

Program Questions:

New NY Broadband Program Phase 2

Q1

Are you applying for funding from the New NY Broadband Program?

Q2

Applications to Phase 2 are binding commitments by the applicants to carry out their proposals. If selected, will you enter into a Grant Disbursement Agreement and Security Agreement (*sample attached as Appendix D to the New NY Broadband Program Phase 2 RFP Guidelines*) reflecting the terms of your proposal?

Q3

Are you prepared to submit documents attesting to your financial stability and management capabilities?

Please Note: The documents that applicants are required to submit are asked for in another section of this application

Q4

If you are a DBA, what is your DBA name?

Q5

Type of Applicant (select all that apply)

- Question Type: Basic
- Required: Yes
- Answer Type: Multi Choice
- Choice Options: Federal, State, County, City, Town, Village, Tribal, School District, County or Town Improvement District, District Corporation, For-Profit, Not-For-Profit, Individual, S Corporation, C Corporation, IDA, LDC, LLC, LLP, Public Authority, Public Benefit Corp, Sole-Proprietorship, HDFC, BID, LP, Boards Of Cooperative Educational Services (BOCES), Fire District, Regional Planning and Development Board, Public Library, Association Library, College/University/Community College

Q6

Select an applicant ID type from the list below that you normally use to identify your organization on application forms.

- Question Type: Basic
- Required: Yes
- Answer Type: Multi Choice
- Choice Options: Charity Reg #, Duns Number, Federal Tax ID Number, NYS Unemployment Insurance Tax Number, Social Security Number, NYS Vendor Identification Number (SFS)
- Scoring Tips:

Applicants will be required to provide the specified ID number upon request by the funding agencies.

Q7

Based on your selection from the previous question, enter your applicant ID number. (Please do not provide your social security number).

Q8

If you are a business, have you been certified as a New York State Minority or Women-owned Business Enterprise (M/WBE)?

Q9

Legal Name of Applicant

Q10

Applicant Street Address

Q11

Applicant City

Q12

Applicant State

Q13

Applicant ZIP Code (please use ZIP+4 if known)

Q14

Applicant Telephone Number (please include area code)

Q15

Applicant Email Address

Q16

Contact First Name

Q17

Contact Last Name

Q18

Contact Title

Q19

Contact Street Address

Q20

Contact City

Q21

Contact State

Q22

Contact ZIP Code

Q23

Primary Contact Phone Number (please include area code)

Q24

Contact Email

Q25

Additional Project Contact First Name

Q26

Additional Project Contact Last Name

Q27

Additional Contact Title

Q28

Additional Contact Street Address

Q29

Additional Contact City

Q30

Additional Contact State

Q31

Additional Contact ZIP Code

Q32

Additional Contact Telephone Number

Q33

Additional Contact Email Address

Q34

Provide a list of all federal, state, and local reviews, approvals, or permits needed or completed, including the dates when they are expected to be completed or were completed. If Not Applicable, indicate "NA."

Q35

What is the status of State and/or Federal Environmental Review? If review of the project is underway or completed pursuant to the State Environmental Quality Review Act (SEQRA) or National Environmental Policy Act (NEPA), please indicate the lead agency (if applicable).

Please note that your response to this question will not be used for evaluation of your application.

Q36

If National Environmental Policy Act (NEPA) Record of Decision has been issued, please explain (include date of Record of Decision).

Please note that your response to this question will not be used for evaluation of your application.

Q37

Has any environmental review been completed or required pursuant to the State Environmental Quality Review Act (SEQRA), as part of a local and/or other State agency review and approval of the project? If the SEQRA review has been completed, please provide a copy of the completed Environmental Assessment Form (EAF) Parts 1, 2 and 3. If the SEQRA review has not been completed, please provide an update on the status of the review.

Please note that your response to this question will not be used for evaluation of your application.

Q38

Does the project involve construction of new poles, towers or other structures? If so, will these new structures be placed in existing public rights-of-way?

Please note that your response to this question will not be used for evaluation of your application.

Q39

Does the project involve extensive trenching, boring or other ground disturbing activities (*i.e.*, other than minimal trenching for cable installation in existing right-of-ways)?

Please note that your response to this question will not be used for evaluation of your application.

Q40

Does the project require any easements?

