



NextLevel Connections

Broadband Grant Program

State of Indiana

Office of the Governor
Eric J. Holcomb

Office of the Lieutenant Governor
Suzanne Crouch

Indiana Office of Community and Rural Affairs

Challenge Phase

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I. Program Description

A. Background and Context

The need for access to critical broadband infrastructure has been significantly magnified in 2020. From consumer-facing connectivity needs, to digital and remote learning, telehealth services, online commerce transactions and e-government shifts, compelling need exists in many areas of Indiana. Specific areas that lack broadband coverage (less than actual speeds of 25 Mbps downstream); areas that lack quality, reliable access to fixed terrestrial broadband; and areas with compelling need in the state are priorities to address through this third round of Next Level Connections (NLC) Grants.

The Office of Community and Rural Affairs is responsible for administering the Program on behalf of the Office of Lieutenant Governor Suzanne Crouch, and the Office of Governor Eric Holcomb. The Next Level Connections program is funded through Indiana's appropriation from the US Department of Treasury's Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021. These funds are designed to provide emergency funding for state, local, territorial, and Tribal governments to respond to the pandemic and its economic impacts, including making necessary investments in broadband infrastructure.

This program will provide a maximum of \$5 million per grant to fund projects that provide access to high-quality, reliable broadband throughout Indiana. Applicants are expected to engage their community – community leaders and stakeholders (libraries, education institutions, healthcare, businesses, non-profits, etc.) – in the development of projects that are strategic, scalable and bridge critical access gaps to support quality of life considerations and economic viability for Indiana citizens and communities.

B. Challenge Phase

The Challenge Phase of the Next Level Connections Broadband Grant Program serves as an opportunity for existing providers to provide comment and feedback on proposed project areas and addresses submitted by applicants. This allows the Program to meet the needs of Hoosiers lacking reliable broadband service while also attempting to ensure that projects selected for award are not conflicting with existing service, or if eligible service can be deployed in ten days or with plans to deploy within an 18-month timeframe.

If a provider is already providing eligible broadband service as defined in Section I.C.i or has the ability to verify plans to provide service of at least 25/3 Mbps and scalable to equal or higher speeds to the proposed project area by March 2023, then a provider may challenge all addresses or a portion of the addresses in a proposed service area. The challenge must include that the existing area has service availability or can have service within ten days at or above the minimum actual speed of 25/3 Mbps and be available to all residential customers in the defined area. The challenge must also identify the broadband speed(s) that are or will be available.

The challenging provider must provide all address level data for current and/or proposed end-users for areas they are challenging.

C. Requirements

To be considered for substantive evaluation, a challenger's submission must meet the criteria set forth below. If the application does not meet these initial requirements, it will be considered nonresponsive, and removed from further evaluation.

i. Eligible Broadband Service

The challenger must be able to provide a terrestrial connection to the Internet that provides an actual speed of at least 25 Mbps downstream and at least 3 Mbps upstream, regardless of the technology medium used to provide the connection.¹

ii. Eligible Entities

The challenger must be a "qualified broadband provider," which is defined as a company, firm, corporation, partnership, or association that, at the time of submission:

- 1) either:
 - A) Has been providing broadband service to at least 100 residences and businesses in Indiana for at least three (3) consecutive years; or
 - B) is:
 - (i) a corporation organized under IC 8-1-13; or
 - (ii) a corporation organized under IC 23-17 that is an electric cooperative and that has at least one member that is a corporation organized under 8-1-13; and
- 2) has demonstrated, to the satisfaction of OCRA:
 - A) financial;
 - B) technical; and
 - C) operational capability in building and operating a broadband network.²

iii. Eligible Project Area

Broadband infrastructure projects are eligible if they are extending the deployment of eligible broadband service to areas in which:

- Internet connections are unavailable; or
- The only available connections to the Internet are at actual speeds of less than 25 Mbps downstream³

Ineligible areas include:

- Service addresses that previously received Next Level Connections Broadband Grant program funds; and
- Service addresses where actual speeds of more than 25 Mbps downstream for which funding has been allocated from the federal Rural Digital Opportunity Fund (RDOF), Connect America Fund (CAF), Broadband Technology Opportunities Fund, State Broadband Initiative or from any other similar federally funded program.⁴

¹ Indiana General Assembly. 2021. "Chapter 38.5 Broadband Grants for Rural Areas."
<http://iga.in.gov/legislative/laws/2019/ic/titles/004#4-4-38.5>.

² Ibid

³ Ibid

⁴ Indiana General Assembly. 2021. "Chapter 38.5 Broadband Grants for Rural Areas."
<http://iga.in.gov/legislative/laws/2019/ic/titles/004#4-4-38.5>.

