

Pennsylvania Broadband Development Authority
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Pennsylvania Broadband Development Authority

April 5, 2023

3:00 PM

Virtual Meeting

Dial-In: +1 267-332-8737

Phone Conference ID: 384 527 712#

- I. Call to Order
- II. Approval of March 16, 2023, Meeting Minutes
- III. Capital Projects Fund – Broadband Infrastructure Program Guidelines
- IV. Public Comment
- V. Adjournment

**This meeting will be recorded, and your participation is your consent to being recorded.*

Pennsylvania Broadband Development Authority

Board Meeting Minutes

March 16, 2023

Microsoft Teams Meeting

Board members and voting designees in attendance:

- Secretary Uri Monson, Office of the Budget, Chairman
- Mark Critz on behalf of Acting Secretary Russell Redding, Department of Agriculture
- Mike Hanna on behalf of Acting Secretary Rick Siger, Department of Community and Economic Development
- Dr. David Volkman on behalf of Acting Secretary Khalid Mumin, Department of Education
- Matt Bembenick on behalf of Acting Secretary Reggie McNeil, Department of General Services
- Senator John Kane, Assistant Secretary
- Representative Rob Matzie
- Representative Carl Walker Metzgar
- Senator Kristin Phillips-Hill, Secretary
- Chairwoman Gladys Brown Dutrieuille, PUC
- Dr. Kyle Kopko, Center for Rural PA

Designees in attendance:

- Phil Kirchner
- Chloe Mandara
- David Screven
- Zach Reber
- Dr. Laura Dimino
- Matt Franchak
- Rich Pronesti
- Joe Witmer
- Steve Warhola

Department of Community and Economic Development (DCED) staff in attendance:

- Brandon Carson
- Erin Wachter
- Paul Opiyo
- Kalie Snyder
- Leigh Walter
- Lori Irwin
- Rob Teplitz
- Pam Frontino
- Kyle Snyder
- Julia Brinjac
- Greg Alliger
- Allison Brubaker
- Britt Muniz
- Britte Earp

- Sarah Souder
- Greg Welker

Guests in attendance:

- Brian Regli, Governor's Office
- Russ McDaid, PA eCommerce Association
- Julie Tritt-Schell, PA E-Rate Coordinator
- Jim Warta, Consolidated Communications
- Mark VanOuse, Zito Media
- Dr. Greg Koons, PAIU
- Brian Barno, Broadband Communications Association of PA
- Todd Eachus, Broadband Communications Association of PA
- Jim D'Innocenzo, Comcast
- Jim Mercante, Chester County Digital Equity Coalition
- Jeanne Shearer, Windstream/Kinetic
- Jennifer Cloonan, Frontier Communications
- Steve Samara, PA Telephone Association
- Casey Fellingner, Milliron Goodman
- Elana Frazier, Ichor Strategies
- Pedro Romero, Verizon
- Lindsey Ringquist, Adams County
- Elizabeth Lose, Centre County
- Justin Zagorski, ECC Technology
- Amanda Frazier, ICCN
- Bill Perkins, ICCN
- Alexandra Taylor, Hillman Foundation
- Corey Block, Westmoreland County
- Andrew French, Fayette County Redevelopment Authority
- Kristi Amato, Clarion County
- Bailey Thumm, PA Farm Bureau
- Jan VaDeCarr, Greenlight Networks
- Jodie Stuck, Malady-Wooten
- Tom Beresnyak, Penn State Extension
- Harry Crissy, Penn State Extension
- Jim Ladlee, Penn State Extension
- Morgan Webb, CCS Energy
- Carrie Cleary, PA Department of Education
- Ashley Pollard, City of Philadelphia
- Juliet Fink-Yates, City of Philadelphia
- Nicole Ugarte, NTIA
- Janice Sahady Crile, Temple University
- Sandra McNally, Temple University
- Heidi Norman, City of Pittsburgh
- Jason Giuliano, CalChip Connect
- Al Abramovic, Venango County
- Kate Rivera, Technology Learning Collaborative
- Sam Garfinkel, Michael Baker International

- Kristen Ritchey, Comcast
- Steve Putt, AECComm
- Eric Bathras, AECComm
- Aaron Young, CTC Enterprises
- Melissa Gate, CCAP
- Alex Christy, PA Senate
- Chris Salemme, Salemme Strategies
- Kevin Sunday, PA Chamber
- Tom Landis, Community Media
- Shuayb Greenaway, Region Authority Corporation
- George William, PA House Of Representatives
- Dave Kerr, At&t
- Chris Miller, Susquehanna Broadband
- Catharine Conner, Milliron Goodman
- Barb Burba-Filoreto, PA Wireless Association
- Brandon Brenize, Adams County
- Carol Duffy, McKean County
- Sascha Meinrath, Penn State University
- Cody Wian, Mifflin County Wireless
- Dwayne Zimmerman, Crowsnest Broadband
- Jessica Sahl, Chester County Intermediate Unit
- Dan Huebner, Civis Analytics
- Dominic Thecka, AdTran
- Jennifer Keaton
- Daniel Carpenter
- Remy Pesimo
- Tom Kreiner
- Steven Mansour
- Beth Rosentel
- Lori Noonan
- Shirley Anders
- Rich
- April
- Ben White
- Suzan Paiva
- Alice Gray
- Matt
- Joe L
- Christine Meinhart-Fritz
- Karen Horchak
- Liz
- Shirley Anders
- Carmen
- John Conners

I. Call to Order

Chairman Monson called the meeting to order at 1:40 PM.
Kalie Snyder conducted a roll call of the board members and confirmed quorum.

II. Approval of March 10, 2023, Meeting Minutes

Chairman Monson asked for questions and comments on the minutes as presented to the Board. Seeing none he asked for a motion to approve the minutes as presented to the Board. Motion made by Senator Kane. Motion was seconded by Mark Critz. Chairman Monson asked for all Board members to approve or deny the motion. Motion passed unanimously.

III. Capital Projects Fund – Broadband Infrastructure Program Guidelines

Chairman Monson asked Deputy Director Erin Wachter to provide an overview of the purpose of the program and high-level overview of the guidelines for the program.

Erin gave a presentation that reviewed the following items: program timeline, eligible applicants and projects, minimum speed requirements, minimum/maximum grant amount, matching requirements, low-cost option requirements, wage and workforce development considerations, and assurance of universal coverage. She also highlighted that some of these items are required by U.S. Treasury while others were afforded flexibility as the Authority built the guidelines.

Chairman Monson asked for a motion to approve the guidelines as presented to the Board. Motion made by Senator Kane. Motion was seconded by Representative Matzie. Chairman Monson called for comments from the Board regarding the guidelines.

Senator Phillips-Hill provided remarks on her work in the broadband space and how important the mission of universal broadband is. The Senator commented on criteria proposed within the guidelines that will impose additional barriers and hurdles to deployment. She also views this criterion as a violation of Act 96 and highlighted that it is not a requirement under state or federal law. She closed by stating that she would not support the guidelines as presented today.

Representative Matzie provided remarks in support of the guidelines and that it is in line with federal and state guidance. He also commented on the importance of responsibly allocating tax dollars and ensuring taxpayers earn living wages based on their experience and training. He also recognizes the importance of expediency but that we should not sacrifice efficiency and quality, they are not mutually exclusive. He closed by stating that he would be in support of the guidelines as presented today.