Please note that your response to this question will not be used for evaluation of your application.

Q41

Does the project involve ground disturbing activities in an archaeologically-sensitive area or the construction or placement of accessory structures on a historic building, structure, district or site listed on or eligible for listing on the State/National Register of Historic Places?

Please note that your response to this question will not be used for evaluation of your application.

Q42

Does the project involve ground disturbing activities in protected State Park lands (Adirondack Park, Catskill Park)?

Please note that your response to this question will not be used for evaluation of your application.

Q43

Do you have agreements in place to attach to all poles included in your network design? Yes/No

Q44

Please describe your proposed Make Ready and Permitting work plan. This should identify all required permits for your project and timeframes for obtaining such permits.

Q45

Are you seeking a waiver for one or more of the Requirements listed in the New NY Broadband Program Phase 2 RFP Guidelines?

Q46

Phase 2 of the New NY Broadband Program (the Program, or Phase 2) will award funding to applicants to provide Last-Mile services, including infrastructure required to deliver Last-Mile services, to Unserved or Underserved areas of the State.

Does your proposed project (Project) provide Last-Mile broadband service, including Middle-Mile networks, equipment, or other investments required to deliver Last-Mile service?

Q47

Please briefly describe your Project

Q48

Please identify each of the following units of local government located, in whole or in part, within your proposed Service Area:

- i. Each County
- ii. Each City
- iii. Each Town

Q49

If you are seeking a waiver for one or more of the Phase 2 Requirements listed in the New NY Broadband Program Phase 2 RFP Guidelines, please provide, as your waiver request, a written explanation and any supporting documents demonstrating why you are unable to meet the Requirement(s).

Q50

If you are an existing Broadband Service Provider, please identify all New York State counties in which you currently provide service.

Q51

Complete and upload the provided Microsoft Excel spreadsheet entitled “Project Master Financial Spreadsheet” with the following tabs:

Tab 1: “Summary” – Please enter the applicant name, CFA number, and application type in the top cells and complete the Sources and Uses table, providing explanations in the space designated as to the individual line items. In the box below the table, please explain any key financing terms and conditions, and all existing assets to be utilized (e.g., State or municipality-owned fiber, poles, towers, existing private assets). Note that the capital expenditure lines will automatically populate when you complete other tabs within the spreadsheet.

Tab 2: “Expenditures Stand-Alone” – All applicants should complete this table. For Dependent Applications only, applicants should fill out this table as if the Linked Application is NOT funded and the project stands on its own.

Tab 3: “Expenditures Dependent” – This table should only be filled out by applicants proposing to join this Dependent Application to a Linked Application. All other applicants should ignore this tab. Applicants of Dependent Applications should fill out this table with reduced costs that assume the Linked Application is funded.

Tab 4: “Census Blocks” – For each Census Block proposed to be served, enter in the CB ID number and the proposed technology. For Unit counts within Eligible CBs, all applicants must use ESD’s unit counts as provided

on the BPO website. For all Bifurcated CBs and Additional Service Areas, the applicant must fill out the columns to the right of the total column.

Tab 5: “Bifurcated CBs” –If your answer is YES to the mandatory question, proceed to entering the Census Block ID numbers that meet the criteria. Any Census Block ID numbers listed in this tab must also be listed in tab #4 for consideration. Additionally, a shapefile (.shp) of the listed Census Blocks must be provided with your application.

Please Note: Dependent Applications and Bifurcated CBs are discussed in the New NY Broadband Program Phase 2 RFP Guidelines.

Q52

If your application proposes to address Eligible Unserved CBs or Eligible Underserved CBs, does your proposed Service Area encompass all Eligible Units within its boundaries? Yes/No

Please Note: Eligible Unserved CBs and Eligible Underserved CBs may be identified as eligible in whole or in part. By answering “Yes” to this question, you attest that your application covers all Eligible Units within each CB addressed by your application.

Q53

If you answered NO to the question above, are you an existing cable or telephone service provider with franchise or local exchange boundaries that divide the Census Block, AND are you proposing to serve only those parts of one or more CBs falling within the franchise or exchange boundary? Yes/No

Q54

If you answered YES to the question above, please upload a Shapefile (.shp) comparing the Units proposed to be addressed in any partial CB to the boundary layer of your franchise or local exchange area.

