



Governor's Office of Economic Opportunity

UTAH BROADBAND CENTER

Utah Broadband Access Grant Program Terms and Conditions

The Broadband Access Grant Program is designed to offset the capital expenses in the deployment of “last-mile broadband” in unserved rural and underserved economically distressed areas. Funds will be targeted to areas that are unlikely to receive broadband service without grant funding.

This grant is administered by the Utah Broadband Center located within the Utah Governor’s Office of Economic Opportunity (Go Utah) in accordance with Utah Administrative Code R357-40-101 et seq. and Utah Code 63N-17-301 et seq. “The broadband center may award a grant to an eligible applicant who submits to the broadband center an application that includes a proposed project to extend broadband service to individuals and businesses in an unserved or underserved area by providing last-mile connections to end-users. This does not prohibit the broadband center from awarding a grant for a proposed project that also includes middle-mile elements that are necessary for the last-mile connections” (see: Utah Code 63N-17-301 (2)(a)). The state has allocated \$10 million for this grant program.

A reviewing committee known as the Utah Broadband Access Grant Review Committee (Committee) (see Appendix A) composed of broadband-related representatives from state agencies may advise and make recommendations to the Utah Broadband Center regarding awarding grants.

Last-mile infrastructure is broadband infrastructure that serves as the final leg connecting the broadband service provider’s network to the end-user customer’s on-premises telecommunications or internet equipment. Middle-mile infrastructure is broadband infrastructure that links a broadband service provider’s core network infrastructure to last-mile infrastructure.

Construction of broadband infrastructure may include the following: project planning; obtaining construction permits; construction of facilities – including the construction of both middle-mile and last-mile infrastructure; equipment; and installation and testing of the broadband service.

Statutory Priorities

Utah Code 63N-17-301(3a) In awarding grants, the Utah Broadband Center shall, based on the following criteria and in the order provided, prioritize proposed projects:

1. Located in unserved areas
 - a. Utah Code 63N-17-102 "Unserved area" means an area of the state that is rural and unserved in terms of the area's access to broadband service and defined as a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 25 Mbps download and 3 Mbps upload speeds.
 - i. Rural is defined as:
 1. county of the third, fourth, fifth, or sixth class; or
 2. municipality that has a population of 10,000 or less and the municipality is in a county of the second class¹
2. Located in underserved areas
 - a. Utah Code 63N-17-102 "Underserved area" means an area of the state that is underserved in terms of the area's access to broadband service, defined as a designated geographic area in which households or businesses are without a fixed, terrestrial connection supporting at least 100 Mbps download and 20 Mbps upload speeds.
3. The eligible applicant develops, after meaningful engagement with the impacted community to identify the community's needs:
 - a. an innovative means of providing a public benefit that addresses the community's needs,
 - b. and that includes, as a component of the proposed project, a long-term public benefit to the impacted community developed in response to the eligible applicant's engagement with the community
4. Located in an economically distressed area of the state, as measured by indices of unemployment, poverty, or population loss²
5. That makes the greatest investment and use of funds considering the number of connections or the economic need in last-mile connections
6. That provide higher-speed broadband access to end-users
7. For which the eligible applicant provides at least 25% of the money needed for the proposed project with higher priority to proposed projects

¹ From REDTIF definition Utah Code 63N-2-103

https://le.utah.gov/xcode/Title63N/Chapter2/63N-2-S103.html?v=C63N-2-S103_2021050520210701

² (See Department of Workforce Services data: <https://jobs.utah.gov/wi/data/library/index.html> or Distressed Communities Economic Index: <https://eig.org/dci>)

for which the eligible applicant provides a greater percentage of the money needed for the proposed project.