Senator Kane provided remarks on the unanimous passing of minutes from the last meeting and highlighted a portion which recognizes the importance of deploying funds in a fiduciary manner and that a skilled workforce is a priority. He closed by stating that he would be in support of the guidelines as presented today.

Mark Critz asked if the workforce requirement is a scored portion of the application and doesn't preclude someone from getting money. Erin Wachter confirmed that is accurate. Mark then asked that it would not be an immediate elimination if their project scored well otherwise, to which Erin and Chairman Monson confirmed that is accurate.

Chairman Monson asked Kalie Snyder to conduct a roll call vote for the guidelines. Kalie conduct roll call vote and confirmed the following responses:

Chairman Uri Monson – Yes
Mark Critz for Secretary Russell Redding – Yes
Mike Hanna for Acting Secretary Rick Siger – Yes
Dr. Volkman for Acting Secretary Khalid Mumin – Yes
Matt Bembenick for Acting Secretary Reggie McNeil – Yes
Senator John Kane – Yes
Representative Rob Matzie – Yes
Representative Carl Walker Metzgar – No
Senator Kristin Phillips-Hill – No
Dr. Kyle Kopko – Abstained

Chairman Monson provided remarks on the requirements of the Authority By-Laws and stated that the motion did not pass. He reminded everyone of the importance of getting the guidelines finalized and encourages a collaboration.

IV. Public Comment

Chairman Monson asked Kalie Snyder to conduct public comment. Kalie reminded the public of the format to provide comments and asked that they remain under 2 minutes.

Elana Frazier, Ichor , recognizing Senator Phillips-Hill's opposition to the guidelines asked if she had recommended any alternative solutions. Senator Phillips-Hill responded that she has offered alternatives, but that they had been rejected.

Carmen Dawson, Blacks in Technology Foundation, asked if there is an opportunity to resubmit FCC mapping speed test to ensure an inclusive approach to the data collected.

Matt, River Valley Internet, asked if there would be consideration to waivers of the match requirement or an in-kind match allowance.

Shuyab Greenaway, Region Authority Corporation, asked if the presentation could be shared from today. He also asked if Pennsylvania has pulled their own map together that includes libraries.

Jim Mercante, Chester County Digital Equity Coalition, offered remarks on the rural nature of Chester County. He stressed the importance of universal connectivity for every day needs like school and health needs. He wants the cost to not be the biggest factor but to ensure there is universal connectivity and advocates the state to consider middle mile open access.

Russ McDaid, PA eCommerce Association, asked if there is a scoring rubric for the CPF-BIP that incorporates workforce, and if not, he would encourage that. He also asked for additional information regarding the Digital Anchor Institution program.

Amanda Fraizer, ICCN, asked if Senator Phillips-Hill would provide additional context on the recommended provisions. Executive Director Brandon Carson responded that public comment is not an opportunity for question and answer and that all questions and comments will be logged for the record.

V. Adjournment

Chairman Monson recognized this being Erin Wachter's last meeting and thanked her for her work as Deputy Director of the Authority. Several other members shared a similar sentiment.

Chairman Monson called for a motion to adjourn. Motion made by Senator Kane. Motion seconded by Chairwoman Brown Dutrieuille. Meeting adjourned at 2:30 PM.

Respectfully submitted,
Senator Kristin Phillips-Hill
Secretary

DRAFT

**Capital Projects Fund
Broadband Infrastructure Program
Program Guidelines**

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Section I – Statement of Purpose

A. Introduction

The **Pennsylvania Broadband Infrastructure Program (Program)** is funded pursuant to the Coronavirus Capital Projects Fund (Capital Projects Fund), established by Section 604 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021. The American Rescue Plan appropriated \$10 billion to Treasury to provide states with resources “to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19.”

The Pennsylvania Broadband Development Authority (the Authority) will administer this Program in accordance with [U.S. Treasury guidelines](#) and Act 96 of 2021. Pennsylvania received a total of \$278,793,641 million through the Capital Projects Fund, of which \$200 million is dedicated for this Program.

B. Purpose

The purpose of the Program is to facilitate the deployment of high-speed broadband service infrastructure in unserved and underserved areas of the Commonwealth. Access to high-speed broadband services in unserved and underserved areas of the Commonwealth will enhance economic development, education, health care and emergency services. The creation of the Program to construct high-speed broadband service infrastructure to serve low-density areas, rural locations, and other areas of the Commonwealth where unit costs of providing service may not have been economically feasible to-date, will further expand broadband access for Pennsylvania’s residents through new investments. The Authority will provide grants through this Program to applicants for the construction of high-speed broadband service infrastructure. These guidelines outline eligibility requirements, as well as the procedures to apply for and receive funding under the Program.

Section II – Eligibility

A. Eligible Applicants

Any of the following entities may apply for a grant under the Program:

1. **Business** – A corporation, partnership, sole proprietorship, limited liability company, cooperatives, or other commercial entity.
2. **Not-for-profit** – Any private not-for-profit entities.
3. **Municipalities** – Includes any city, township, borough, town, county, or a home rule municipality.
4. **Economic development organization** - A not-for-profit corporation or association whose purpose is the enhancement of economic conditions in its community.

As outlined in the Authority's legislative mandate, [Act 96 of 2021](#), eligible entities include those with the technical, managerial, and financial expertise to design, build, and operate high-speed broadband service infrastructure within the Commonwealth.

Regional consortia of local governments may participate. Additionally, the Authority will consider covered partnerships consisting of one or more of the above entities and a provider of internet service.

Per U.S. Treasury guidance, the Program will prioritize projects that involve broadband networks owned, operated by, or affiliated with local governments, non-profits, cooperatives, and those with commitments to serving entire communities.

B. Eligible Projects

Per U.S. Treasury guidance, the construction and deployment of broadband infrastructure projects (Projects) are eligible for funding under the Program if the infrastructure is designed to deliver, upon Project completion, service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps.

If it would be impracticable, because of geography, topography, or excessive cost, for a Project to be designed to deliver services at such a speed, the Project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

Eligible Projects consist of the deployment, including last mile deployment, of wired and/or fixed wireless high-speed broadband service infrastructure in unserved and underserved areas of the Commonwealth. An unserved area is defined as a designated geographic area in which households or businesses do not have access to at least 25/3 Mbps. An underserved area is defined as a geographic area in which households or businesses do not have access to at least 100/20 Mbps. Preference will be given to projects that will address unserved areas compared to underserved areas.

Eligible Projects include:

1. Line extension and development

This includes extensions of existing last-mile cable modem and fiber-to-the-premise broadband networks that can be constructed quickly. A service provider is eligible if it has an existing fiber-to-the-premise or cable network offering service of at least 100/20 Mbps to mass-market users that can be extended to eligible premises in the Commonwealth.

2. Large-scale regional infrastructure

The large-scale regional project category is designed for Projects that can transform broadband availability across a significant portion of the Commonwealth by serving large numbers of eligible addresses.

Projects must achieve last mile connections. Applicants considering funding middle-mile projects must have commitments in place to support new and/or improved last-mile service.

Proposed Projects that will result in overbuild in which less than 80 percent of broadband-serviceable locations served by the proposed Project are unserved or underserved shall be ineligible for this grant. Proposed projects that are to be managed or operated by a Federal or State entity are ineligible for this grant.