Q55

If you are an existing cable or telephone service provider proposing to include fewer than all Eligible Units in any Eligible Unserved CB or Eligible

Underserved CB in your application, due to a franchise/exchange boundary restriction, are you proposing to address all Eligible Units within the portion of such CB(s) that are within your geographic service boundaries?

Q56

If your application proposes Additional Service Areas, as defined in Section IX of the New NY Broadband Program Phase 2 RFP Guidelines, please upload:

A polygon Shapefile (.shp) of all Unserved and/or Underserved Areas that your application proposes to address.

*Please place all associated/necessary shape files into a single zip file and upload zip file to answer this question.

Q57

If your application proposes Additional Service Areas, have you conducted a ride-out of the Census Block(s) to identify end-of-line points of cable and fiber-to-the-premise facilities belonging to another service provider? Yes/No

Please Note: If the applicant itself is the only provider of cable or fiber-to-the-premise in the Census Block(s), it may rely on its own records regarding the areas in which this service is available.

Q58

If you answered YES to the question above, has a DSL service provider been identified in the Census Block(s), who is offering download speeds of at least 25 Mbps? Yes/No

Q59

If you answered YES to the question AND your application lists any Unserved Units in those Census Blocks above, please upload a shapefile (.shp) showing the observed locations of any central offices or remote terminals for the DSL service provider's network, as well as a shapefile showing a 4,000-foot buffer around such points?

Please Note: If the applicant itself is the only provider of DSL service in the Census Block(s) with download speeds of at least

25 Mbps, it may rely on its own records regarding the areas in which this service is available.

Q60

If your application proposes Additional Service Areas, as defined in Section IX of the New NY Broadband Program Phase 2 RFP Guidelines, please upload a shapefile (.shp) showing the end-of-line points of cable and fiber-to-the-premise facilities in the proposed Census Block(s) (OR) the results of a Qualifying Consumer Survey, as defined in Section IX.B.3 of the RFP Guidelines, including:

- A description of how the survey was administered and the questions asked;
- Address-level information about Unserved and/or Underserved areas from the respondents;
- If the survey was commissioned or performed by the applicant, a letter of support for a unit of local government indicating that it has reviewed the addresses and believes them to be Unserved and/or Underserved

Q61

If your application proposes Additional Service Areas, as defined in Section IX of the New NY Broadband Program Phase 2 RFP Guidelines, please upload an affidavit that the submitted map is based on:

- A ride-out of any Census Blocks within the proposed Service Area performed within the last 12 months by qualified, technical personnel to observe and record areas that are Served and Unserved by providers other than the Applicant, OR the results of qualifying consumer surveys performed within the last 12 months by the Applicant or a unit of local government **[This will be required where any provider other than the applicant offers broadband service in the CBs];**
- The Applicant's records of the extent of its own facilities **[Where only the applicant offers broadband service within a CB, an applicant need only include this information for that CB]**

Q62

Does your Project propose to provide service to at least 250 Units (as defined in the New NY Broadband Program Phase 2 RFP Guidelines, Section IV.A.2, Minimum Service Area), (OR) address all Eligible Unserved CBs or Underserved CBs within an REDC Region?

Q63

If your Project addresses Libraries and/or New York State Educational Opportunity Centers (EOC's):

Please submit for each library and/or EOC location information (i.e. address, GIS coordinates, etc.) and evidence that each Library and/or EOC identified is currently either Unserved or Underserved.

Q64

Please submit your Project timeline, detailing Project start/completion dates, major benchmarks, and illustrating how your Project will achieve completion, as defined in Section IV.E of the New NY Broadband Program Phase 2 RFP Guidelines, by end of 2018. Timelines should clearly delineate engineering, permitting, and construction phases of the Project.

Q65

If you propose DSL or Fixed Wireless solutions, or a project utilizing DSL or Fixed Wireless technologies in whole or in part, please provide documentation demonstrating the proposed technology solution's ability to achieve the Program's speed goals in the proposed Service Area.

Additionally, if you propose using existing copper lines for your solution, please provide documentation of the availability and condition of those lines.