Additional Grant Requirements

1. Utah Code 63N-17-301 (4) The broadband center may not award a grant that exceeds \$7,500,000.
2. Only one grant award per grant cycle.
3. Utah Code 63-N-301 (3)(b) The applicant shall provide an explanation that considers the impact of available funding for the proposed project from other sources, including money from matching state or federal grant programs.
4. To make the greatest investment and use of funds considering the number of connections or the economic need in last-mile connections and that provide higher-speed broadband access to end-users:
 - a. Scalable technology for future needs will be given priority to the best value and the number of households with the highest technology possible. Where it's possible, preferential points will be given for:
 - i. Symmetrical application of gig speed
 - ii. Fiber to the premises
5. Covered broadband projects must be designed to provide high-speed broadband service with:
 - a. Download speed of not less than 100 megabits per second and an upload speed of not less than 20 megabits per second
 - b. Low latency of less than 100 ms
 - c. Packet loss of less than 2%
6. Awarded applicants will follow all local, state, and federal right of way access laws, and rules. Applicants will pay all required permits and access fees.
7. Awarded applicants will follow all environmental clearance procedures.
8. Awarded applicants will have 30 months from the date of award to complete the project. It is the responsibility of the applicant to notify the Utah Broadband Center regarding any issues that have or would prevent this time frame from being met.
9. Utah Code 63N-17-301(6) In awarding grants under this part, the broadband center shall ensure that grant funds are not used in a manner that causes competition among projects that are substantially supported by state funds, as determined in accordance with rule made by the broadband center. This is defined to mean grant funds are not eligible to fund projects in areas receiving support from the Utah Universal Public Telecommunications Service Support Fund.

Eligible Applicants, Utah Code 63-N-17-102 (2)(a)

- Telecommunications provider or an Internet service provider;
- Local government entity and one or more private entities, collectively, who are parties to a public-private partnership established for the purpose of expanding

- affordable broadband access in the state; or³
- Tribal government.

Eligible expenses

- Eligible project costs:
 - Costs associated with the installation of last-mile broadband infrastructure that supports broadband service at the locations and speeds identified in the application.
 - Costs associated with the installation or acquisition of middle-mile broadband infrastructure necessary for the last-mile connections.

Examples: Project planning, design, construction permits, construction of facilities, equipment, installation, and testing of service.

- Ineligible costs:
 - General broadband planning not associated with a specific last-mile build
 - Ongoing operational and maintenance expenses
 - Middle-mile infrastructure that is not directly connected to the last-mile connection.
 - Expenses related to the provision of telephone or video services that are not necessary for the delivery of broadband services.

Other considerations for application approval

The applicant must demonstrate to the satisfaction of the Committee:

1. Proposed network meets industry reliability standards.
2. Ability to deliver on the proposed project within established timelines and within budget.
3. Ability to operate the network as proposed for a minimum of five (5) years following project completion.
4. Ability to provide broadband service at a reasonable cost per household and at reasonable service costs to end-users in the area to be served.
5. Applicants may provide information regarding additional infrastructure deployments that are not eligible for grant funding to provide context for the proposed project in the relevant portions of the application
6. Number of potential subscribers and projected subscription rate
7. Current available broadband service
 - a. The most recent available data from the [Utah Residential Broadband Availability Map](#), National Broadband Availability Maps, FCC data, or

³ "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project. (HB348, 5634 (3))

other data, including speed tests collected by the state may be used to determine existing service levels.

- b. Additional information must be sufficient to conclude that an area is eligible and may include but is not limited to:
 - i. Statistically significant survey data for the designated area,
 - or
 - li. Documentation of the location of existing infrastructure within a given area.

SUBMITTING AN APPLICATION

Visit the Utah Broadband Center website at business.utah.gov/broadband/ to access the application. Project area maps and other required documentation as outlined below will need to be entered or uploaded into the application.

1. Project Contact Information

To be written into the appropriate fields or uploaded in the application:

- Project Name
 - Give an Identifying name to the proposed project area
- Applicant's contact information - Primary and secondary contacts
- W9
- Federal Tax ID number
- Business license # from local county or municipality
- GRAMA form - request for confidentiality of proprietary business information
- Type of entity
 - Telecommunications or Internet service provider
 - Local public-private partnership
 - Tribal government

