type: none"> <li>• \$9,300 for wireline</li> <li>• \$1,500 for fixed wireless</li> </ul>	Does not meet all criteria under Ministerial Process
Maximum Grant Amount: \$10,000,000	
Must be CEQA-exempt, or approval letter must state that authorization to construct and release funds will be provided in a forthcoming resolution.	

### **13. Semi-Annual and Completion Reporting**

Grantees are required to file progress reports on a bi-annual basis. Progress reports are due on March 1 and September 1 of each year. -In the event either

date falls on a weekend or holiday, the reports are due the following business day. Progress reports shall contain the following:

- Description of project accomplishments during this period.
- Identification of project milestones and the percent complete to date. If the percent completed is different from the estimated target milestones from the CASF application, it is necessary to provide a narrative description explaining what occurred.
- Major construction milestones (including a reporting on all CEQA mitigation implementation and monitoring activities, if CEQA review was required), date of completion of each task/milestone as well as problems/issues encountered, and actions taken to resolve these issues/problems during construction (including CEQA compliance, if applicable).
- Description of any challenges or issues and any risks faced during this past quarter in achieving planned progress on the project, including environmental compliance and permitting challenges if applicable.
- Description of significant project milestones or accomplishments planned for next quarter.
- Subscribership information to date.
- Certification that each progress report is true and correct, under penalty of perjury.

Grantees also must submit completion reports prior to receiving the final payment. These reports shall contain the following:

- Comparison of approved versus actual costs of construction.
- Description of the project, including any changes in the project construction and alignment, if applicable.
- Milestones and completion dates for each milestone.
- Final date of completion of the project, problems/issues encountered since last semi-annual report and actions taken to resolve these

issues/problems during construction (and comprehensive reporting on CEQA mitigation compliance, if applicable).

- Speed test data at the address level for the ~~Census Block~~ project area, including:
  - Test results for download and upload speeds;
  - ~~Samples~~ A representative sample of speed test results at dispersed locations in the project area, including locations at the edge of the project area; number of tests will vary based on project;
  - ~~○ An attestation that all households within the project area are offered service at minimum speeds of 10 Mbps download and 1 Mbps upload or higher;~~
    - Maps and associated data of speed test locations and results in a .kmz/ .kml file, shapefile, or .csv spreadsheet.
    - A screenshot of results of CalSPEED speed tests, which can be accessed at <http://calspeed.org/index.html>;<sup>18</sup>
  - ~~○ Maps of the areas covered;~~
  - An attestation that all locations within the project area are offered service at minimum speeds of 10 Mbps download and 1 Mbps upload or higher;
- Maps and associated data of all locations served
  - The geographic ~~location~~ coordinates of all ~~households~~ locations that are served. This information will be provided in a plain-text, comma-separated values (~~CSV(.csv)~~ file, or .kmz/ .kml file or shapefile that contains geo-located street address information, including latitude and longitude ~~coordinates~~, as well as census block code (GEOID);
  - Projected subscribers versus actual subscribers (by subscriber type), as of the date of the completion report;

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<sup>18</sup> The technically available speed at the location shall be tested, not a customer's subscribed speed

- The actual number of current subscribers by subscriber type and subscriber speed;
- The potential number of subscribers of each type that could be served using the CASF project's existing facilities at the same minimum defined speed;
- Both the number of low-income customers in the project area and the number of low-income customers subscribing to low-income plans;
- Identification of the number of served locations in the project area that have broadband availability at or above the aforementioned minimum speeds;
- Documentation of advertisements, billing inserts and marketing information, by speed tier and prices;
  - ~~Projected subscribers versus actual subscribers, as of the date of the completion report;~~
  - ~~Identification of the number of served households in the project area that have broadband availability at or above the aforementioned minimum speeds;~~
  - ~~A copy of the FCC Form 477 data submitted directly to the Commission.~~
- Open access interconnections (if applicable)
  - The number of interconnection requests and executed service agreements.