C. Eligible Project Costs

Funds may be used for any of the following eligible costs associated with the installation and/or acquisition of middle-mile and last-mile high-speed broadband infrastructure:

- Pre-project development costs and uses, including data-gathering; feasibility studies; community engagement and public feedback processes; equity assessments and planning, and needs assessments; permitting, planning, architectural design, engineering design; and work related to environmental, historical, and cultural reviews.
- Costs of repair, rehabilitation, construction, improvement, and acquisition of real property, equipment (e.g., devices and office equipment), and facilities (e.g., telecommunications equipment, including infrastructure for backhaul, middle, and last mile networks).
- Cost of long-term leases (for terms greater than one year) of facilities required to provide qualifying broadband service, including indefeasible right-of-use (IRU) agreements and capital leases.
- Ancillary costs necessary to operationalize and put the capital assets to full use, including costs to increase broadband adoption and improve digital literacy.
- Administrative costs of the applicant to administer the grant are limited to 2.5 percent of the grant award. Administrative costs include costs to complete the grant application, costs associated with monitoring of and reporting on the Project, advertising costs, and personnel costs including salaries and fringe benefits for staff required for carrying out the Project.

Funds may not be used for the following purposes:

- Acquisition of spectrum licenses
- Operating expenses, other than grant administration costs
- Short-term operating leases
- Payment of interest of principal on outstanding debt instruments, or other debt service costs incurred prior to March 15, 2021
- Fees or issuance costs associated with the issuance of new debt

- Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding
- Fees generated to support or oppose collective bargaining. This does not affect the ability to use funds to comply with 41 C.F.R. 60-1.4 (the federal Equal Opportunity Clause)
- Securing other financing
- Covering interest on borrowed funds
- Refinancing of existing debt
- Lobbying
- Fines

Section III – Program Requirements

A. Matching Funds

Projects require a 25% share of the total Project cost in matching funds. A separate Federal, State, or local government grant, loan, or subsidy received by an applicant to finance a proposed project can be counted toward the capital investment requirement.

B. Universal Coverage

Applicants are required to ensure that all Projects either achieve or are part of a plan to achieve universal broadband for the locality or region. Applicants are not permitted to submit projects that focus on areas of density while not including nearby unserved or underserved, less dense areas. This approach hurts the economics of serving the remaining areas in communities and will ultimately make it more difficult and costly to get all Pennsylvanians access to broadband coverage.

C. Affordability

The affordability of broadband is necessary to directly enable its use by all Pennsylvanians. When awarding projects through this Program, the Authority will consider whether the broadband service options offered by applicants will be affordable to their target markets in the proposed service area.

Services provided by grant recipients must include at least one low-cost option offered at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Grantees will be required to report pricing data as part of Program performance and monitoring per Treasury guidelines.

Service providers receiving grant awards must participate in the Affordable Connectivity Program (ACP), a federal program that provides low-income consumers with subsidies on broadband internet access services.

Applicants must explain why the communities they have identified to serve have a critical need related to internet access, affordability, reliability, and/or consistency. In addition to establishing that the internet service providers will participate in ACP, providers are also

encouraged to also demonstrate a sustainable low-cost service option for low-income individuals that is not subject to cost escalation or associated with a new subscriber rate or contract. The Authority's scoring criteria will consider other affordability components of the proposed Projects. Applicants will be asked to describe their digital equity efforts to ensure low to moderate income households in the proposed Project area will have sustained and affordable access. Additionally, during application evaluation, the Authority will consider whether a Project would charge connection costs associated with serving locations long distances away from telecommunications infrastructure.

D. Project Sustainability

Proposals must incorporate a viable strategy that extends beyond initial investment to maintain, repair, and upgrade networks. Thus, proposals must include a sustainability model or long-term plan beyond the period of performance (December 31, 2026). This should address the continued operation of networks in the absence of future federal funding.

E. Prioritizing investments in fiber-optic infrastructure

Applications proposing investments in fiber-optic infrastructure will be prioritized. Upon completion, Projects must, at minimum, deliver service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps. If it would be impracticable, because of geography, topography, or excessive costs for a Project to deliver services at such a speed, the Project must be designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical.

Through the grant review process, the Authority will verify that the applicants' reasoning for "impracticability" is justifiable by conducting an in-depth review of the proposed geography, topography, or excessive cost justification. This review will be done by cross-referencing the details provided with the statewide broadband map being developed by the Authority.

F. Combining with RDOF Funds

Program applicants must take reasonable steps to determine if proposed Project areas have in whole or in part been awarded state or federal broadband funds. This includes funding from the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund (RDOF). Due to the timing of when Program funds will be distributed, there could be overlap with other federal broadband-related programs, including RDOF, and some stipulations may apply.

To accelerate broadband access in RDOF-awarded areas, locations in those areas may be included in Program applications to cover a portion of the infrastructure needed to reach RDOF-awarded areas. As a result, areas that were awarded funds through RDOF, regardless of bidder, are eligible to be included in an application for the Program provided that any additional funds awarded through this program must only be used to expand service to additional locations that otherwise would not be receiving service through the RDOF funding.

RDOF awardees may challenge an application that includes all or portions of their final RDOF-awarded area. If the Authority determines that the challenge to the application is credible, the challenging RDOF awardee must commit to providing broadband access in the challenge

area(s) within two years of the date of the Authority’s determination. In this case, the challenging RDOF awardee will be required to enter into an agreement (Agreement) with the Authority, committing to construct the removed area(s). This Agreement must be entered into prior to September 19, 2023, for the challenge to be considered and be effective upon award of the application. The applicant will be required to remove the area(s) that overlap from its application. The challenging RDOF awardee must provide for the issuance of a performance bond for the difference between the amount the applicant would have received without the challenge and the amount received with the valid challenge. The performance bond must be a requirement of the Agreement and must be issued at the time the Agreement is executed.

If the Authority determines that a challenge is credible based on a final RDOF award and the RDOF awardee has committed to constructing the challenge area and later defaults, the performance bond issued in connection with the Agreement shall be forfeited unless the default is the result of force majeure.

RDOF areas, unless those areas are challenged by the RDOF-awardee and an Agreement has been entered into with the applicant, will be considered unserved and eligible for Program funding.

The Authority reserves the right to update the guidelines to comply with federal rules and regulations.

G. Stakeholder and Community Engagement

Applicants must list and describe key partnerships involved in project planning, implementation. Examples include internet service providers, local government bodies, community leaders, organizations, and residents. Letters of support are encouraged. Units of local government will have an opportunity to comment on proposed Project areas. Adoption or incorporation of guidance promulgated by the Authority for “Broadband Ready” Communities may be considered in awarding grants under this program.

H. Provider Service Area and Project Maps & Data (shapefile to include .shp, .shx, .dbf, and .prj or .kml/.kmz)

Program applicants, and challengers, must provide a PDF map and GIS data of their entire service area footprint within the Commonwealth. Detailed requirements can be found in Appendix I, Exhibit 4.

I. Proof of Notification

The applicant must provide proof that the county and host municipality, or municipalities, have been notified about the intended Project.

J. Planning and Permit Requirements

All recipients of funding for construction projects where federal, state, or local planning or permit approvals are required, must state in the application that the Project will secure the necessary planning and permit approvals for the Project prior to beginning construction.