2. Project Overview

Provide the following in the appropriate fields or upload in the application

- Proposed project service area(s)
 - Spreadsheet with Street addresses
 - provide addresses based on the official [Utah Address Point dataset](#) in either a csv file, shapefile, or geodatabase feature class. Addresses must include the "Utah Address Point ID" (UTAddPtID) field to facilitate analysis. If an address point does not exist, please provide a csv file of non-existent address points with separate fields for latitude and longitude (using the common WGS84 coordinate system)
 - County(ies)/City(ies)
 - Geographic area description (geography, location, and number of miles of infrastructure)
 - Maps of proposed area

- Attach a .shp or .kml/.kmz file map showing the proposed service area showing boundary data for each contiguous area. Note: If submitting multiple locations, do not combine multiple project areas into one file.
- Project description
- Number of current unserved/underserved households and businesses
 - Describe the method used to determine the number of locations (e.g., number of meters, existing customers, address points)

3. **Greatest Investment in Last-mile Connections**

- Download the [Anticipated Broadband Improvements](#) spreadsheet and complete by providing the service and pricing levels to be offered in the grant project area. Include:
 - i. Download/Upload
 - ii. Latency
 - iii. Packet loss
 - iv. Service price/month
 - v. Data usage caps
 - vi. Connection fee
- Technology--Identify the type of technology the applicant will use:
 - Fiber to the Premises
 - Cable
 - Fixed Wireless
 - Hybrid Fiber/Cable
 - Hybrid Fiber/Fixed Wireless
 - Mobile
 - Other _____
- Project Design and Scalability
 - Describe the network design
 - Provide evidence of the scalability and capabilities of the proposed project's technology and the ability to upgrade.
- Project Readiness, Implementation and Operation Sustainability
 - Describe the project implementation, timeline including project milestones, a description of the business model including marketing strategies, the estimated take-rate (subscription rate), plan to sustain the operation of the network including a 5-year service commitment, and demonstration of experience and technical expertise. (Appendix B)
- Greatest Investment
 - Based on the technology and use of funds considering the number of connections or the economic need in last-mile connections, explain how this project makes the greatest investment for a long-term solution for the state of Utah

4. Community Impact

A high priority of this grant is engagement with the impacted community. The Applicant is to work with the local community to identify an innovative means of providing a public benefit that addresses the community's needs and includes as a component of the proposed project, a long-term public benefit to the impacted community.

To be written into the appropriate fields or uploaded in the application:

- Local governing body resolution in support of the project and the minutes that support the resolution detailing an innovative means of providing a public benefit that addresses the community's needs and that includes, as a component of the proposed project, a long-term public benefit that addresses the community's needs.

Examples:

- Provide service to previously unserved or underserved Community Anchor Institution(s) (libraries, police and fire stations, city/county buildings, public safety buildings, hospitals, healthcare facilities, and educational institutions)
 - Serve an economically distressed area
 - Digital literacy training
 - Low-income assistance
 - Partner with or establish co-working space
 - Activities planned to increase adoption
 - Open access
 - Fiber to the premises
- List of stakeholders and partners involved in the grant project and their roles
 - Show how the project is located in an economically distressed area of the state as measured by indices of unemployment, poverty, or population loss. Show how it is unlikely to be served without grant funding. Include an explanation of terrain, population density, socioeconomic factors, or other factors contributing to the cost.

5. Budget/Finance/Match

- Provide a total project cost and grant funding request.
- Money Match - At least 25% of the money needed for the proposed project must be provided by the applicant. Higher priority is given to projects that the applicant provides a greater percentage of the money for the project. One(1) point will be given for each additional 5% match above the required 25% up to 10 additional points.
- Documentation of the project's financing including the ability for the applicant to fund the match as well as the grant funds before reimbursement. Some examples of appropriate documentation include a letter of credit, a letter confirming funds from a bank, a board resolution committing funding, or loan documentation.
 - If the application will have additional financial partners contributing to the matching funds, the application must also identify the financial partner(s) and documentation of the amount and availability of each partner's financial match.

- Budget - Complete budget details on the [Budget spreadsheet](#)
- Leveraged Funding - Identify funding from other sources including money from matching federal grant programs
- Utah Code 63N-17-301(5) For a project that the eligible applicant cannot complete in a single fiscal year, the broadband center may distribute grant proceeds for the project over the course of the project's construction.

