



# 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

<b>Application Issue Date</b>	12/10/2019
<b>Submission Deadline for Letters of Intent</b>	02/06/2020
<b>Submission Deadline for Challenges</b>	03/09/2020
<b>Expected Date for Challenge Decisions</b>	03/25/2020
<b>Submission Deadline for Full Applications</b>	05/26/2020
<b>Expected Date for Selections</b>	08/01/2020

- OCRA must receive the Challenge by 3:00 pm ET on the due date listed above.

Questions about this program and application? Email [NLC@ocra.in.gov](mailto:NLC@ocra.in.gov)

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# I. Program Description

## A. Background and Context

The Next Level Connections (NLC) Broadband Grant Program is designed to promulgate access to reliable and affordable broadband service to all areas of the state, which is necessary for a highly functioning 21<sup>st</sup> century economy. This is a part of Governor Holcomb's broader Next Level Connections infrastructure program. The program builds upon investments made through industry funds, along with prior and ongoing grant programs. Yet, there are still areas of Indiana that remain unserved for a range of economic and topographical considerations. Affordable, high-speed broadband has become a business, educational, and personal necessity. Hoosiers should be able to connect to reliable broadband regardless of where they are located within the State.

NLC Broadband aides in bridging the digital divide by bringing high-speed, affordable broadband to rural Indiana. The program aides in the creation of a fully integrated network that maximizes the state's economic competitiveness and solidifies Indiana's role as the Crossroads of America. The purpose of the Program is to provide funds for the deployment of broadband infrastructure to provide eligible broadband service to end users, which include households, businesses and community anchor institutions, across Indiana. 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.

## 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 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 plans to deploy within a 24-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 by February 2022, then a provider may challenge all or a portion of a proposed service area. The challenge must include that the existing area has service availability at or above the minimum actual speed of 10/1 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.

If the challenger is only challenging a portion of the census block, the provider must identify the percentage of the census block served and provide address level data for current and/or proposed end-users.

## 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 10 Mbps downstream and at least 1 Mbps upstream, regardless of the technology medium used to provide the connection.<sup>1</sup>

### 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.<sup>2</sup>

### 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 10 Mbps downstream<sup>3</sup>

Ineligible areas include:

- Census Blocks for which funding has been allocated from the Next Level Connections Broadband Grant program; and
- Census blocks receiving funding from the federal Connect America Fund or any other similar federally funded programs for the purpose to provide broadband service to rural or unserved areas.<sup>4</sup>

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

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Indiana General Assembly. 2019. "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 census blocks rather than against individual applications. An entity should include all census blocks 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 census block 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](mailto: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](mailto:NLC@ocra.in.gov) by February 28, 2020 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.htm>. 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_Cover Page
Challenge Census Block List	Organization Name_Census Blocks
Affidavit	Organization Name_Affidavit
Technology Specifications	Organization Name_Tech Specs
Map of Service Area	Organization Name_Maps

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 (2019, 2018, 2017)
- 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”.

**Challenge Census Block List:** The challenger must complete a spreadsheet of all of the census blocks being challenged. The spreadsheet indicates which census block is being challenged, whether the provider fully or partially serves the census block, and whether this is existing service or proposed in the next 24 months. The challenger must provide address level data for the census blocks that the provider is challenging. This is for both existing service addresses and proposed service locations. The Census Block template is available on the OCRA NLC website under How to Apply. Save the Census Block List in a single Excel file using the following convention for the title: “Organization Name\_Census Blocks”.

**Affidavit:** The challenger must complete an affidavit affirming service is available at or above a minimum actual speed of 10/1 Mbps, or construction is in progress or will be completed in 24 months. The challenger map notify the local officials in the service area of the challenge. The

name, organization, method of communication, and date of contact must be included in the challenge table to reflect that the corresponding communities have been notified of the challenge. 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. 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 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".

***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.

Challenge 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 within the census blocks. OCRA will ultimately utilize the information provided in the challenge and full application to determine whether a census block 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.

*Any questions? If you have further questions after reviewing the challenge process and supporting documentation, please submit an email to [NLC@ocra.in.gov](mailto: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: Challenge Census Block List
  - Attachment 3: Affidavit
  - Attachment 4: Technology Specifications
  - Attachment 5: 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.***

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 10 Mbps downstream and 1 Mbps upstream; that the broadband infrastructure is designed to meet the identified needs of the challenged census blocks; that the local officials of the service areas have been notified of the challenge being submitted; 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.*

## Community Notification

<i>Name of Contact</i>	<i>Organization</i>	<i>Method of Communication</i>	<i>Date</i>

**Signature**

**Print Name:**

**Title:**

**Email:**