Alabama Broadband Accessibility Fund

2021 Program Guide



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**Application Guidelines**

The Alabama Department of Economic and Community Affairs (ADECA) shall accept applications within a 90-calendar day grant window that it shall establish. Applications for eligible projects will be evaluated according to a scoring system developed by ADECA that incorporates the priorities listed in the Act, with grant awards published within 90-calendar days after expiration of the filing window.

Grant applications shall be published by ADECA on the internet at the end of the filing window and existing service providers shall have 30 business days from the date of publication to file objections to the eligibility of a proposed project. A complete challenge, including all documentation, must be e-mailed by the deadline established by ADECA. Challengers will only be allowed to challenge projects based upon eligibility as established by the Alabama Broadband Accessibility Act. If ADECA determines that the challenge is valid, the applicant whose project was challenged will be given an opportunity to amend or rescind the application or dispute the challenge with documentation. All amendments must be completed by the deadline established by ADECA. Once a challenge is made and a response is provided, ADECA will make a final determination. Rescinded projects will be removed from the ADECA website. Amended projects will be placed on the ADECA website and the original will be removed.

Grants issued by ADECA shall be conditioned upon compliance with the terms of the grant but shall not otherwise be revocable. Providers' grants shall be paid within 30 days upon ADECA receiving written certification of the completion of the project and evidence of compliance with the terms of the grant as prescribed by ADECA (see Close Out discussion below for more guidance).

All recipients will be required to complete and submit the Beason-Hammon Alabama Taxpayer and Citizen Protection Act Certification, submit a complete copy of their E-Verify Memorandum of Understanding (MOU), complete and submit the State of Alabama Disclosure Statement, complete and submit the Signatory Authority Form, and register in the State of Alabama Accounting and Resource System (STAARS) prior to receiving a grant agreement.

An applicant may submit more than one application. However, each project must have a separate application and budget. Each project must stand alone in meeting the Alabama Broadband Accessibility Fund program requirements.

Grant applications must include a preliminary technical evaluation of the project that is certified by an engineer. This evaluation should document the ability of the proposed infrastructure to provide the minimum speeds required to all potential customers in the project area. The evaluation shall also include a project cost estimate, project schedule and timeline to include a completion date of no more than two years, and maps showing the proposed project area. Furthermore, the evaluation should demonstrate how promised speeds will be delivered consistently to the project area, show how the network will work using the proposed equipment, and demonstrate how the backhaul will be provided.

All projects will be scored based on the established rating criteria. The criteria can be found at <http://adeca.alabama.gov/broadband>. Those eligible projects receiving the highest scores will be selected for funding. The number of projects funded will be determined by the funds available and the total amount of requests made. ADECA may request amended projects and/or offer reduced grant participation.

Eligibility

An eligible applicant is a non-government entity that is a cooperative, corporation, limited liability company, partnership, or other private business entity that provides broadband service.

Funding

Individual grants awarded by ADECA may only be awarded for projects in unserved areas, and may not exceed the lesser of: (a) Thirty-five percent (35%) of the project costs or (b) One million five hundred thousand dollars ($1,500,000) for projects that will result in transmitting broadband signals at or above the minimum service threshold. Grants may be given to any qualified entity that meets the service criteria for expenditures. Not less than 40% of funds appropriated for grants shall be utilized in unincorporated areas of the state. Further, grants awarded for middle mile and anchor institution projects shall not exceed 40% of the total funds appropriated for grants on an annual basis.

Projects to serve unserved areas in which the grant applicant is either or both:

* an existing or future service provider which has or will receive support through federal universal service funding programs designed specifically to encourage broadband development in an area without broadband access; or
* an existing or future service provider which has or will receive other forms of federal or state financial support or assistance, such as a grant or loan from the United States Department of Agriculture; provided, however, that any award of state funds under this act, when combined with other forms of state of federal support or assistance dedicated to the project, other than interest-bearing loans, may not exceed sixty percent (60%) of the total project costs. Nothing in this section shall prohibit a grant applicant who has not previously received any federal or state funds, grants, or loans for broadband deployment from applying for and receiving grant funds under this act.

A middle mile project is a broadband infrastructure project that does not provide broadband service to end users or end-user devices. If applying for a middle mile project, the applicant shall demonstrate by specific evidence that the project will connect other service providers eligible for grants under this section with broadband infrastructure further upstream in order to enable such providers to offer broadband service to end users; provided that eligible projects under this subdivision may include projects in (i) an unserved area or (ii) a rural area that does not meet the definition of an unserved area but otherwise meets the requirements of this section, for which the grant applicant demonstrates, by specific evidence, the need for greater broadband speeds, capacity, or service which is not being offered by an existing service provider.