6. **Grant Scoring**

Scoring will be based primarily on statutory priorities with a total of 100 points possible.

Priority Rank	Category	Description	Points Possible
1	Unserved Rural & Anticipated Improvement	<ul style="list-style-type: none"> ● Provided service area with map- ● Verified eligible area ● Rural areas lacking fixed terrestrial 25/3 connection (unserved) can receive up to 40 points based on anticipated improvements from pre-existing broadband service. Non-rural unserved can receive up to 30 points. (see table below)* ● Rural areas lacking fixed terrestrial 100/20 (underserved) can receive up to 30 points based on anticipated improvements from pre-existing broadband service. Non-rural underserved can receive up to 20 points. (see table below)* <p>If the project includes both unserved and underserved passings, each will be scored separately and the resultant scores averaged.</p>	40*
	Unserved Non-Rural & Anticipated Improvement		or 30*
2	Underserved Rural & Anticipated Improvement		or 30*
	Underserved Non-Rural & Anticipated Improvement		or 20*
3	Community Impact	a. Meaningful engagement with the impacted community. Resolution and minutes supporting resolution from local legislative meeting that identify an innovative means of providing a public benefit that addresses the community's needs	5
		b. Include as a component of the proposed project, a long-term public benefit to the impacted community developed in response to the eligible applicant's engagement with the community.	10
4	Economic Need	Shows how the project is located in an economically distressed area of the state as measured by indices of unemployment, poverty, or	10

		population loss. Shows how it is unlikely to be served without grant funding. Include an explanation of terrain, population density, socioeconomic factors, or other factors contributing to the cost.	
5	Greatest Investment in Last-mile Connections - Technology, and number of passes	a. Description of network design. Provides evidence of the scalability and capabilities of the proposed project's technology, the ability to upgrade, that the proposed network meets industry reliability standards, and will provide a long-term solution for the community.	10
		b. Number of households/businesses impacted. 50 to 499 households add 3 points; 500+ households add 5 points	5
6	Highest speed	Speed, latency, packet loss, and affordability are competitive and will meet community needs on both upload and download speeds.	5
7	Matching Funds	As required, and for zero (0) points, the applicant provides at least 25% of the money needed for the proposed project with higher priority to projects for which the eligible applicant provides a greater percentage of the money needed for the project. One (1) point for every 5% in additional matching funds above the required 25% provided by the grantee or other leveraged funds up to 10 points	10
8	Budget /Finance /Sustainability and Implementation Readiness	Technical, managerial, and financial capabilities of the applicant demonstrating the ability to complete the proposed project; leveraged funding from other sources, including federal matching funds	5
	Total possible points		100

*

	Speed Now:	<25/3	<25/3	<25/3	<25/3	<25/3	<100/20	<100/20	<100/20	<100/20
	Speed After Build:	25/3	100/20	100/100	1G/100	1G/1G	100/20	100/100	1G/100	1G/1G
Rural	Points Awarded:	0	20	25	35	40	10	15	25	30
Non-rural	Points Awarded:	0	10	15	25	30	0	10	15	20

7. **Award, Reimbursement, and Accountability**

- Utah Access Grant Application Technical Review (See Appendix D)
 - Either prior to or after the applicant is awarded a grant, they will be required to obtain a review of the project plan by a Professional Engineer (PE) or other qualified individuals. The review must be stamped by the qualified individual and credentials attached to the review. Grant funds may be used to pay for these costs.
 - Grant closeout will require a second review from a Professional Engineer certified in Utah, or a third-party verifier pre-approved by the Utah Broadband Center. This review will confirm that the build has been completed; the design and installation conform to all applicable federal, state, and local requirements and standard engineering practice, and that the installed infrastructure will provide the service levels stated in the application.
- Funds disbursement will occur on a reimbursable basis.
- For the first 75% of the grant award, expenses can be reimbursed on no more than a quarterly basis by submitting a request for payment for incurred expenses. The remaining 25% of grant funds will be available upon submission of grant closeout and final report.
- The Applicant's responsibility is to obtain all necessary federal, tribal, state, and local government permits and approvals necessary for the proposed work to be conducted.
- If project costs exceed the budget included with the application, grantees will still be required to finish the proposed project without an increase in the grant award.
- Grantees are expected to offer service at the pricing and speed levels stated in the application for a minimum of three (3) years after the closeout of the contract.⁴
- As required by Utah Code 63N-17-201 (a) to "ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit," providers who are awarded middle-mile funds in conjunction with last-mile projects and choose to resell to ISPs will do so at a reasonable and affordable price comparable to market rates elsewhere for similar projects.
- The Utah Broadband Center reserves the right to amend the scope of grant awards or partially fund applications.

