

**MOBILE BROADBAND PROGRAM
PROPOSED RULE**

A. Designated ETCs may apply for grants to fund the construction of facilities capable of mobile broadband service, to areas unserved or underserved by broadband in the state. Each grant that is awarded will provide up to seventy-five percent of the budgeted project cost with the ETC providing the remaining twenty-five percent.

B. A project must meet the following requirements to be eligible for a grant award:

(1) Support mobile broadband service at speeds and service levels consistent with FCC's federal universal service requirements to households and businesses in the proposed project area.

(2) Support access to emergency 911 services.

C. Contents of grant applications. An application for support shall include:

(1) A proposal to build or upgrade facilities to serve an area where the applicant is designated as an ETC;

(2) A detailed build plan setting forth a description of the facilities to be deployed, including all costs of constructing facilities;

(3) A map showing where service and/or coverage will be provided; this requirement can be met by providing a coverage map generated using a radio frequency propagation tool generally used in the wireless industry;

(4) An estimate of the number of road miles and square miles to be covered;

(5) The amount of support requested;

(6) A description of the technology to be deployed, including data throughput speeds to be delivered to customers; and

(7) A demonstration that the area to be served is an area unserved by broadband or an area underserved by broadband.

D. The commission staff, or a third-party contractor, shall review and score all qualified applications, giving priority as follows:

(1) Areas to be upgraded to 4 Mbps download/1 Mbps upload shall be given priority 1 consideration.

(2) Areas to be upgraded from 4 Mbps download/1 Mbps upload to a higher speed shall be given priority 2 consideration.

(3) Applicants may propose multiple service priorities within a single application, and the commission shall base awards on the best use of broadband program funds.

E. The applicant must make the following commitments:

(1) To offer service at reasonably comparable rates for comparable services in urban areas.

(2) To provide service for at least five years following project completion.

(3) To complete funded projects within two years from the date of commission approval;

(4) To provide an annual progress report to ensure that all grant funds are being used for the purpose intended.

(5) To respond to commission inquiries regarding service-related complaints and commit to resolve service-related complaints in a reasonable manner.

(6) To allow collocation on reasonable terms by other providers of commercial mobile wireless service or any public safety network, and to abide by the FCC's collocation requirements for awardees under the federal universal service program.

F. Procedure for awarding support from the broadband fund:

(1) On or before March 1 of each year, the commission shall open a thirty (30) day window for filing applications for broadband program support for the following calendar year.

(2) The commission shall review and score all qualified applications.

(3) On or before July 1, the commission's staff, or a third-party contractor, shall present to the commission recommendations for support awards. The applicant may challenge such recommendations. Such recommendations shall be considered by the commission but shall not bind the commission.

(4) On or before September 1, the commission shall make initial awards consistent with funds available.

(5) On or before October 1, any applicant may file with the commission a request for reconsideration of a denial of its application.

(6) On or before December 1, the commission shall approve or deny support awards by a final order and announce its intention to disburse funds.

G. Conditions for disbursement of awarded funds:

(1) Within thirty (30) days after project completion, the awardee shall submit a report demonstrating that the project as completed meets the coverage requirements set forth in the application, including a certification from an officer or director that all program requirements have been met.

(2) The administrator shall disburse 50% of the award when made, and 50% of the award forty-five (45) days after submission of an acceptable project completion report under subparagraph (1) above. The commission may, within thirty (30) days after submission, suspend payment by the administrator and order additional information to be provided.

(3) Any applicant found to have willfully misrepresented information in an application is found to have used support unlawfully or fails to meet the commitments set forth in the application, shall refund all award funds immediately and shall be subject to having its ETC designation revoked.