## 14. Payment

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.

If an application also meets the ministerial review criteria, a provider with a CPCN that wishes to front the full costs of a project in exchange for reduced reporting burdens may request an alternative payment structure. The one-time payment request must include a project completion report and receipts/invoices of major equipment and materials purchased, with labor costs and other items being line items reflecting the remaining total amounts charged to CASF. CASF Staff must conduct a site visit to confirm project completion prior to authorizing payment and these reimbursements are still submit to audit.

Grantees shall submit the final request for payment within 90 days after completion of the project. If the grantee cannot complete the project within the 24-month timeline, the grantee shall notify the Commission as soon as they become aware that they may not be able to meet the timeline and provide a new project completion date.

In the event that the recipient fails to notify the Communications Division of any delays in the project completion and the project fails to meet the approved completion date, the Commission may impose penalties to be adopted in a Commission resolution. Invoices submitted will be subject to a financial audit by the Commission at any time within 3 years of completion of project. If portions of reimbursements are found to be out of compliance, Grantees will be responsible for refunding any disallowed amounts along with appropriate interest at rates determined in accordance with applicable Commission decisions.

## **15. CEQA Payment**

CEQA consultant costs shall be paid directly by the Commission to the contractor. Following award of a grant the Energy Division CEQA Section Staff will obtain a contractor to review the CEQA documents for the project. The CASF will pay directly the project's CEQA PEA preparation costs, but those costs will be identified as costs associated with the grant and will have no effect on the applicable shares of grantee assigned and program supported total project costs.

The applicant may file with the Energy Division's CEQA Section a completed CEQA review conducted by another agency acting as the Lead Agency pursuant to CEQA. Should this occur, grantees may request funds to pay for preparation of a PEA.

## **16. Execution and Performance**

Staff and the CASF grant recipient shall determine a project start date after the CASF grant recipient has obtained all approvals, commonly 30 days after approval of the resolution or ministerial review approval. Should the recipient or Contractor fail to commence work at the agreed upon time, the Commission, upon five days written notice to the CASF recipient, reserves the right to terminate the award.

In the event that the CASF recipient fails to complete the project, in accordance with the terms of approval granted by the Commission, the CASF recipient must reimburse some or all of the CASF funds that it has received. The CASF grant recipient must complete all performance under the award on or before the termination date of the award.

### **16.1. 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 CASF 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 CASF grants. The grantee shall not transfer CASF 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.

## 16.2. 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 CASF grant. The new entity shall agree in writing to such.

## 17. Compliance Changes Pursuant to CASF Performance Audit

All applicants are required to sign a consent form agreeing to the terms and conditions of the CASF Infrastructure Grant Account. These will be stated either in the Resolution approving the project, or in a letter sent by Staff to the successful applicant. The agreement will provide the name of the applicant, names of officers and members, and must be signed by the applicant. The proposed wording of the consent form is in Attachment D to this document.

## 18. Penalties

Non-telephone corporations, grantees must agree to the following language in the affidavit found in Attachment C to this document.

*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.*  
~~*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.*~~

**ATTACHMENT A**

**Information Sheet to be submitted by Applicants Requesting for CASF Funding**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**1 Application of:**

Name of Applicant

--

~~for~~for CASF Funding pursuant to Decision \_\_\_\_\_

(Insert the full legal name of applicant in blank above; see instruction 1; attach fictitious names, if any)

Street address:

Telephone: (    )

Fax No.: (    )

E-Mail:

**2 Applicant is:**  
(Check only one; see instruction 2.)

- |  |                          |
|--|--------------------------|
| A corporation (attach good standing certificate)                   | <input type="checkbox"/> |
| A general partnership (attach good standing certificate)           | <input type="checkbox"/> |
| A limited liability partnership (attach good standing certificate) | <input type="checkbox"/> |
| A limited liability company (attach good standing certificate)     | <input type="checkbox"/> |
| A general partnership  | <input type="checkbox"/> |
| A sole proprietor  | <input type="checkbox"/> |
| A trust  | <input type="checkbox"/> |
| Other (describe)   | <input type="checkbox"/> |