8. **Utah Broadband Center Responsibilities, Utah Code 63N-17-301**

- Utah Code 63N-17-301 (3)(b) In awarding grants under this part, the broadband center

⁴ Grantees should note that this pricing obligation is independent of the operation of any federal or state universal service pricing mechanisms or revenue imputations.

shall ensure that grant funds are not used in a manner that causes competition among projects that are substantially supported by state funds, as determined in accordance with rule made by the broadband center.

- Grant funds are not eligible to fund projects in areas receiving support from the Utah Public Telecommunications Service Support Fund.
- Utah Code 63N-17-301 (3)(b) In awarding grants under this part, the broadband center shall consider the impact of available funding for the proposed project from sources, including money from matching federal and state grant programs or other state funding sources.
- Utah Code 63-N-201 (a) Ensure that publicly funded broadband projects continue to be publicly accessible and provide a public benefit;
- Utah Code 63-N-301 (7) As provided in and subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, a record submitted to the broadband center that contains a trade secret or confidential commercial information described in Utah Code 63G-2-305(2) is a protected record.

9. Public Notice of Grant Recipients, Proposed Projects, and Potential Disqualification

Within two weeks after the close of the application, the Utah Broadband Center will post online a description of proposed projects with maps and proposed service areas. Prior to submitting the application for a grant, the applicant shall verify that the proposed project area meets the qualifications of an unserved or underserved area. The Utah Broadband Center may deny or revoke a grant award if it is later found that a proposed project area does not meet the definition of an unserved or underserved area. During the three weeks following the posting of the proposed projects, any person may submit to the Utah Broadband Center evidence to challenge, or show that a proposed project does not qualify as an unserved or underserved area. Utah Admin. Code R357-40-104(2). The Utah Broadband Center may consider such evidence in making the determination of whether to award the grant. Disqualifying evidence may consist of, including, but not limited to, the following:

- Evidence the provider, or incumbent, currently provides or has begun construction to provide broadband service to the proposed project area at speeds that meet or exceed the state speed goal of at least 100 Mbps download and 20 Mbps upload with a latency of less than 100 milliseconds, and a packet loss of less than 2 percent
- If construction has begun, the provider commits to complete construction and provide broadband service in the proposed project area at speeds equal to or greater than the minimum state speed goal no later than 18 months after the date grant awards are made for the grant cycle under which the application was submitted, or
- Evidence, provided by the provider or incumbent, showing the impact of planned builds.

Evidence, such as that described above, will be evaluated, and if found credible, then the Utah Broadband Center may choose not to grant the application or may revoke a grant award. Decisions will depend on the certainty of any builds as demonstrated by the supporting documentation and timeline for expansion. The Utah Broadband Center reserves the right to award a grant to an applicant that proposes to provide significant improvement to a challenged area that is meeting only minimum service requirements.

Upon receiving notice that the Utah Broadband Center has received a challenge, applicants may, within three (3) business days:

- Submit a response to the challenge containing specific evidence showing that the applicant meets the challenged criteria;
- Modify the application to meet the criteria; or
- Withdraw their application.

Upon review of the application, the challenge, the applicant's response, and any additional information requested or provided to the Utah Broadband Center, the Office shall approve or deny the application. If approved, the contract will be sent to the awardee for review and signature.