Q66

Please upload, as a geo-referenced Shapefile (.shp) file or a PDF that includes roads and a mark-up of where the fiber will be placed and a network diagram of your proposed technology solution (including, as applicable, the routes of aerial, buried and underground Fiber, ducts, and active and passive nodes inside and outside of plant -- e.g., DSLAM, Hub and Splitter locations,

switches, routers, speeds and protocols over links, Internet backbone connections). Existing fiber routes that will be used as part of the bid should be separately displayed/provided.

Q67

Please upload documentation to support claims of the speed capacity of your proposed technology including: the maximum speeds that your technology will deliver, technical specifications, points of aggregation, oversubscription, the scalability of your technology to deliver faster speeds in the future and/or accommodate increased demand, and any limitations on the speed capacity of your technology (e.g., geographical limitations).

Q68

Please provide a signed certification by a licensed Professional Engineer detailing the reliability of the technology and its ability to deliver the indicated speed to the proposed Service Area. The certification must include the license number, issuing state, and license expiration date of the signing engineer. If you cannot provide this certification, please provide other documentation sufficient to support these claims.

Q69

Please provide documentation to support the statement that the Applicant (or, where Applicant is a group of two or more entities, including municipalities and/or tribal entities, any entity among those filing this application) currently operates a wired or wireless network with at least 500 customers.

Q70

Please submit documents that - to the satisfaction of the Broadband Program Office - describe the Applicant's capital expenditure plans prior to the filing of this Phase 2 application, and demonstrate how the Project would constitute an incremental increase in the Applicant's capital expenditures and would not be undertaken in the absence of Broadband Program Office funds

Q71

If you have cash-on-hand, defined as the Applicant's total amount of available cash, in an amount no less than your financial commitment, please upload

current statements from your financial institution clearly showing the amount of available cash and cash equivalents.

Q72

If you have commitment letter(s) from investors and/or commercial lenders for a portion of your financial commitment, please upload signed commitment letters from each, and a timeline for completing the financing.

Q73

If you do not have cash-on-hand, defined as the Applicant's total amount of available cash, or commitment letter(s) in an amount no less than your financial commitment, please upload:

(1) Documentation demonstrating that you are in the process of raising this capital (describing the sources and status of such financing), and providing a timeline for obtaining the financing;

(2) A letter attesting to your confidence that you will obtain such financing to allow completion within the timeline provided.

Q74

If Applicant includes a municipal entity that has a municipal Bond rating on any of its debt instruments, please submit documentation demonstrating its current Bond rating.

Q75

Please provide two years of most recent set of signed federal, state, and local tax returns for the past two years (FYs 2015 and 2014). If fiscal 2015 tax returns are not available, submit (1) FY 2014 and FY 2013; and (2) an explanation of why tax returns are not available.

Q76

Please provide three years of most recent set of audited financial statements for Applicant. If Applicant's most recent financials are over 180 days old, add the most recent interim statements.

- a. Should the Applicant not have audited financial statements, Applicant should provide an explanation as to why it does not have such audits and submit three years of most recent set of audited financial statements of its parent company, together with an explanation of corporate organization that clearly demonstrates the relationship between the Applicant and its parent.
- b. Should neither the Applicant nor its parent have such statements, Applicant should: (1) submit a statement as to why such audited financial statements do not exist; (2) acknowledge that participation in the New NY program will require the submission of audited financial statements; and (3) provide unaudited financial statements of sufficient quality to allow BPO to review applicant's financial condition, including three years' worth of income statements, balance sheets and cash flow statements.

Q77

Please provide five years of Projected Pro Forma income statements, balance sheets, and income statements for the Project, clearly notating annual revenue, operating expenses, annual closing balance, and break-even ratio. Please identify all key assumptions underlying such Pro Formas (including average revenue per user (ARPU) and churn rates).

Q78

Please provide any additional documents and/or information that you believe support a determination that you possess sufficient financial and/or management capabilities to participate in Phase 2.

Q79

Identify any partners/consultants/third parties, if any, who will be participating in this Project. Please attach commitment letters from any such entities that describe their roles and relevant past experience to the extent applicable.

Q80

Please provide any other documentation or letters of support in connection with your Project. These may include letters from anchor institutions, REDC representatives, or other public officials.

Please note that while these documents will not be utilized as part of the Phase 2 Reverse-Auction process, such information may help inform ESD as to the compelling nature of any given broadband project and existing support therefor.