K. Other Requirements

1. Conflict of Interest Provision

An officer, director or employee of an applicant who is a party to, or who has a private interest in, a Project shall disclose the nature and extent of the interest to the governing body of the applicant and may not vote on action of the applicant concerning the Project, nor participate in the deliberations of the applicant concerning the Project. Applicants with existing contracts for wireless asset management with an agency of the Commonwealth must disclose the nature of such contracts within the application, which may be considered in the evaluation of any application.

2. Nondiscrimination

No assistance shall be awarded to an applicant under this Program unless the applicant certifies that the applicant shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with grant funds must contain the Commonwealth's official nondiscrimination clause.

3. Worker Safety

Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), the Commonwealth is responsible for ensuring that all Pennsylvania workers have a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the [Worker Protection and Investment Certification Form \(BOP-2201\)](#) and submitted with the application.

4. Project Records

The applicant must maintain full and accurate records with respect to the Project and must ensure adequate control over related parties in the Project. The Authority requires access to such records, as well as the ability to inspect all work, invoices, materials, and other relevant records at reasonable times and places. Upon request of the Authority, the applicant must furnish all data, reports, contracts, documents, and other information relevant to the Project.

5. Certification of Expenses

The applicant shall sign a payment request form certifying that the expenses were incurred and were in accordance with the scope of work approved by the Authority. Prior to final closeout of the grant agreement, the applicant shall be required to submit copies of all canceled checks verifying the expenditure of the Program proceeds. Bank statements may also be submitted if electronic payment of the expenditure occurred. Notwithstanding, the Authority reserves the right to conduct a formal project audit of any Project in the Authority's sole discretion.

6. **Bidding Requirements**

Applicants are responsible for seeking competitive bids for all work conducted with the grant funds. Additionally, the applicants must comply with all applicable federal, state, and local laws and regulations dealing with bidding and procurement. U.S. Treasury guidelines encourage grant recipients to prioritize in their procurement decisions employers who can demonstrate:

- Their workforce meets high safety and training standards, including professional certification, licensure and/or in-house training;
- Prioritization in hiring of local workers and/or workers from historically disadvantaged communities;
- Direct employment of their workforce, or policies and practices in place to ensure contractors and subcontractors meet high labor standards; and
- Compliance with federal and state labor and employment laws.

7. **Workforce Development Considerations**

Applicants are required to describe their workforce development considerations, which may include the usage of Registered Apprenticeships, pre-apprenticeships, and other apprenticeships, as well as utilization of local workers and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

8. **Guideline Provisions**

These guideline provisions may be modified or waived by the Authority unless otherwise required by law.

9. **Pennsylvania Prevailing Wage Act**

Projects must be carried out in ways that produce high-quality infrastructure, avert costly delays, and promote efficiency. Projects funded by this Program must comply with all applicable federal laws and regulations, and with all requirements for state and local laws and ordinances to the extent that such requirements do not conflict with federal laws.

While the federal Davis-Bacon Act prevailing wage requirements do not apply to Projects funded through this Program, the Pennsylvania Prevailing Wage Act (43 P.S. § 165-1 et seq.; 34 Pa. Code § 9.101 et seq.) may apply to Projects funded under this Program. Prevailing Wage requirements are generally applicable to grants for construction, demolition, reconstruction, alteration, repair work, renovations, build-out and installation of machinery and equipment more than \$25,000. The grantee is responsible for including prevailing wage rates in all bid documents, specifications, and construction contracts pertaining to the Project. The Pennsylvania Department of Labor and Industry (L&I) has final authority to make prevailing wage applicability determinations.

Additional reporting requirements apply to Projects \$5 million or more. See Appendix II for more detailed information directly from U.S. Treasury reporting guidance.

10. Reporting

Grantees will be required to submit quarterly and annual progress reports through to the completion of the Project. The following is a non-exhaustive list of activities that will be monitored and used to measure performance of subrecipients:

- Data related to Projects
- Review of expenses and requests for reimbursement
- Field audits to verify capital project construction progress, completeness and quality
- Mapping updates
- Affordability compliance
- Fair labor and Civil right compliance
- Equity indicators
- Sustainability indicators and means of verification
- Stakeholder and community engagement efforts
- Programmatic data such as geospatial data for infrastructure projects
- Other measures as determined by the Authority

Guides to key state and federal requirements and technical assistance will be provided once contracts are executed, to orient grant recipients to their obligations. The Authority will maintain regular contact with grant recipients through the required submission of reporting data, financial records, and other relevant indicators. The Authority will also process reimbursement requests upon completion of expense reports throughout the project.

11. Federal Law Compliance

Applicants are responsible for complying with all applicable federal laws throughout the grant process. Grant funds through this Program must be expended in ways that comply with applicable federal laws, including the 2019 National Defense Authorization Act (NDAA). Among other requirements, this includes certain provisions of the NDAA and contains prohibitions on the use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People's Republic of China.

Additionally, projects funded through this Program must comply with all applicable environmental laws. Generally, the National Environmental Policy Act does not apply to Projects funded by this Program. Projects that do not involve construction activities will not be subject to federal environmental review requirements. For assistance in meeting compliance standards, applicants are encouraged to refer to relevant sections of Treasury's "CPF Environmental Questionnaire", available here: <https://home.treasury.gov/system/files/136/CPF-Environmental-Questionnaire.pdf>

12. Governance and Project Management

Proposals must describe how the Project will be managed, and by what entity (public or private) as well as the governance structure overseeing the management of the

Project. Responsible parties should also be included on the Project timeline and list of deliverables included in the “Application Questions” section of these guidelines.

13. Final Report

Successful applicants will be required to provide a final report three months after Project completion. This final report will outline the activities that took place during the Project, what facilities were installed and their service capabilities, total costs for the Project, and a map detailing the location of infrastructure and equipment that was installed. The report will also include a summary of how the Project addressed affordability within the service area. For providers, verification of participation in ACP will be required with the final report.

Upon completion of the project and in addition to the final report, successful applicants must submit an affidavit stating that speed thresholds are being met at the Project location, as well as location-based speed test documentation. The Authority, or its successors or assigns, reserves the right to conduct location-based speed tests at locations to be served through this grant program. If the speed tests do not reflect the upload and download speeds committed to under this program, the Authority reserves the right to compel refunds of awarded funds.

The final 10% of grant funds will be held until the final report and affidavit have been submitted to and reviewed by the Authority with any questions or concerns having been addressed by the applicant to the Authority’s satisfaction.

Section IV – Grants

1. The minimum grant amount for any Project is \$500,000. The maximum grant amount shall not exceed \$10 million.
2. To be eligible for reimbursement, Project costs must be incurred within the timeframe established by the grant agreement.

Section V – Application Procedures

A. Application Procedures

To apply for funding, the applicant must submit the electronic online Department of Community and Economic Development Single Application for Assistance located at www.esa.dced.state.pa.us. Required supplemental information outlined in Appendix I of these guidelines must be attached electronically to the application as directed on the Addenda tab within the Single Application for Assistance website.

For technical inquiries regarding the submission of the online application, contact the Customer Service Center by calling (800) 379-7448 or (717) 787-3405, or email Radcedcs@pa.gov, Monday through Friday from 8:30am to 5:00pm. Once submitted, please

email one (1) copy of the application, including the required supplemental information to PBDA_CapitalProjectsFund@pa.gov.