9. Accountability and Reporting

Grantees will be required to provide annual reports to the Utah Broadband Center from the time they receive funds to three (3) years after completion of the project. The reports shall be in a format specified by the Center and shall give an accounting by the applicant of the use of the funds received and the progress toward fulfilling the objects for which the funds were granted, including all of, but not limited to, the following:

- The number and location of residences and businesses that will have access to the broadband service;
- The speed of broadband service;
- The average price of broadband service;
- The broadband service adoption rates.

Appendix A
Utah Broadband Access
Grant Review Committee Members

Representative from:

- Utah Broadband Center (UBC)
- Utah Education and Telehealth Network (UETN)
- Utah Department of Transportation (UDOT)
- Utah Public Service Commission (PSC)
- Utah Dept. of Commerce/Division of Public Utilities
- Utah Geospatial Resource Center (UGRC)
- United States Department of Agriculture (USDA)
- Utah Department of Technical Services (DTS)
- Digital Access and Education Leader

Appendix B
Utah Broadband Access Grant
Project Readiness, Implementation, and Operation

Timeline and Project Milestones		
Name of Applicant:		
Name of Project:		
Overall Timeline for Project: <i>(Example)</i>	Start Date: <i>May 2021</i>	Complete: <i>June 2023</i>
Individual Milestones for Project: Include all planning, procurement, construction, installation, testing, and customer turn-up activities	Estimated Start Date (month/year)	Estimated Completion Date (month/year)
<i>(Example) Activity A</i>	<i>May 2021</i>	<i>Oct 2021</i>
<i>Activity B</i>	<i>July 2021</i>	<i>Nov 2021</i>
<i>Activity C</i>	<i>Sept 2021</i>	<i>Dec 2021</i>
<i>[continue as needed to completion]</i>		

Provide a narrative of the business model, including:

- o Marketing strategies
- o Take-rate
- o Sustainability of network operation, including a 5-year service commitment
- o Demonstration of experience and technical expertise

Appendix C
Utah Access Grant Award
Application Technical Review

A professional engineer (PE) or other qualified individuals must review each awarded grant application. If the review is not stamped by a PE, please provide the credentials and/or resume of the individual who reviewed the application.

Applicant Entity Name:

Application Project Name:

I affirm that the project details stated in the application, including the type of technology, proposed service area, number of locations to be passed, business model, project timeline, and budget, are accurate to the best of my knowledge.

Additional comments, if applicable:

Print Name, Title:

Date: _____

Signature:

PE Stamp:

If no PE stamp, then please attach credentials.

Appendix D
Utah Broadband Access Grant
Declaration of Applicant

I _____ as _____
Name of representative Title

representing _____ declare and sign under penalty of perjury,

Entity or Organization

that the application is complete, true, and correct. I affirm that the project details stated in the application including type of technology, proposed service area, number of locations to be passed, business model, project timeline and budget are accurate to the best of my knowledge.

I affirm that the applicant has verified that the proposed project area for the grant qualifies as an underserved or unserved area, as defined by Utah Administrative Code R357-40-101 et seq. and Utah Code 63N-17-301 et seq. The applicant acknowledges that its application may be denied, or the award revoked if it is later found by the Utah Broadband Center that the proposed project area does not qualify as underserved or unserved. The applicant agrees that for any disqualified grant award, if grant funds were disbursed to the grantee, then the grantee shall repay those grant funds to the Utah Broadband Center.

I affirm that if awarded the grant, project design plans and information must be certified by the manufacturer or a professional engineer (PE).

I affirm that the project will be completed in the time frame and no more than thirty (30) months, will be maintained for at least five (5) years; that stated monthly service prices and fees to the end-user will remain constant for at least three (3) years and, I acknowledge that if awarded any portion of the Utah Broadband Access grant, then the applicant is subject to audit.

I affirm that the project is not in an area receiving support from the Utah Public Telecommunications Service Support Fund (UUSF).

I affirm that I am an authorized representative of the undersigned entity or organization, with authority to sign and bind on its behalf, to the terms and conditions.

Signature: _____, Its: _____ (title)

Entity or organization: _____