Attach name, street address, and telephone number of applicant's registered agent for service of process  
**Attach list of the names, titles, and street addresses of all officers and directors, general partners, trustees, members, or other persons authorized to conduct the business of applicant at a similar level**  
*Attach list of all affiliated entities (see instruction 2)*

3 Legal domicile of applicant is:	California	<input type="checkbox"/>
	Other (identify):	<input type="checkbox"/>
<i>(Check only one; see instruction 3.)</i>		

4 Applicant will provide service:	In specific portions only (attach description and map)	<input type="checkbox"/>
<i>(Check only one; see instruction 5.)</i>		

5. Applicant will provide broadband service only	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<i>(Check only one; see instruction 6.)</i>		

6. For the past 10 years, no affiliate, officer, director, general partner, or	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<p>person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with any company that filed for bankruptcy or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code or for any actions which involved misrepresentations to consumers, and to the best of applicant's knowledge, is not currently under investigation for similar violations.</p> <p style="text-align: center;"><i>(Check only one; see instruction 2.)</i></p>		

7. To the best of applicant's knowledge, neither	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
<p>applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission, or any state regulatory agency for failure to comply with any regulatory statute, rule or order, or convicted by any court for any criminal activity for the past 10 years.</p>		

8. Applicant has the required financial capability and technical	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
expertise to build a broadband infrastructure and operate and maintain a broadband service.		

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

**Signed:** \_\_\_\_\_

**Name (Print):** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Street Address:**

**Telephone Number:**

**Fax Number:**

**Email:**

**Principal Place of Business (if different from address on page 1).**

**Street Address:**

**City:**

**State:**

**ZIP Code:**

**Telephone Number:**

## Instructions:

1. Enter the legal name of applicant exactly as it appears on its articles or certificate of corporation or similar charter document.
2. Specify the type of applicant's organization. Applicant must provide a Good Standing Certificate which is available from the office of the Secretary of State of the State of California and should be dated of a date not more than 60 days prior to the date of filing the application. An original certificate must be attached to the manually signed copy of the application. An affiliated entity is any entity under common control with applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.
3. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
4. Specify the exact area for which authority is requested, i.e., Community and County.
5. Indicate whether the applicant will be providing broadband service only.

**Items 2, 6 and 7 are subject to confirmation by the Commission through the conduct of background check(s). For numbers 6 and 7, attach detailed description, if applicable.**

6. Detailed information should be provided for the past 10 years, if applicable.
7. Detailed Information should be provided for the past 10 years, if applicable.
8. Attach audited balance sheet for the most recent fiscal year and an unaudited balance sheet as of the most recent fiscal quarter, a bank statement as of the month prior to the date of filing the application, or a third-party undertaking to provide the required amounts on behalf of applicant. If the balance sheet shows current liabilities in excess of current assets or negative equity, explain how applicant will be able to maintain sufficient liquidity for its first year of operations. Attach detailed summary, if applicable.

Material changes in the entries for this application, such as discontinuing operation or bankruptcy, or change of name (DBA), change of address, telephone, fax number or E-mail address should be reported by a letter to the CPUC, Director of the

**ATTACHMENT B**

**CASF APPLICATION CHECKLIST**  
(Required for EACH proposed project)

To assist the Commission in verifying the completeness of your proposal, mark the box to the left of each item submitted. Please note that the Checklist is intended only as an aid for applicants and Staff. Necessary information for many of these items can only be found in the Program Rules. This checklist incorporates Staff revisions made in 2019 to implement D.18-12-018.<sup>19</sup>