Within 10 business days following the close of the application period, the Authority will make the proposed unserved areas, underserved areas, and the community anchor institutions available for review on the Authority's website for the purpose of collecting challenges.

B. Program Timeline

Application Period	May 10, 2023 – July 10, 2023
Proposed Project Areas Posted to Authority Website	July 24, 2023
Challenge Period	July 24, 2023 – September 5, 2023
Adjudication Process	September 6, 2023 – October 5, 2023

All projects funded through this Program must reach substantial completion before December 31, 2026. Substantial completion is defined as the date for which the Project can fulfill the primary operations that it was designed to perform, delivering services to end-users. At substantial completion, service operations and management systems infrastructure must be operational. Extensions may be granted beyond this timeframe to the extent that factors deemed to be outside of the grantee's control, in the Authority's sole discretion, have impacted Project delivery timelines. The Authority will approve extension requests on a case-by-case basis.

Section VI – Process for Challenging Applications

Before awarding grant funds, the Authority will ensure a transparent, evidence-based, and expeditious challenge process under which entities can challenge a proposed Project on the grounds that awarding a grant (under Act 96 of 2021 § 6123) to the applicant will result in an overbuild. Proposed Projects that will result in overbuild in which less than 80 percent of broadband-serviceable locations served by the proposed Project are unserved or underserved are ineligible for this grant.

The Authority will make the proposed unserved areas, underserved areas, and the community anchor institutions to be served available for review on the DCED website within 10 business days after the expiration of the application period.

The process to submit challenges will involve a written challenge from the eligible entity, accompanied by a form (issued by the Authority), which will include the following information:

1. A declaration disputing the eligibility of the proposed Project, including whether a particular location is in an unserved area or underserved area.
2. An affidavit from the eligible entity of the providers existing or planned provision of high-speed broadband service within the proposed Project area.
3. Provider Service Area Map & Data as outlined in Exhibit 4 of Appendix I of these guidelines.

Prospective challengers are not permitted to challenge a proposal based on their “planned provision” of high-speed broadband service if there is no state or federal requirement to complete the project or if the challenger has not already made significant progress to deploy services in the proposed Project area. The onus will be on the challenger to demonstrate its “planned provision” of service within the proposed Project area, and final determination will be made by the Authority during the adjudication process.

Prospective challengers are encouraged to contact applicants directly and discuss the contested Project area before submitting a challenge, as Project areas could be re-scoped to remove overlap. Re-scoping could involve the following:

1. Applicants may re-scope to account for feedback received from other eligible entities during the challenge window.
2. The Authority could request that applicants consider serving additional unserved or underserved addresses not included in the proposed scope.

Evidence of serviceability must be demonstrated by showing the number of customers within the area of claimed serviceable units. For an area to be considered served, service at or exceeding 100/20 Mbps must be available to all residential customers in the defined area.

For feedback regarding existing service, construction, or future builds to be considered when reviewing applications, supporting evidence and documentation must be provided. Comments with insufficient evidence or documentation, or those that include inaccurate information, will not be considered. Challengers may be asked to provide additional information and/or work with the Authority to validate service availability. If a challenging entity is found to have submitted inaccurate information, all current and future challenges may be disregarded in the scoring process. If a challenging entity submits an excessive number of challenges, as determined by the Authority, the Authority reserves the right to deem said challenging entity ineligible for funding under future grant programs administered by the Authority.

After resolving each challenge, and not later than 60 days before awarding grant funds, the Authority will provide public notice of the final classification of each unserved area, underserved area, and community anchor institution within the Commonwealth.

Section VII – Application Evaluation

Grant applications will be evaluated based on the following scoring criteria:

1. The size and scope of the unserved or underserved area to be deployed.
2. The experience, technical ability, and financial capability of the applicant to successfully deploy high-speed broadband service infrastructure and provide high-speed broadband service.
3. The extent to which federal, state, or local government funding support is necessary to develop and deploy high-speed broadband infrastructure in an economically feasible

manner in the proposed project area.

4. The proportion of the capital pledged by the applicant to finance the proposed high-speed broadband service infrastructure project.
5. The high-speed broadband service speed thresholds proposed in the application.
6. The scalability of the high-speed broadband service infrastructure proposed to be deployed to provide high-speed broadband service to households and businesses.
7. An affidavit that no grant funding shall be used in such a manner as to result in an overbuild.
8. An affidavit that the applicant will ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair, or maintenance work on a high-speed broadband service infrastructure project developed and deployed under this Program meets all of the following requirements:
 - a. Maintains all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that are necessary to do business or perform applicable work.
 - b. Maintains compliance with the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.
 - c. Has not defaulted on a project, declared bankruptcy, been debarred, or suspended on a project by the Federal Government, the Commonwealth, or a local government entity within the previous three years.
 - d. Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
 - e. Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that may be encountered during their work on the high-speed broadband service infrastructure.
9. Whether the Project proposes investments in fiber-optic infrastructure.
10. The Project involves broadband networks owned, operated by, or affiliated with local governments, non-profits, and cooperatives, and commitments to serving entire communities.
11. The Project achieves, or is part of a plan to achieve, universal broadband for the locality or region.
12. The Project meets affordability standards outlined in these guidelines and offers low-cost

broadband alternatives.

13. The Project includes an outreach plan to ensure high adoption rates in proposed areas upon Project completion.
14. The Project includes a viable sustainability strategy beyond initial investment to maintain, repair, and upgrade networks.
15. Workforce development programs and considerations, which may include the usage of Registered Apprenticeships and pre-apprenticeships, utilization of local workers, and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

In making its determination of appropriate grant funding for individual projects proposed, the Authority and the review committee appointed by the Authority may request the following from any and all applicants, at its sole discretion, subsequent to the receipt of an application:

- Additional narrative or budgetary information
- Additional justifications for proposed cost
- Interviews with representatives of the applicant, including with broadband service providers or telecommunications construction partners named as part of a proposal or cost estimate

During the interview and review process, applicants should also be prepared to discuss alternative scenarios in which a proposed Project area can only be partially funded due to limited available resources. In such circumstances, applicants shall be permitted the right to resubmit their narrative and/or cost proposals as part of the Committee's review process.

The Authority reserves the right to evaluate proposed Project areas and provide revisions to Project areas to ensure more complete access to broadband services. If Project areas increase in size, there may be an opportunity to amend the proposed Project cost.

The Authority also reserves the right to prioritize proposals received for this solicitation for allocations of future funding, with the concurrence of the applicant, should the proposal be judged as technically viable and in accordance with the requirements of the program but cannot be funded due to limited resources.

Section VIII – Procedure for Accessing Funds

Upon approval of an application by the Authority, a grant agreement and commitment letter will be electronically issued to the applicant explaining the terms and conditions of the grant. The Grantee must provide the names, titles, and e-mail addresses for two authorized individuals to receive and electronically sign the grant agreement. The grant agreement must be electronically signed and returned to the Authority within 30 days of the date of the commitment letter or the offer may be withdrawn by the Authority.

Funds will be distributed to grant awardees by the Authority and DCED through a reimbursement process. Ten percent of awarded funds will be reserved until a final report is submitted to the Authority (see the “Final Report” section in these guidelines). All funds must be expended by December 31, 2026, which is the end of the period of performance.

