

Broadband Opportunity Program Rural TA Webinar Q & A (November 1, 2022)

Is the hurricane damage for any of our rural communities being given any additional consideration?

- Projects eligible for Broadband Opportunity Program funds prioritize unserved and underserved areas. Areas affected by Hurricane Ian that met this requirement in advance of the hurricane meet the eligibility requirement.

How can we go about contesting false reporting on prior 477?

- Contesting data on prior Form 477 data can be done through the Federal Communications Commission (FCC) website, www.fcc.com.

What is the speed requirement?

- Section 288.9961(2)(f) F.S. defines “Underserved” as a geographic area of this state in which there is no provider of broadband Internet service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 100 megabits per second downstream and at least 10 megabits per second upstream.
- Section 288.9961(2)(g) F.S. defines “Unserved” as a geographic area of this state in which there is no provider of broadband Internet service.
- Unserved project areas with speeds at or below 25/3 mbps, must have speeds increased to a new minimum of 100/10 mbps.

How detailed do the maps need to be for an application? Is a high-level engineering plan sufficient or do you require more details?

- The more information an application provides, the better the application will score.

To confirm, are sub 100/10 locations eligible to be included in the project areas?

- This initial funding will concentrate on unserved areas first. If funding remains after all awards have been issued, underserved areas will be considered. The information that must be contained in any challenge may be found in s. 288.9962, F.S. While underserved areas may be part of the application, scoring will be focused on the number of unserved areas within the project area.

If households are served by cell or satellite, they are considered served?

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- Section 288.9961(2)(g) F.S. defines “Unserved” as a geographic area of this state in which there is no provider of broadband Internet service.

Are prevailing wages a part of application?

- Davis-Bacon does not apply to the Broadband Opportunity Program. However, all contracts in excess of \$100,000 involving mechanics and laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 USC 3702 and 3704.

Is there a subsidy limit per application?

- There is no limit to the amount of private funding that can be leveraged through public-private partnerships.

You mentioned if federal funding has been awarded to the applicant, they can't receive a grant. Did you mean the project area or the applicant?

- Per section 288.9962(8)(a), F.S., *The office may not award any grant to an otherwise eligible grant applicant to provide broadband Internet service in a project area for which any other federal funding has been awarded.*

Is a simple commitment to provide broadband within the proposed project area within the proposed project completion timeframe sufficient to successfully challenge an application? or is additional information required?

- For the requirements of the challenge process, refer to section 288.9962 (6) F.S.
- The more information an applicant can provide on the application, the better the application will score.

Will there be another grant cycle provided?

- The Florida Legislature would need to appropriate another round of funding for the Office to provide another grant cycle of the Broadband Opportunity Program. However, more infrastructure expansion funding opportunities will be available through the Office in 2023, through the Capital Projects Fund and the Broadband Equity, Access, and Deployment (BEAD) Act.

Is there a limit on the number of awards for the first round?

- There is no limit to the number of awards for the first round.

Could supplies that might already be on hand prior to execution of a grant agreement be eligible for reimbursement, or must all supplies be obtained AFTER the agreement has been executed?

- All projects are funded on a cost reimbursement basis. If supplies are purchased prior to the execution of the agreement for the project, they are not eligible for reimbursement.

In the event a Local Technology Planning Team (LTPT) has not yet been engaged for a project area and the Application window opens tomorrow, would inclusion of the initiation of engagement suffice for the LTPT inclusion for the proposed grant project area?

- Community engagement is a critical piece of the application for the Broadband Opportunity Program. Participation in the LTPT is a great way to do this, regardless of when the team was formed. The more involved a LTPT is involved in the project, the better the potential application score.

Is there a limit on the number of files that can be loaded into the Portal as attachments to an application?

- There is no limit to the number of files that can be loaded into the application portal as attachments to an application. There are some limitations as to the type of file that may be uploaded. File types allowed for upload are identified within that section of the application.

Are grants first come first serve for issuance? Or will they be reviewed at the end of the application window?

- The applications will be reviewed independently of each other, regardless of when the application was submitted.

Question: Scoring Example on pages 3 and 4 of the scoring criteria document seem inconsistent (table and explanation). Can you clarify?

- For purposes of the application scoring the Office will consider unserved populations as those with speeds of $\leq 25/3$ as there are several conflicting references within the scoring criteria.

The documents refer to $\leq 25/3$ being unserved and it's usually less than $< 25/3$. Can you clarify if you will use equal or just less than?

- For purposes of the application scoring the Office will consider unserved populations as those with speeds of $\leq 25/3$ as there are several conflicting references within the scoring criteria.

Is this correct: Governments should only apply if there is no service provider in a geographical area? And rather the Office prefers local governments partner with private sector applicants in areas that meet underserved and unserved definitions?

- S. 288.9962(4) specifically addresses this issue. Internet Service Providers are best positioned to apply for these funds in partnership with political subdivisions and other interested partners. S. 350.81, F.S. sets forth the requirements for governmental entities providing retail internet service.

Please clarify the definition of *Extremely Unserved*, *Unserved*, *Underserved*, and *Served*. Different sections of the Florida resources, including the map, refer to different speeds. Example – the scoring document refers to *Underserved* being below 100/20 Mbps, however, Section 288.9961, F.S. says underserved is less than 100/10 Mbps. The map does not make reference to upload speed at all. Further *Unserved* is referred to as less than 25/3 Mbps in some places, while in the scoring matrix table it shows less than or equal to 25/3 Mbps.

- For purposes of the application scoring the Office will consider unserved populations as those with speeds of $<$ or $=$ 25/3 as there are several conflicting references within the scoring criteria.
- For purposes of the application below 100/10 is considered underserved

Is the expectation that funding from this program will be to build out committed data rate plans or best effort? Thinking about speeds during peak hours here.

- Applications will be scored based on downstream and upstream speeds of AT LEAST the minimum required 100/100 Mbps or 100/10 Mbps scalable to 100/100 Mbps.

If a provider is not providing a committed data rate but rather a best effort plan does that exclude the area from being served?

- Applications will be scored based on downstream and upstream speeds of AT LEAST the minimum required 100/100 Mbps or 100/10 Mbps scalable to 100/100 Mbps. Applications should provide a solid downstream / upstream speed commitment that is proven to be technologically achievable. An applicant's inability to achieve the required speeds does not exclude an area from being served, but rather opens that area to other applicants.

To confirm: With this being a competitive grant cycle, will applicants who submit at the end of the filing window be considered at the same competitive level as those who apply at the beginning of the window? - Need to understand if us smaller entities need to be filing early to stay competitive with larger entities who will file early.

- The applications will be reviewed independently of each other, regardless of when the application was submitted.