	1. <u>Project Summary (This is the only section that will be released publicly, and may duplicate information collected elsewhere. All other items are considered confidential and will not be released publicly)</u>
	<del>1. Basic Project Summary / Applicant Information, including:</del> <ul style="list-style-type: none"> <li>• <u>Company / Applicant's Name</u></li> <li>• <u>CPCN / U-Number or WIR or pending CPCN / WIR application number, if applicable</u></li> <li>• <u>Contact person</u></li> <li>• <u>Project title</u></li> <li>• <u>Named Project Location (community / county)</u></li> <li>• <u>Project Type (Last-mile or hybrid last-mile / middle mile)</u></li> <li>• <u>Amount of CASF grant funding requested and project cost</u></li> </ul>
	<del>2. Amount</del> <u>Map of Funds Requested: the proposed project area</u>
	<u>Grant Amount: _____</u>
	<del>3. Area Applied for</del>
	<del>Whether the area is</del> <u>The number of unserved households with no service and the number of unserved households with speeds below 6/1 Mbps slow-service for which the project will provide service</u>
	<del>Whether the area contains any CAF II areas</del> <u>If the project is requesting dial-up-only funding, it must state the number of households with dial-up-only service and the number of other CASF-eligible households</u>
	<del>4. CPCN / U-Number / CPUC Registration Proof (As a single document) (if applicable)</del>

<sup>19</sup> These revisions were originally made available in April 2019 at [https://www.cpuc.ca.gov/uploadedFiles/CPUC\\_Public\\_Website/Content/Utilities and Industries/Communications - Telecommunications and Broadband/CASF%20InfrastructurePublished%20Rules%20Revised.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/Utilities_and_Industries/Communications_-_Telecommunications_and_Broadband/CASF%20InfrastructurePublished%20Rules%20Revised.pdf).

		<u>The maximum Mbps downstream and upstream speed currently offered to households</u>
		<u>CPUC registration Number (wireless carriers) Median household income of the project area</u>
		<u>Applicant's U Number and/or Proof of applicant's Certificate of Public Convenience and Necessity (CPCN) The number of businesses, anchor institutions and public safety locations in the project area that will receive new or improved service</u>
		<u>A description of the major infrastructure to be deployed</u>
		<u>Estimated breakdown of aerial and underground installation</u>
		<u>Major equipment expenses</u>
		<u>Estimated construction timeline</u>
		<u>Proof of CPCN application pending approval, or CPCN Application Number (in the absence of a CPCN) 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:</u> <ul style="list-style-type: none"> <li>• <u>Download speed capabilities of proposed facilities.</u></li> <li>• <u>Upload speed capabilities of proposed facilities.</u></li> <li>• <u>Sufficient construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contains any environmentally sensitive areas.</u></li> <li>• <u>Identification of the leveraging of existing available facilities</u></li> <li>• <u>A statement of whether the applicant is disputing the Broadband Map depiction of served status.</u></li> <li>• <u>A statement of whether the applicant is seeking Ministerial Review and, if so, information that the application meets all requirements for Ministerial Review.</u></li> <li>• <u>An explanation of why any Middle Mile facilities in the proposed project are "indispensable" for accessing the proposed last-mile infrastructure.</u></li> <li>• <u>A statement accepting open access requirements for any Middle Mile facilities in the proposed project</u></li> </ul>
		<u>2. Applicant Entity Information</u>
		<u>5. Information Sheet (Attachment A of the Program Rules) with a Certificate of Good Standing issued by the CA Secretary of State attached</u>
		<u>6. Organizational Chart, Company History, and Statement of Readiness to Build, Manage, and Operate Broadband</u>
		<u>Organizational Chart</u>
		<u>Company History</u>