Section IX – Program Inquiries

Program inquiries should be directed to:

Pennsylvania Broadband Authority
PA Department of Community & Economic Development
Commonwealth Keystone Building
500 North Street, 4th Floor
Harrisburg, PA 17120-0225

Telephone: 1.866.466.3972
E-mail: PBDA_CapitalProjectsFund@pa.gov

Appendix I – Supplemental Information for the Single Application for Assistance

In addition to completing the online DCED Single Application for Assistance, applicants will be asked to provide the following items when applying:

Exhibit 1: Project Description & Justification

1. **PROJECT OVERVIEW:** Provide a statement of justification for the proposed Project area that includes a description of the specific Project area to be served, how the Project achieves universal coverage, and the number of residential households and businesses that will be served.
2. **INFRASTRUCTURE:** Include a description of the proposed infrastructure to be developed, including facilities, equipment, and network capabilities, and should specifically highlight the proposed use of any telecommunications assets owned and managed by the Commonwealth of Pennsylvania (this includes land, buildings, telecommunications infrastructure/towers, fiber, etc.).
3. **SPEED THRESHOLD:** Include the Project’s minimum speed threshold. Upon completion, Projects must, at minimum, deliver service that reliably meets or exceeds symmetrical download and upload speeds of 100 Mbps.

If it would be impracticable, because of geography, topography, or excessive costs for a Project to deliver service that meets or exceeds symmetrical download and upload speeds of 100 Mbps, provide a statement of justification as to why such speed requirement is “impracticable” (based on geography, topography, or excessive cost), how the applicant will ensure that the Project is

designed so that it reliably meets or exceeds 100 Mbps download speeds and between 20 Mbps and 100 Mbps upload speeds, and how the Project is scalable to a minimum of 100 Mbps symmetrical.

4. **PASSINGS:** List all serviceable units that exist in the proposed project area. Delineate those with less than 25/3 Mbps. Projects with more than one service area must include delineated passing information for each area. Categorize passing areas by type (residential, business, non-residential, or community anchor institutions).

Exhibit 2: Project Readiness

5. **PLANNING PARTICIPANTS:** Include a list of participants involved in the development of this proposed project. Greater inclusivity is encouraged.
6. **TIMELINE AND MANAGEMENT PLAN:** Include a detailed project timeline in narrative or bulleted list format, including estimated start and end date of construction, as well as a Gantt chart that lists all project activities by month. The narrative/list and Gantt chart should identify specific tasks, responsible party, and estimated start and completion dates of each task.
7. **MATCHING FUNDS COMMITMENT:** Provide funding commitment letters from all other Project funding sources (including equity commitments).
 - Funding commitments or term sheets provided by lending institutions must include the term, rate, and collateral conditions, and must be signed and dated.
 - Funding commitments of equity from the applicant or private third party must be signed and dated (indicating the amount of funds being committed) and be accompanied by documentation (such as audited financial statements) showing the ability to commit such funds.
 - Copies of award letters or grant agreements must be provided for any federal, state, or local government grant, loan, or subsidies being counted toward the matching funds commitment.

In-kind match includes but is not limited to 1) Donated products or services, such as GIS files and mapping, reproduction, equipment, etc., where the cost cannot be tracked back to a cash transaction. 2) Value of in-kind contributions must be properly documented and reflect the actual, regular, or fair-market value of the contribution. 3) Unpaid work of interns, volunteers, advisory committees, and planning commissions is not eligible as in-kind match.

8. **PROJECT MANAGEMENT:** Identify key individuals responsible for the management of the project. Provide a brief description of their role and responsibilities for the project.

9. **OUTREACH PLAN:** Describe efforts that will be made to share Project progress with members of the public, including County and local leadership, project residents, local business owners, etc. Include the following:
 - a) A list of proposed marketing activities, an outreach plan, and other events aimed at engaging the public and owners of the serviceable units included in the project area. Provide estimated audience reach for each.
 - b) Describe digital literacy efforts and estimated attendance at events or programs aimed raising public awareness.
10. **PLANNING AND PERMITS:** Include a list of all Federal, State and Local planning or permit approvals that are required and will be (or have already been) secured for the Project from the appropriate agencies.
11. **PROOF OF NOTIFICATION:** The applicant must provide proof that the county and host municipality, or municipalities, have been notified about the intended Project.
12. **PROJECT BUDGET:** Provide a thorough and detailed statement as to the estimated cost of the Project. The estimate must be prepared by an engineer or other qualified professional and should be accompanied where appropriate by copies of the signed bids/quotations, contractor estimates, or sales agreements that verify Project cost estimates. The detailed budget should outline how the grant funds will be utilized, and include an itemization of equipment, construction costs, and a justification of proposed expenses.
13. **COST BENEFIT INDEX:** This index comprises state cost per unit passed. Individual cost benefit scores are calculated and averaged together to create a point scale for a composite score. Provide the following:
 - a) Total funding request
 - b) Number of serviceable units

Exhibit 3: Program Priorities

14. **IMPACT:** Identify a list of businesses, community anchor institutions, or other establishments in the proposed project area or locality that will be significantly impacted by improved broadband access, and how these improvements will lead to positive economic development.

Additionally, explain why the communities identified to be served by the Project have a critical need as it relates to internet access, affordability, reliability, and/or consistency. When determining the individuals and communities with a critical need that will be served by a proposed Project, applicants may consider federal and/or state collected data; interviews with

community members and business owners; and reports from community organizations.

15. AFFORDABILITY:

- a) Describe digital equity efforts included in the project aimed at ensuring low to moderate income households in the project area will have sustained and affordable access to speeds at or above 100/20 Mbps.
- b) Provide verification of participation in the Affordable Connectivity Program (ACP), a federal program that provides low-income consumers with subsidies on broadband internet access services and describe efforts that will be made to spread awareness and encourage customer participation in ACP.
- c) Verify that the sustainable low-cost service option for low-income individuals will not be subject to cost escalation or associated with a new subscriber rate or contract. Grantees will be required to report pricing data as part of Program performance and monitoring per Treasury guidelines.
- d) Describe whether the Project will charge connection costs associated with serving locations long distances away from telecommunications infrastructure.

16. PROJECT SUSTAINABILITY: Proposals must incorporate a viable strategy that extends beyond initial investment to maintain, repair, and upgrade networks. Thus, proposals must include a sustainability model or long-term plan beyond the period of performance (December 31, 2026). This should address the continued operation of networks in the absence of future federal funding. To demonstrate project sustainability, include the following information:

- a) Sustainability goal statement
- b) Intended sustainability outcomes (including what will be achieved, who will benefit, and by when)
- c) Outputs (specific results the project will generate)
- d) Activities (tasks needed to be completed for the output to be achieved)
- e) Indicators (how achievements will be measured)
- f) Means of verification (how indicator information will be collected)
- g) Risks and assumptions (external conditions needed to reach results)

17. STAKEHOLDER AND COMMUNITY ENGAGEMENT: Proposals must list and describe key partnerships involved in Project planning, implementation, and monitoring. Examples include internet service providers, local government bodies, community leaders, organizations, and residents. Letters of support are encouraged. Units of local government will have an opportunity to comment on proposed Project areas.