D. Questions Regarding Eligibility

OCRA will not make eligibility determinations for potential challengers prior to the date on which Challenges must be submitted. The decision whether to submit a Challenge in response to this opportunity lies solely with the challenger.

E. Limitation on Submissions

Challenges are by address level data rather than against individual applications. An entity should include all addresses being challenged within one submittal and may not submit multiple challenges.

II. Challenge and Submission Information

A. Challenge Process

The application process will include a Challenge against the proposed service area. **Challenges will be submitted by address level data instead of against individual applications.** OCRA will perform a compliance review of the submissions to determine whether they meet the requirements of Section II.C. OCRA will not review or consider submissions that do not meet the eligibility requirements of Section I.C.

All submissions must be submitted via NLC@ocra.in.gov and, as applicable, an FTP site for large files, as applicable, and must conform to the following form and content requirements:

- Each must be submitted in Adobe PDF format (unless otherwise stated);
- Each must be written in English;
- All pages must be formatted to fit on 8.5. x 11 inch paper with margins not less than 1” on every side; and
- The Challenge must include the Organization Name in the upper right corner of the header of every page, and page numbers must be included in the footer of every page.

If an FTP site is needed to submit Challenge files, please contact OCRA at NLC@ocra.in.gov by August 1, 2021 to receive access to submit large files. Challengers are responsible for meeting each submission deadline. **Applicants are strongly encouraged to submit their Challenge in advance of the submission deadline.**

OCRA urges challengers to review their submissions carefully and to allow sufficient time for the submission of required information and documents. All Challenges that pass the initial compliance review will undergo review as identified in Section II.D. Challengers must complete the following documents identified in Table 1, in accordance with the instructions.

The application forms and instructions are available on the OCRA website. To access these materials, visit <https://www.in.gov/ocra/nlc/>. Files in excess of 20 MB in aggregate cannot be emailed and should be uploaded to the FTP site.

B. Content and Form of the Challenge

Challengers must complete the following documents identified in Table 1, in accordance with the instructions.

Challengers will have approximately 30 calendar days after applicant information is published on the OCRA website to prepare and submit a Challenge against the proposed service areas. Regardless of the date the challenger receives the notification, the submission deadline for the Challenge remains the date and time stated on the cover page.

Challenges must conform to the following requirements:

Table 1. Challenge Documents

| Component | File Name |
|--|-------------------------------|
| Cover Page | Organization Name_CoverPage |
| Challenge Address Level Data List | Organization Name_AddressList |
| Affidavit | Organization Name_Affidavit |
| Technology Specifications | Organization Name_TechSpecs |
| Map of Service Area | Organization Name_Maps |
| GIS Shapefile or Google Earth KML/KMZ (optional) | Organization Name_GIS |

OCRA provides detailed guidance on the content and form of each component below.

Cover Page: Each challenger must provide the following information as outlined in the Cover Page template:

- Name of Challenger Organization;
- Technical and Business Contact;
- Registered Business Information including ID, and creation date
- Total Indiana Customers Served for the previous three years (2020, 2019, 2018)
- Minimum and Maximum Speed Level provided;
- Brief Abstract – the abstract provided should not be more than 250 words in length, and should provide a truncated explanation of the existing or proposed service area.

The Cover Page template is available on the OCRA NLC website under How to Apply. Save the Cover Page in a single PDF file using the following convention for the title: "Organization Name_Cover Page".

Address List Spreadsheet: The challenger must complete a spreadsheet of all the addresses being challenged. The spreadsheet indicates each address, and whether this is existing service, or can provide service in ten days or proposed of at least 25/3 Mbps and scalable to higher speeds to the proposed project area in the next 18 months. The Address List Spreadsheet template is available on the OCRA NLC website under Application Documents. Save the Address List Spreadsheet in a single Excel file using the following convention for the title: "Organization Name_AddressList".

Affidavit: The challenger must complete an affidavit affirming service is available or can be available in ten days at or above a minimum actual speed of 25/3 Mbps, or construction is in progress or will be completed in 18 months of at least 25/3 Mbps and scalable to equal or higher speeds to the proposed project area. Copies of any letters or other notifications may be included. A sample affidavit is provided in Appendix A. Save the Affidavit in a single PDF file using the following convention for the title: "Organization Name_Affidavit".

Technology Specifications: The challenger must demonstrate that the installed or proposed infrastructure provides capacity for transmission at the actual speed proposed.