	<b>Readiness to Build, Manage and Operate Broadband</b>
	<b>7. CASF Key Contact Information (Name, Title, Address, Email Address, and Phone number)</b>
	First Name
	Last Name
	Address Line1
	Address Line2
	City
	State
	Zip
	Email
	Phone
	<b>8. Key Company Officers (list up to 5)</b>
	Title
	First Name
	Last Name
	Email
	Phone Number
	Resumes of key officers and management personnel
	<b>9.3. Description of the Applicant's Current Broadband Infrastructure Description and Existing Infrastructure in the Area</b>
	Description A description of the provider's current broadband infrastructure and service within <u>5</u> miles of the proposed project, <u>if applicable</u> .
	List showing number of households per CBG and Zip Code
	<b>10. Current Broadband Infrastructure</b>
	Shapefile (.shp) of current service area.
	<b>11. Proposed Broadband Project Description</b>
	Description of proposed broadband project plan for which CASF funding is being requested, including the type of technology to be deployed
	Project size (in square miles)
	Download speed capabilities of proposed facilities
	Upload speed capabilities of proposed facilities
	<b>12. Proposed Broadband Project Location</b>
	Geographic locations by CBG(s) where broadband facilities will be deployed:
	List of CBG(s) and,
	ZIP Codes that intersect the proposed project.

13. Proposed Broadband Project Location Shapefile	
	Shapefile (.shp) showing boundaries of the specific area to be served by the project. <u>A description of other providers' infrastructure within the project area which can be leased, purchased or accessed via interconnection</u>
14. Assertion that area being proposed is Unserved or Underserved Area. This includes figures, in mbps, of the current:	
	(a) average download speed by CBG(s);
	(b) average download speed by ZIP Code(s);
	(c) average upload speed by CBG(s) and;
	(d) average upload speed by ZIP Code(s).
15. Estimated Potential Subscriber Size	
	Estimated number of potential broadband households in proposed project location.
	Estimated number of potential broadband subscribers in proposed project location.
	Documentation of assumptions and data sources used to compile estimates.
	Adoption Plan
16. Deployment Schedule	
	Milestone Start and Ending Date
	Milestone Description
	Milestone Comments
	Milestone Risks
17. Proposed Project Expenditures	
	a detailed breakdown of cost elements;
	the source of cost elements;
	amount of cost elements;
	availability of matching funds to be supplied by applicant; and
	the CASF funds requested.
18. Economic Life of All Assets to be Funded	
19. Local Government and Community Support (optional)	
20. Letter of Credit Documentation (to be submitted after project award)	
21. Proposed Pricing (with a 24-month commitment)	
	Proposed recurring retail price per MBPS for applicant's proposed broadband service(s).
	Initial service connection charges, if any and any bundling of equipment in the proposed pricing.
	Other recurring costs

	<del>Other non-recurring costs</del>
	<del>22. Financials</del>
	<del>a) CPA Audited / Attested Financial Statements for the last three years (if applicant has been in existence for less than three years, provide financial statements for as long as applicant has been in existence, e.g. one or two years). The statements must include: Balance Sheet, Income Statement, and Statement of Cash Flows.</del>
	<del>Balance Sheet</del>
	<del>Income Statement</del>
	<del>Statement of Cash Flows</del>
	<del>b) Pro Forma Financial Forecast over 5 years</del>
	<del>Balance Sheet</del>
	<del>Income Statement</del>
	<del>Statement of Cash Flows</del>
	<del>e) Annual EBIT (Earnings Before Income and Tax) projection over 5 years</del>
	<del>23. Proof of Voice Service</del>
	<del>Availability of basic voice service that meets FCC standards for E-911 service and battery, including:</del>
	<del>Listing of types of services offered;</del>
	<del>Timeframe of offering.</del>
	<del>24. CEQA Attestation</del>
	<del>Proponent's Environmental Assessment (PEA)</del>
	<del>25. Notarized Affidavit</del>