18. WORKFORCE CONSIDERATIONS: A description of the applicant's use of workforce development programs and considerations, which may include the

usage of Registered Apprenticeships and pre-apprenticeships, utilization of local workers, and other considerations listed in the Fair Labor Practices and Highly Skilled Workforce section of the Notice of Funding Opportunity for the Broadband Equity, Access, and Deployment Program.

Exhibit 4: Additional Information & Appendices

19. **APPLICANT QUALIFICATIONS:** Provided detailed information regarding the experience of the applicant in its technical, managerial, and financial ability to design, build, operate and manage high-speed broadband service infrastructure networks serving households and businesses. Include the last three years of audited financial statements or tax returns from the applicant or parent company. Financial statements should include balance sheets, income statements, and notes to financials.
20. **PRO FORMA:** Provide a 5-year pro forma demonstrating that the high-speed broadband service to be provided will be sustainable after the grant award is exhausted.
21. **AFFIDAVIT:** As required by Act 96 of 2021, an affidavit certifying that the proposed Project will not result in overbuild.
22. **AFFIDAVIT:** As required by Act 96 of 2021, an affidavit stating that the applicant will ensure that a contractor or subcontractor performing construction, reconstruction, demolition, repair, or maintenance work on a high-speed broadband service infrastructure project funded through this Program meets all of the following requirements:
 - a) Maintains all valid licenses, registrations or certificates required by the Federal Government, the Commonwealth or a local government entity that are necessary to do business or perform applicable work.
 - b) Maintains compliance with the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, and bonding and liability insurance requirements as specified in the contract for the project.
 - c) Has not defaulted on a project, declared bankruptcy, been debarred, or suspended on a project by the Federal Government, the Commonwealth, or a local government entity within the previous three years.
 - d) Has not been convicted of a misdemeanor or felony relating to the performance or operation of the business of the contractor or subcontractor within the previous 10 years.
 - e) Has completed a minimum of the United States Occupational Safety and Health Administration's 10-hour safety training course or similar training sufficient to prepare workers for any hazards that

may be encountered during their work on the high-speed broadband service infrastructure.

23. PROJECT AREA MAP & DATA (shapefile to include .shp, .shx, .dbf, and .prj or .kml/.kmz): Provide a detailed color-coded map in a PDF format and GIS data that details the location of the households and businesses to be served by the proposed Project. The map must include finite boundaries for each proposed Project area. If the Project area is non-contiguous, this must be noted. The applicant must provide a file of the addresses to be served within the proposed Project. If the Project involves laying fiber or cable, include proposed infrastructure layout (spatial data showing where infrastructure will be installed). If the proposed Project is a fixed wireless project, then a digital GIS data of the propagation area must be included. United States Census Bureau Census Bureau Blocks being served by the proposed Project must also be provided. The census block data must use 2020 Census Block Geography. This information must be submitted using a spatial data template provided by the Authority.
24. PROVIDER SERVICE AREA MAP & DATA (shapefile to include .shp, .shx, .dbf, and .prj or .kml/.kmz): The applicant must provide a PDF map and GIS data of its entire service area footprint within the Commonwealth. This broadband availability subscription data is for all locations served within the Commonwealth. Please use the same data specification as required by the Federal Communications Commission Broadband Data Collection. Fixed wireline and satellite broadband service providers must provide a polygon coverage area or a list of locations that constitutes the service area of the provider. Fixed wireless providers must submit digital propagation maps or models, or a list of locations that constitute their service area. The applicant must also continue to provide this filing information data directly to the Authority concurrently with the FCC's BDC filing windows. This information must be submitted using a spatial data template provided by the Authority.
25. FOR FIXED WIRELESS PROJECTS: Providers should include:
 - a. Propagation maps to present an accurate depiction of true service areas to be served by the proposed project. Must include digital GIS data of propagation area. Include address-level data of addresses served in proposed propagation area.
 - b. A written letter from the tower owner that clearly confirms that space is available at the desired height and location identified in the application. If a new tower is being constructed, the landowner must also give written consent or provide a sales agreement (for land acquisition).

This information must be submitted using a spatial data template provided by the Authority.

Exhibit 5: Worker Safety

Pursuant to Executive Order 2021-06, Worker Protection and Investment (October 21, 2021), contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. The applicant must complete and submit the [Worker Protection and Investment Certification Form \(BOP-2201\)](#).

Send the completed application and attachments to: PBDA_CapitalProjectsFund@pa.gov

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Appendix II

Labor-related reporting:

Per Treasury guidelines, for projects receiving \$5 million or more in funding (based on expected total cost), the Authority must require the following:

- a. A grantee may provide a certification that, for the relevant Project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of Pennsylvania, or by the Pennsylvania Department of Labor & Industry pursuant to the Pennsylvania State Prevailing Wage Act (442 of 1961). If such certification is not provided, a grantee must provide a Project employment and local impact report detailing:
 - The number of contractors and sub-contractors working on the Project;
 - The number of employees on the Project hired directly and hired through a third party;
 - The wages and benefits of workers on the Project by classification; and
 - Whether those wages are at rates less than those prevailing¹.

Grantees must maintain sufficient records to substantiate this information upon request.

- b. A grantee may provide a certification that a Project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the grantee does not provide such certification, the grantee must provide a project workforce continuity plan, detailing:
 - How the grantee will ensure the Project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training, registered apprenticeships, or labor-management partnership training programs, and partnerships like unions, community colleges, or community-based groups;
 - How the grantee will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the Project;
 - How the grantee will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements or all relevant workers (e.g., OSHA 10, OSHA 30);

¹ This is determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (of the District of Columbia) in which the work is to be performed.

- Whether workers on the Project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market;
- Whether the Project has completed a project labor agreement;
- Whether the Project prioritizes local hires; and
- Whether the Project has a Community Benefit Agreement. Grantees must provide a description of any such agreement.

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Appendix III

Glossary of Terms

BROADBAND- Commonly refers to high-speed Internet access that is faster than traditional dial-up access. Broadband includes high-speed transmission technologies, like Fiber, wireless satellite, digital subscriber line, cable modem, fiber, wireless, satellite, and broadband over powerlines (BPL).ⁱ The type of broadband technology available to a particular area depends on several factors, including location (rural versus urban areas), how broadband internet is packaged with other services (such as voice telephone and home entertainment), price, and availability.

BROADBAND DATA MAPS- Maps created under section 802(c)(1) of the Communications Act of 1934.ⁱⁱ

BROADBAND INFRASTRUCTURE- Any fiber optics, cable, wiring, or other permanent (meaning integral to the structure) infrastructure, including wireless infrastructure, which can provide access to internet connection in individual locations and is an advanced telecommunications capability as defined in section 706(d) of the Telecommunications Act of 1997.ⁱⁱⁱ

BROADBAND OVER POWERLINES (BPL)- A method of power-line communication that allows relatively high-speed digital data transmission over the public electric power distribution wiring. BPL uses higher frequencies, a wider frequency range and different technologies compared to other forms of power-line communications to provide high-rate communication over longer distances. BPL uses frequencies that are part of the radio spectrum allocated to over-the-air communication services; therefore, the prevention of interference to, and from, these services is a very important factor in designing BPL systems.