Q81

Will your completed Project provide Internet download speeds of at least 100 Mbps?

Q82

If you are proposing Internet download speeds of less than 100 Mbps, what speed are you proposing and why?

Q83

Does your Project deploy one of the following technologies?

- (1) Fiber-to-the-Home (FTTH);
- (2) Cable/Hybrid Fiber-Coaxial (HFC), deploying DOCSIS 3.0 modems or higher
- (3) FTTH in combination with HFC, deploying DOCSIS 3.0 modems or higher
- (4) Digital Subscriber Line (DSL);
- (5) Fixed Wireless;
- (6) Another Hybrid Technology Solution

Note: While (1), (2), and (3) are pre-approved for Phase 2, applications offering (4), (5) and (6) will only be considered where no commercially-reasonable bids using Fiber and/or Cable/HFC are submitted to address the same proposed Service Area. Applicants offering such technologies will be asked to submit supporting documentation demonstrating the proposed technology solution's ability to achieve the Program's speed goals, to the satisfaction of the Program, in the proposed Service Area.

Q84

Please describe the technology you propose to utilize. Also, please describe the specific advantages of using this technology.

Q85

Please describe the speed capacity of your proposed technology, including the maximum speeds that your technology will deliver; points of aggregation; oversubscription; the scalability of your technology to deliver faster speeds in the future and/or accommodate increased demand; and any limitations on the speed capacity of your technology (e.g., geographical limitations).

Q86

Please provide a complete and detailed description of the network design used to deliver broadband service from the network's primary Internet point(s) of presence to end users. Please highlight all of the network components already in existence, as well as ones to be added by the Project.

Q87

If you are proposing a FTTH or HFC project, how many miles of fiber do you plan to deploy?

Q88

Please indicate the current status of your Project development (e.g., planning, preliminary engineering, or final design).

Q89

Please describe the Estimated Service Life/Useful Life of your Project.

Q90

Please identify any areas of schedule or cost risk that may affect your Project, the likelihood of the risks, the expected impact of the risks, and your proposed approach to managing the risks.

Q91

In accordance with the goals of the Program, Phase 2 applicants must demonstrate that their projects will be completed by the end of 2018. Will your Project be completed on or before December 31, 2018, as defined in the New NY Broadband Program Phase 2 RFP Guidelines and in accordance with the terms of the Grant Disbursement Agreement (GDA)?

Q92

Will your Project, as part of your range of services and for a period of five (5) years from the date of Project completion, offer a consumer broadband service tier providing broadband service to residential consumers, excluding businesses and other institutional users, at minimum Internet speeds of at least 25/4 Mbps (download/upload), at a monthly rate not to exceed \$60, upon the terms set forth in the New NY Broadband Program Phase 2 RFP Guidelines (Section IV.F)?

Q93

Applicants submitting successful proposals may be required by the BPO, at its sole discretion, to provide the BPO with an unsubordinated security interest in tangible assets funded by the Program. Do you understand and agree that failure to provide such a security interest may result in disqualification of your application?

Q94

Are you willing to accept a Modified Award (*as described in Section IV.A.5 of the New NY Broadband Program Phase 2 RFP Guidelines*) with a reduction of up to 20% of the total number of Units proposed to be addressed by your application?

Q95

If you are willing to accept a Modified Award with a reduction of more than 20% of the total number of Units proposed to be addressed by your application, please indicate what percentage reduction of Units you would be willing to accept.

Q96

Applicants to Phase 2 shall be required to provide a deposit in an amount of \$100,000.00 (the Application Deposit) by Letter of Credit, which shall be held by the BPO to ensure that the Applicant enters into a Grant Disbursement Agreement (GDA) and Security Agreement in connection with the Project. Do you understand and agree that failure to provide the Deposit may result in the disqualification of your application?

Q97

Does the applicant attest that the proposed Project was not part of their capital expenditure plan last year, or in any year prior to the filing of this Phase 2 application, and would not be undertaken in the absence of Program funds?

Q98

Does your proposal include a financial commitment to the Project meeting the requirements of the New NY Broadband Program Phase 2 RFP Guidelines (*see Section IV B- Required Co-Investments*)?

Q99

Is the Project fully-financed in an amount covering total Eligible Project Costs, through a combination of the total requested State Investment and your commitment of funds?