	<u>4. Project Location Data</u>
	<u>The geographic location of all households and housing units. This information will be provided in a plain-text, comma-separated values (CSV format) file, or .kmz/.kml or shapefile, that contains geo-located street address information, including latitude and longitude coordinates.</u>
	<u>The geographic location of the project related key network equipment, such as; DSLAMs, wireless towers, router facilities, remote terminals, network interconnection, etcetera.</u>
	<u>The specific geographic boundary of the project area within which all household and housing unit project locations will fall (shapefile or .kml).</u>
	<u>5. Median Income</u>
	<u>The median household income for each census block group (CBG) that intersects the project area.</u>
	<u>6. Project Eligibility</u>
	<u>An assertion that the applicant reviewed the available data on the Broadband Map and determined that the broadband project area proposed is eligible.</u>
	<u>7. Deployment Schedule</u>
	<u>A schedule for obtaining necessary permits prior to construction. The schedule must include the timeline required for the California Environmental Quality Act (CEQA) review, as applicable</u>
	<u>A schedule for project construction following receipt of permits, to complete the project within 24 months, or within 12 months if the project is categorically exempt from CEQA.</u>
	<u>8. Proposed Project Expenditures</u>
	<u>Identification of expense categories (direct or indirect)</u>
	<u>Identification of direct expenses</u>
	<u>Identification of individual cost elements and their cost amount.</u>
	<u>Identification of allocated indirect costs</u>
	<u>9. Economic Life of All Assets to be Funded</u>
	<u>The applicant must identify all the equipment to be funded by the CASF by category, the type of equipment, and the estimated useful life</u>
	<u>10. Letter of Credit Requirement</u>
	<u>An eligible applicant that does not hold a CPCN issued by the Commission is required to submit a Letter of Credit.</u>

	<u>11. Pricing Commitment</u>
	<u>Fixed monthly service level subscription rates</u>
	<u>Acknowledgement that any installation/service connection charges will be waived</u>
	<u>Any commitments and/or requirements that the customer must accept in order to receive equipment during the commitment period, such as return of equipment</u>
	<u>Low-income broadband plan detailing prices and speeds to be offered. At minimum, the low-income broadband plan must meet all CASF performance criteria</u>
	<u>12. Marketing/Outreach Plan</u>
	<u>The applicant must provide a plan to encourage subscription of the broadband service in the project location.</u>
	<u>13. Government and Community Support</u>
	<u>The applicant may submit endorsements or letters of support from state and local government, community groups, and anchor institutions supporting the deployment of the broadband infrastructure.</u>
	<u>14. Funding Sources</u>
	<u>The applicant must identify each applicable project funding source.</u>
	<u>15. Financial Qualifications</u>
	<u>CPA Audited/Attested Financial Statements for the last three years, including:</u> <ul style="list-style-type: none"> <li>• <u>Balance Sheet</u></li> <li>• <u>Income Statement</u></li> <li>• <u>Statement of Cash Flows</u></li> </ul>
	<u>Pro Forma Financial Forecast for a five-year period, including:</u> <ul style="list-style-type: none"> <li>• <u>Balance Sheet</u></li> <li>• <u>Income Statement</u></li> <li>• <u>Statement of Cash Flows</u></li> </ul>
	<u>Five-year annual EBIT (Earnings Before Income and Tax) projection for the company</u>
	<u>16. Project Viability</u>
	<u>The applicant must provide a five-year projected project business plan showing project profitability, revenues, and expenses.</u>
	<u>17. Providing Voice Service</u>
	<u>The applicant must provide information about the following:</u> <ul style="list-style-type: none"> <li>• <u>Availability of voice service that meets FCC standards for E-911 service and battery back-up;</u></li> <li>• <u>Listing of types of voice services offered; and</u></li> <li>• <u>Timeframe of voice offering(s).</u></li> </ul>

	<u>18. CEQA Attestation</u>
	<u>The applicant must provide information about their project demonstrating how CEQA compliance is to be obtained.</u>
	<u>19. Application Checklist</u>
	<u>This is the Application Checklist; please check the boxes as you complete the sections, and include the complete Checklist with your application.</u>
	<u>20. Affidavit</u>
	<u>Applicants must submit an affidavit, under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. (See Attachment C of the Program Rules.)</u>

Applications are due annually on April 1<sup>st</sup>.  
Submit completed applications online at <http://www.cpuc.ca.gov/puc/>  
with hard copies mailed separately to:

Communications Division  
***Attn:*** California Advanced Services Fund  
California Public Utilities Commission  
505 Van Ness Ave.  
San Francisco, CA 94102

Public Advocates Office at the CPUC  
***Re:*** California Advanced Services Fund  
California Public Utilities Commission  
505 Van Ness Ave.  
San Francisco, CA ~~94102~~ **ATTACHMENT C-94102**

**ATTACHMENT C**  
**Telephone Corporations**  
**NOTARIZED AFFIDAVIT**

Name of Carrier/ Company \_\_\_\_\_  
Utility Identification Number \_\_\_\_\_ or \_\_\_\_\_ check here if Application for  
CPCN is pending and the CPUC assigned application no., if available.  
My name is \_\_\_\_\_. I am \_\_\_\_\_ (Title) of  
\_\_\_\_\_ (Company). My personal knowledge of the facts stated  
herein has been derived from my employment with \_\_\_\_\_  
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application  
for the California Advanced Services Fund, I am competent to testify to them, and I  
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [Name of Carrier/Company]  
agrees to comply with all federal and state statutes, rules, and regulations, covering  
broadband services and state contractual rules and regulations, if granted funding from  
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public  
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public  
Utilities Commission's Rules of Practice and Procedure, that, to the best of my  
knowledge, all of the statements and representations made in this Application are true  
and correct.

\_\_\_\_\_  
Signature and title

\_\_\_\_\_  
Type or print name and title

**SUBSCRIBED AND SWORN** to before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public In and For the State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Non-Telephone Corporations**  
**NOTARIZED AFFIDAVIT**

Name of Carrier/Company \_\_\_\_\_  
Utility Identification Number \_\_\_\_\_ or \_\_\_\_\_ check here if Application for  
CPCN is pending and the CPUC assigned application no., if available.  
My name is \_\_\_\_\_ . I am \_\_\_\_\_ (Title) of  
\_\_\_\_\_ (Company). My personal knowledge of the facts stated  
herein has been derived from my employment with \_\_\_\_\_  
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application for the California Advanced Services Fund, I am competent to testify to them, and I have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [Name of Carrier/Company] agrees to comply with all federal and state statutes, rules, and regulations, covering broadband services and state contractual rules and regulations, if granted funding from the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

\_\_\_\_\_  
Signature and title  
\_\_\_\_\_  
Type or print name and title

~~SUBSCRIBED AND SWORN~~ to before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

~~Notary Public In and For the State of~~ \_\_\_\_\_

~~My Commission expires:~~ \_\_\_\_\_

~~ATTACHMENT C~~  
~~Non-Telephone Corporations~~  
~~NOTARIZED AFFIDAVIT~~

Name of Carrier/Company \_\_\_\_\_  
Utility Identification Number \_\_\_\_\_ or \_\_\_\_\_ check here if Application for  
CPCN is pending and the CPUC assigned application no., if available.

My name is \_\_\_\_\_. I am \_\_\_\_\_ (Title) of  
\_\_\_\_\_ (Company). My personal knowledge of the facts stated  
herein has been derived from my employment with \_\_\_\_\_  
(Company)

I swear or affirm that I have personal knowledge of the facts stated in this Application  
for the California Advanced Services Fund, I am competent to testify to them, and I  
have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that \_\_\_\_\_ [Name of Carrier/Company]  
agrees to comply with all federal and state statutes, rules, and regulations, covering  
broadband services and state contractual rules and regulations, if granted funding from  
the California Advanced Services Fund.

I swear and affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public  
Utilities Commission's rules of practice and Procedure.

I swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public  
Utilities Commission's Rules of Practice and Procedure, that, to the best of my  
knowledge, all of the statements and representations made in this Application are true  
and correct.

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.~~

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.

\_\_\_\_\_

\_\_\_\_\_  
Signature and title

\_\_\_\_\_

\_\_\_\_\_  
Type or print name and title

**SUBSCRIBED AND SWORN** to before me on the \_\_\_\_ day of \_\_\_\_, 20 \_\_\_\_.  
Notary Public In and For the State of \_\_\_\_\_

My Commission expires: \_\_\_\_\_

|

**ATTACHMENT D  
CONSENT FORM**

PUBLIC UTILITIES COMMISSION

COMMUNICATIONS DIVISION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



CONSENT FORM

Name of Grantee: \_\_\_\_\_

The California Advanced Services Fund (CASF) Grantee identified above acknowledges receipt of either a Resolution or a letter from Commission Staff approving a grant under the Ministerial Review process. The Grantee agrees to comply with all grant terms, conditions, and requirements set forth in Resolution T-\_\_\_\_\_ or letter \_\_\_\_\_, as well as all CASF rules, including those in the Broadband Infrastructure Accounts Requirements, Guidelines and Application Materials.



Undersigned representative of \_\_\_\_\_ [Name of Grantee] is duly authorized to execute this Consent Form on behalf of the Grantee and to bind the Grantee to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution -T-\_\_\_\_\_ or the letter referenced above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature \_\_\_\_\_

\_\_\_\_\_  
Printed Name

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Organization or Name of Company: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Business Address (include street address, suite/apt. number, city, state, and ZIP Code):

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Telephone Number (include area code): {

) \_\_\_\_\_ ( \_\_\_\_\_ ) \_\_\_\_\_

Email Address:

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**ATTACHMENT E**  
**SAMPLE ISSUES STAFF SHOULD ADDRESS IN IMPLEMENTING OPEN ACCESS**  
**REQUIREMENT**

The Middle-Mile infrastructure is eligible for a CASF grant. Staff determined the middle-mile infrastructure is indispensable to serving the proposed project areas and thus eligible for CASF Funding pursuant to Pub. Util. Code § 281(f)(5)(B). The CASF funded portion of the middle-mile fiber network shall be made available for access to any communications service provider seeking interconnection. The grantee shall provide nondiscriminatory interconnection and internet access at reasonable and equal terms at any technically feasible interconnection point along the network. Further, the grantee must make all reasonable efforts to allow requesting parties to interconnect and procure transport service or wholesale a direct connection.

An interconnection that would exceed current or reasonably anticipated capacity limitations is not considered technically feasible. The grantee shall provide feasible interconnection points along the middle-mile network, which may include previously defined interconnection points, new and existing network exchange locations, and splice points. The grantee shall provide information detailing the fiber infrastructure to parties requesting to procure dark fiber including, but not limited to, fiber route maps, interconnection points, splice points, and type of fiber. In addition, the grantee must provide requesting parties with an ability to connect to the Internet irrespective of whether the CASF recipient connects to the Internet directly or indirectly.

Pricing and terms and conditions for interconnection shall be reasonable, equal, and nondiscriminatory. The grantee must offer tiered pricing or a range of options to fit different business models; offerings must be the same for all similarly situated interconnected entities such as Wholesale (ISP) / Government / Public Anchor Institution. Terms and conditions may include any essential elements of network operations such as cybersecurity, circuit provisioning, network outages, future capital investment costs, and operations and maintenance costs. CASF recipients must negotiate in good faith with all requesting parties (i.e., public, private, non-profit, or other parties) making a bona fide request for interconnection services.

In the event that the CASF recipient does not negotiate in good faith with a party requesting open access, the requesting party may file a complaint with the Commission.

**Annual Reporting**

For the serviceable life of the middle-mile infrastructure, a grantee 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 party, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions.

**(END OF APPENDIX B)**