COMMUNITY ANCHOR INSTITUTION- An entity including any school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization or community support organization, which facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals, that lack access to gigabit-level broadband service.^{iv}

COVERED POPULATIONS- As defined in the [State Digital Equity Planning Grant Program](#), covered populations include the following:

- Aging individuals (60 and above).
- Incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility.
- Veterans.
- Individuals with disabilities.
- Individuals with a language barrier, including individuals who are English learners; and have low levels of literacy.

- Individuals who are members of a racial or ethnic minority group.
- Individuals who primarily reside in a rural area.
- Household income for the most recently completed year is not more than 150 percent of an amount equal to the poverty level, as determined by using criteria of poverty established by the Bureau of the Census.

DIGITAL DIVIDE- The gap between those of a populace that have access to the internet and other communication technologies and those that have limited or no access.^v

DIGITAL EQUITY- Recognizes that digital access and skills are now required for full participation in many aspects of society and the economy. Digital Equity links digital inclusion to social justice and highlights that a lack of access and/or skills can further isolate individuals and communities from a broad range of opportunities.^{vi}

The condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.^{vii}

DIGITAL INCLUSION- The activities that are necessary to ensure that all individuals in the united states have access to, and the use of, affordable information and communication technologies such as; reliable fixed and wireless broadband internet services, internet enabled devices that meet the needs of the user and, applications and online content designed to enable and encourage self-sufficiency, participation and collaboration and includes obtaining access to digital literacy training, the provision of quality technical support and obtaining basic awareness of measure to ensure online privacy and cybersecurity.^{viii}

DIGITAL LITERACY- The skills associated with using technology to enable users to find, evaluate, organize, create, and communication information.^{ix}

FCC FORM 477- A filing system within the Federal Communications Commission (FCC) requiring all facilities-based broadband providers to file data twice a year showing where they offer Internet access service at speeds exceeding 200 Kbps in a least one direction^x.

FIBER-TO-THE-PREMISE BROADBAND NETWORKS- Equipment used in fiber access deployments where fibers extend all the way to the end-user premises and the equipment is designed and optimized for use in residential applications.

FIXED WIRELESS BROADBAND ACCESS- The use of wireless devices/systems in connecting two fixed locations, such as offices or homes. The connections occur through the air, rather than through fiber, resulting in a less expensive alternative to a fiber connection.^{xi}

HIGH-SPEED BROADBAND SERVICE- Wireless, wireline, or fixed wireless technology having a latency sufficient to support real time, interactive applications, and the capacity to reliably and consistently transmit data from or to the internet.^{xii}

- * Minimum speeds of at least 100 megabits per second downstream and 20 megabits per second upstream

- * Minimum speeds adopted by the federal communications commission or
- * Minimum speeds otherwise required to comply with funding opportunities from the federal government, whichever is greater.

LAST MILE- Last mile networks are networks that connect end users via an area node to a middle mile network. Anticipated last mile networks are those last mile networks that are anticipated to be served by a proposed Middle Mile project.

LOW INCOME- Below the mean income computed for every man, woman, and child in a particular group, including those living in group quarters in Pennsylvania. It is derived by dividing the aggregate income of a particular group by the total population in that group. This measure is rounded to the nearest whole dollar (ACS, 2023).^{xiii}

MIDDLE MILE- means any broadband infrastructure that does not connect directly to an end-user location, including an anchor institution; and includes— (i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

OOKLA- Also known as “Speedtest by Ookla”, is a web service that provides free analysis of Internet access performance metrics, such as connection data rate and latency.^{xiv}

OPEN ACCESS NETWORK- Networks that offer wholesale access to network infrastructure or services provided on fair and reasonable terms with some degree of transparency and nondiscrimination.^{xv}

OVERBUILD- The development of high-speed broadband service infrastructure in an area that is not unserved or underserved.^{xvi}

PASSING- Any structure that can receive broadband service. Multi-unit structures may be counted as more than one passing.

RIGHTS-OF-WAY (ROW)- Legal rights to pass through property owned by another. ROW are frequently used to secure access to land for digging trenches, deploying fiber, constructing towers, and deploying equipment on existing towers and utility poles.^{xvii}

RURAL AND URBAN- In Pennsylvania, the definitions of rural and urban are based on population density. Population density is calculated by dividing the total population of a specific area by the total number of square land miles of that area. According to the 2022 Census, the population of Pennsylvania is 13,002,700 and the number of square miles of land in Pennsylvania is 44,742. Therefore, the population density is 291 people per square mile. Counties or school districts with more than 291 people or more per square mile are urban; those with less are rural. There are 48 rural counties and 19 urban counties in Pennsylvania.^{xviii}

SYMMETRICAL INTERNET SERVICE- A symmetrical internet connection offers the same download and upload speeds. If a household or business subscribes to a 100 Mbps symmetrical internet plan, for example, the household or business can upload and download at 100 Mbps, simultaneously.

UNDERSERVED AREA- A project area that is not an unserved location and lacks access to reliable broadband service offered with a speed of not less than 100 megabits per second for downloads and 20 megabits per second for uploads and a latency sufficient to support real-time, interactive applications.^{xix}

UNDERSERVED LOCATION- A location that is not an unserved location and as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with a speed not less than 100 megabits per second for downloads and 20 megabits per second for uploads and a latency sufficient to support real-time, interactive applications.^{xx}

UNSERVED AREA- A project area that has no access to broadband service or lacks access to reliable broadband service with a speed of not less than 25 megabits per second for downloads and three megabits per second for uploads and a latency sufficient to support real-time, interactive applications.^{xxi}

UNSERVED LOCATION- A broadband-serviceable location, as determined in accordance with the broadband DATA maps that has no access to broadband service or lack access to reliable broadband service offered with a speed not less than 25 megabits per second for downloads and 3 megabits per second for uploads and a latency sufficient to support real-time, interactive applications.^{xxii}

ⁱ NTIA. (2016). Broadband USA: Connecting America’s Communities.

ⁱⁱ Communications Act of 1934. 47 U.S.C 642(c)(1). (USA).

ⁱⁱⁱ Telecommunications Act of 1997. (47 U.S.C. 1302(d). (USA).

^{iv} PA Act 96 of 2021.

^v NTIA. (2016). Broadband USA: Connecting America’s Communities.

^{vi} NTIA. (2016). Broadband USA: Connecting America’s Communities.

^{vii} Infrastructure Investment and Jobs Act of 2021. (USA).

^{viii} Infrastructure Investment and Jobs Act of 2021. (USA).

^{ix} Infrastructure Investment and Jobs Act of 2021. (USA).

^x FCC. (2022). Fixed Broadband Deployment Data from FCC Form 477.

^{xi} NTIA. (2016). Broadband USA: Connecting America’s Communities.

^{xii} PA Act 96 of 2021.

^{xiii} American Community Survey, 2023.

^{xiv} Speedtest by Ookla- The Global Broadband Speed Test. (2022). Speedtest.net.

^{xv} NTIA. (2016). Broadband USA: Connecting America’s Communities.

^{xvi} PA Act 96 of 2021.

^{xvii} NTIA. (2016). Broadband USA: Connecting America’s Communities.

^{xviii} Center for Rural Pennsylvania. (2022). Rural-Urban Maps.

^{xix} . PA Act 96 of 2021.

^{xx} Infrastructure Investment and Jobs Act of 2021. (USA).

^{xxi} PA Act 96 of 2021.

^{xxii} Infrastructure Investment and Jobs Act of 2021. (USA).