Projects to provide broadband service to a specific hospital, public school, public safety, or economic development site in a rural area that does not meet the definition of unserved area, but otherwise meets the requirements of the program, for which the grant applicant demonstrates by specific evidence, the need for greater broadband speeds, capacity, or service which is not being offered by an existing service provider.

Project Close Out

Projects must be completed within two years of the effective date of the grant agreement. The grant will be in the form of a reimbursement of eligible costs up to the award amount in the grant agreement. ADECA shall condition the release of any grant funds on operational testing, when possible, to confirm the level of service proposed in the grant application. Such regulations shall not exceed in degree or differ in kind from testing and reporting requirements imposed on the grant recipient by the Federal Communications Commission, as adjusted for the service specifications in the ADECA grant agreement.

Providers' grants shall be paid within 30 days upon ADECA receiving written certification of the completion of the project and evidence of compliance with the terms of the grant as prescribed by ADECA. In addition, an invoice will need to be submitted using the template found at <https://adeca.alabama.gov/Divisions/energy/broadband>. The invoice should be filled out and based upon the provider’s approved budget. That evidence will show ADECA that service is available in the project area. The following steps must be completed in order to verify service availability:

1. The subrecipient will provide to ADECA all the addresses in the funded census blocks to which services are available, which of those addresses have signed up for and/or activated service, and at what speed tier they are signed up.
2. ADECA will then randomly select either two locations per deployed census block or ten locations in the entire service area.
3. Both a speed and latency test will then be conducted by the subrecipient. ADECA will designate the testing data in advance and require testing to be performed in the period between 6:00 PM and 12:00 AM.  The subrecipient must perform continual tests every hour from 6:00 PM and 12:00 AM for a total of six tests per location specified by ADECA. In addition, the tests must be conducted from the premises of active subscribers to a remote test server located at, or reached by passing through, a State-approved internet exchange point (IXP).  Following FCC’s Performance Measures Testing protocols, an approved IXP is any building, facility, or location housing a public internet gateway that has an active interface to a qualifying Internet Autonomous System (ASN).  Qualifying ASNs are listed in the Appendix A of *Measuring CAF Recipient’s Broadband Performance Oder on Reconsideration – WC Docket No. 10-90.[1],* which can be found at[*https://docs.fcc.gov/public/attachments/DOC-360069A1.pdf*](https://docs.fcc.gov/public/attachments/DOC-360069A1.pdf)*.* More information about acceptable test paths and remote server locations is available here: [https://www.usac.org/wp-content/uploads/high-cost/documents/Tools/PMM-Test-Paths-and-Remote-Server-Locations-1.pdf](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.usac.org_wp-2Dcontent_uploads_high-2Dcost_documents_Tools_PMM-2DTest-2DPaths-2Dand-2DRemote-2DServer-2DLocations-2D1.pdf&d=DwMFAg&c=8K0mnSt5E4j4U_dMGxZxbA&r=fH0X7w5kFY62T4UhN727QpEEG2PGKXljzjK0yaMRYc0ZH5muN8DA9ER0B3aEYkDk&m=F0ikpLcbVMgB3WzfRafB4nlZ0Q3uKBo1AWcoIowW-A8&s=oMxnVjPFGEgB1psZ613_8ARzOc0BteqBYppBY0h9Vsk&e=)
4. The test results will then be recorded on the ADECA reporting template. The reporting template must be completed and submitted on the same day after the tests have been completed.
5. Once the test results are approved by ADECA, the subrecipient must provide as-built documentation in GIS for review and approval.

Test Performance Requirements:

* At least 80% of the speed test results must be at a minimum of 80% of the subscription connection speeds for uplink and downlink.
* The latency must be equal or greater than 100 milliseconds (ms).
* At least one latency, one uplink speed, and one downlink speed test within each of the six hours must pass.
* If none of the locations selected by ADECA subscribe to a top tier speed offering, the subrecipient will include testing at a location that does subscribe to a top tier speed offering. If there are no locations within the project area that subscribe to the top tier service offering, the subrecipient will upgrade one of the locations selected by ADECA temporarily to allow for testing at the top tier speed.