Q100

Is a portion of your financial commitment, in an amount no less than 10% of total Eligible Project Costs, Equity Capital (*as defined in the New NY Broadband Program Phase 2 RFP Guidelines, Section IV.B, Required Co-Investments*)?

Q101

Do you have cash-on-hand, defined as the Applicant's total amount of available cash or commitment letter(s) in an amount no less than your financial commitment?

Q102

Have you received previous funding for any aspect of the Project, or to serve any part of the proposed Service Area, from federal, State, or municipal sources?

Q103

If you have received previous funding for any aspect of the Project, or to serve any part of the proposed Service Area, from federal, State, or municipal sources please provide the Project title, funding source, the Project cost total, and the dollar amount received, year of receipt, and current status of this component of the project (e.g., in construction, completed). Please also describe the nature of the funding (e.g., grant funds, loans).

Q104

Please describe the extent to which you will rely on contractors and/or vendors to complete the Project.

Q105

Do any of your uploaded documents contain confidential and/or proprietary information?

Q106

Does the Applicant (or, where Applicant is a group of two or more entities, including municipalities and/or tribal entities, any entity among those filing this application) currently operate a wired or wireless network with at least 500 customers?

Q107

If Applicant is a subsidiary of, division of, or is otherwise related to another entity not named in this application, please identify any such parent and/or related entity and describe the institutional relationship.

Q108

Is Applicant in substantial compliance with all federal, State, and local laws?

Q109

Does Applicant, or any related entity thereof, have an existing contract with any agency, corporation, or division of the State of New York?

Q110

If Applicant, or any related entity thereof, has an existing contract with any agency, corporation, or division of the State of New York, please describe the current status of that project.

Q111

Does Applicant consent to an investigation of their standing under all New York State contracts?

Q112

Does Applicant have an existing federal, New York State, or municipal tax liability?

Q113

If Applicant has an existing federal, New York State, or municipal tax liability, please explain.

Q114

Has your application been developed independently, without collusion, consultation, communication, or agreement for the purpose of restricting competition in ESD's selection of Phase 2 grant recipients?

Q115

Unless otherwise required by law, do you agree that you will not knowingly disclose the costs presented and grant amounts requested in your Phase 2 application to any other Applicant or to any competitor?

Q116

Do you attest that you have not made, or will make, any attempt to submit or withhold a Phase 2 application for the purpose of restricting competition in ESD's selection of Phase 2 grant recipients?

Q117

Principals, officers, and directors of applicants, as determined by the BPO, may be required to submit to a background check at the sole discretion of the BPO as a precondition to the award of Program funding.

Do you understand and agree that the failure of any person, determined by the BPO, to be subject to a background check, to submit to a background check, as well as the results of such background check, may result in disqualification of your application?

Q118

Please provide a description of your plan to engage Service Disabled Veteran-Owned Business Enterprises as subcontractors and suppliers.

Please note that your response to this question will not be used for evaluation of your application.

Q119

Please provide a description of your plan to engage New York State-certified Minority and Women-owned Business vendors as subcontractors and suppliers.

Please note that your response to this question will not be used for evaluation of your application.

Q120

By entering your name in the box below, you certify and agree that you are authorized on behalf of the applicant and its governing body to commit the applicant to comply with the requirements of Article 15-A of the New York State Executive Law: Participation By Minority Group Members and Women With Respect To State Contracts by providing opportunities for Minority-owned Business Enterprise (MBE)/Woman-owned Business Enterprise (WBE)

participation. You further certify that the applicant will maintain such records and take such actions necessary to demonstrate such compliance throughout the completion of the project.

Q121

By entering your name in the box below, you certify that you are authorized on behalf of the applicant and its governing body to submit this application. You further certify that all of the information contained in this Application and in all statements, data and supporting documents, which have been made or furnished for the purpose of receiving assistance for the project described in this application, are true, correct and complete to the best of your knowledge and belief. You acknowledge that offering a written instrument knowing that the written instrument contains a false statement or false information, with the intent to defraud the State or any political subdivision, public authority or public benefit corporation of the State, with the knowledge or belief that it will be filed with or recorded by the State or any political subdivision, public authority or public benefit corporation of the State, constitutes a crime under New York State Law.