- For existing service, documentation will include verification of service and speed of at least 25/3 is required for each address
- If service can be deployed within ten days, documentation will need to include service order record, or work order for construction to the premise, or verification of service of at least 25/3 for each address. Other documentation should include, if applicable:
 - Inventory on hand to complete construction in ten days
 - Permits approved to complete construction in ten days
 - Easement(s) in place to complete construction in ten days
 - Contracted crews available to complete construction in ten days
 - Applicable make readies completed
- If service will be deployed in 18 months and is committed to service of at least 25/3 Mbps and scalable to equal or higher speeds to the proposed project area, documentation will need to include verification that the construction plans are under way and have executive sign-off, budget assigned, construction milestones, design concepts, etc. for service availability of at least 25/3 by March 2023 for each address.

The documentation should be submitted in an Adobe PDF format. Save the Technology Specifications in a single PDF file using the following convention for the title: "Organization Name_Tech Specs".

Map of Service Area: The challenger must provide maps of the existing, or can be deployed in ten days, or proposed broadband service area and the locations that receive or will be able to receive service. The maps should be submitted as high-resolution, color, and detailed maps in a single PDF file. Save the Maps of Service Area using the following convention for the title: "Organization Name_Maps".

GIS Shapefile or Google Earth KML/KMZ (optional): The provider may provide GIS data reflecting the map of the service area stated above. The GIS data should be a polygon or the provider's service area and can be submitted as either a shapefile or KMZ with the following title: "Organization Name_GIS". The submission of GIS files is encouraged, but not required. Submitting GIS files does **not** replace the Address Level Data List or the Map of Service Area.

Information that contains trade secrets should be marked "Confidential" and saved in a separate file. Pursuant to IC 5-14-3-4(a)(4) these records may not be disclosed by a public agency.

C. Compliance Criteria

Challenges must meet all Compliance Criteria listed below or they will be considered noncompliant. OCRA will not review or consider noncompliant submissions. OCRA will not extend the submission deadline for challengers that fail to submit required information due to server/connection congestion.

Challenges are deemed compliant if:

The Challenge complies with the content and form requirements in Section II.B; and
The challenger submitted all required documents by the deadline stated in the schedule.

D. Challenge Review Information

Challenges will be evaluated to determine whether the challenge is valid. OCRA will review the submissions and publish the challenge decisions on the NLC website prior to the Full Application due date.

If a challenge is found to be valid, an applicant may choose to submit additional supporting documentation within their Full Application to provide evidence of lack of service for each address provided in the project area. OCRA will ultimately utilize the information provided in the challenge and full application to determine whether the addresses provided may receive funding.

III. Administration Information

A. Notification

OCRA will notify challengers of its determination via a notification email to the technical and administrative points of contact designated by the challenger. The notification letter will inform the challenger whether or not its Challenge was considered valid or invalid. The letter will state the basis upon which the decision was determined. If any part of the challenge is found to be invalid, the challenger will have five days to respond with any additional information to support that the address(es) are served, or service can be deployed within ten or service will be deployed in 18 months. OCRA will send a second notification informing the challenger whether the additional information provided overturned the invalid challenge.

Any questions? If you have further questions after reviewing the challenge process and supporting documentation, please submit an email to NLC@ocra.in.gov. Questions must be submitted no later than three business days prior to the challenge due date and time.

All questions and answers will be posted in the Frequently Asked Questions (FAQ) document available on the website. OCRA will attempt to respond to a question within three business days unless a similar question and answer has already been included in the FAQ.

Next Level Connections Grant Program

CHALLENGE CHECKLIST

- Read the entire process
- Public challenge is complete and file name meets the standard
- Non-Public challenge is complete and file name meets the standard
- Attachments are organized and file names meet the outlined standard
 - Attachment 1: Cover Page
 - Attachment 2: Address List Spreadsheet
 - Attachment 3: Affidavit
 - Attachment 4: Technology Specifications
 - Attachment 5: Map of Service Area
 - Attachment 6: GIS Shapefile or Google Earth KML/KMZ (Optional)

Information that contains trade secrets should be marked “Confidential” and saved in a separate file. Pursuant to IC 5-14-3-4(a)(4) these records may not be disclosed by a public agency.

NOTE: Attachments must be submitted following the designated naming structure. Challengers are to use the name of their organization followed by the file type as outlined in Section II.B. (e.g. ABCTelecom_Affidavit.pdf)

Appendix A –Affidavit

I, _____, certify that I am duly authorized by the governing body of the lead applicant to submit this application and included materials; that the challenger has the capacity to provide minimum actual speeds of 25 Mbps downstream and 3 Mbps upstream; that if it is a proposed project to be completed in 18 months it will provide service of at least 25/3 Mbps and scalable to equal or higher speeds than the project area it is challenging; that the broadband infrastructure is designed to meet the identified needs of the challenged addresses; that all the information submitted as part of this application is true and correct to the best of my knowledge; and that I am an authorized agent of the applicant.

Signature

Print Name:

Title:

Email: