
INTERNET FOR ALL

Initial Proposal – Volume 2 Pending NTIA Approval



U.S. Department of Commerce
National Telecommunications and Information Administration



**BROADBAND
OFFICE**

Note: *This document is intended solely to assist recipients in better understanding BEAD Initial Proposal and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.*

DRAFT

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Introduction

The South Carolina Office of Broadband Coordinator, more commonly known as the South Carolina Broadband Office (SCBBO), within the Office of Regulatory Staff (ORS), seeks public comment regarding Volume 2 of the Broadband, Equity, Access, and Deployment (BEAD) Initial Proposal. The BEAD Initial Proposal is a requirement toward obtaining an additional \$551.5 million for investment in Broadband deployment projects throughout the State from the National Telecommunications and Information Administration (NTIA) as part of the Infrastructure Investment and Jobs Act (IIJA). Requirements pertaining to the BEAD program are outlined in the Notice of Funding Opportunity (NOFO).

The SCBBO has developed a Five-Year Action Plan which served as a launching point for the development of this initial proposal. Volume 2 of the Initial Proposal focuses on detailing the SCBBO's comprehensive approach toward administering South Carolina's BEAD Grant Program.

This document follows a template provided by the NTIA for compilation of Volume 2 of the Initial Proposal. For ease of use and overall readability of this document, template questions and guidance from the NTIA are italicized, blue and bold text represents SCBBO draft responses.

As part of the State's formal vetting process, a 30-day comment period has been initiated. It begins on October 30, 2023, and ends on November 30, 2023. The public is encouraged to review and comment on this document by visiting the SCBBO ORS website and filling out the comment form located at: <https://arcg.is/OCWLWP>.

Properly submitted comments will be reviewed, aggregated, and may be used to further refine Volume 2 of the draft Initial Proposal prior to final submission of this document to the NTIA. The BEAD Initial Proposal is due to NTIA by Dec. 27, 2023.

Volume II Initial Proposal Requirements

2.1 Objectives (Requirement 1)

2.1.1 **Text Box:** Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

| Goals | Objectives |
|------------------------------|--|
| Expand Access | <p>Efficiently coordinate the rapid deployment of broadband infrastructure.</p> <p>Identify extremely high-cost remote, rural locations and leverage alternative technologies.</p> <p>Address accessibility and connectivity challenges at multi-dwelling units (MDUs).</p> <p>Expand public Wi-Fi networks.</p> <p>South Carolinians have access to reliable, resilient high-speed broadband infrastructure at 25/3 Mbps by 2026 and 100/20 Mbps by 2028.</p> |
| Model, Map and Plan | <p>Assemble relevant data, conduct analysis, and develop maps to support access, adoption, and use of broadband infrastructure. Maintain metrics for all federal and State-designated Covered Populations.</p> <p>Provide actionable intelligence and outreach to county administrators.</p> <p>Leverage the Broadband Advisory Council to engage stakeholders and continuously look to identify barriers to adoption and use.</p> |
| Measure Affordability | <p>Encourage the provision of affordable broadband services for a variety of consumer needs.</p> <p>Establish a framework for affordability.</p> <p>Support Affordable Connectivity Program (ACP) awareness campaigns to help increase enrollment and broadband adoption.</p> |
| Expand Digital Opportunities | <p>Enhance digital equity for all federal and State-designated Covered Populations.</p> <p>Support existing public and private training programs — including apprenticeships — that aim to expand the telecommunications and cybersecurity workforce by bolstering digital skills and creating career opportunities.</p> |

| Goals | Objectives |
|--|--|
| | Leverage raw BEAD survey information to inspire academic research and uncover opportunities for advancing South Carolina. |
| Device Support | Support universal one-to-one programs throughout the complete public K–12 system. Leverage device support subsidy from ACP program. Partner to establish a statewide computer recycling network. |
| Support Broadband Providers | Provide technical support, on an as-needed basis as available, to all internet service providers (ISPs) that conduct business in South Carolina so they can perform at optimal levels, complete projects on time and on budget, and maintain compliance with all federal and State grant programs. |
| Provide Community Support and Technical Assistance | Through efficient, competitive grant programs, convene, collaborate, train and support communities in their efforts to expand broadband access, adoption, and use. |

2.2 Local, Tribal, and Regional Broadband Planning Processes (Requirement 2)

2.2.1 **Text Box:** Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

Partnership, coordination, and engagement across all sectors of government, academic institutions, nonprofits, and private industry are vital to connecting residents and businesses to affordable, reliable broadband. The SCBBO has leveraged many important partnerships with various organizations as part of the BEAD planning process and intends to continue this level of engagement forward as a baseline with South Carolina’s Broadband Advisory Council (BBAC); a legislatively mandated consortia which includes a cross-section of industry leaders to help guide broadband planning throughout the State. The BBAC includes a diverse group of stakeholders (public, private, higher education, and nonprofit organizations). Since its inception, the BBAC has undertaken strategic planning, stakeholder coordination and consensus building activities to help identify and address challenges and barriers toward broadband access, adoption, and use. As a 21-member advisory council to the SCBBO, the BBAC meets quarterly, meetings are open to the public, and agendas and

recordings of the meetings are published on the ORS website, available at: <https://ors.sc.gov/broadband/office/plan>

In an effort to help facilitate and harmonize State planning efforts with regional entities along with local, municipal, and tribal governments, the SCBBO intends to continue a multi-faceted approach leveraging online tools and resources, presentations, surveys, and distribution lists to communicate and facilitate broadband planning efforts in a transparent and seamless manner.

SCBBO has developed a delivery mechanism for distributing published maps and data available for use and download in a GIS-based outreach hub site called SCDigitalDrive (available at: <https://scdigitaldrive.org>). The site includes information on funded projects, county-based statistics, areas of need maps, and planning maps for local stakeholders', along with direct linkage to the FCC National Broadband Map for interested parties to learn about available service for a given location in the State.

The SCBBO has setup a grant notification distribution list which includes over 340 individual contacts that receive correspondence through ConstantContact on timely updates from the office. Any questions pertaining to broadband in the State can be sent to broadband@ors.sc.gov, which is monitored Monday through Friday during normal business hours by 7 fulltime staff members within the ORS.

The SCBBO will also continue conducting presentations at conferences and technical trade shows. For example, the SCBBO has presented at the following conferences over the last year of time focusing their engagement on local and regional partnerships:

- South Carolina Association of Counties
- Municipal Association of South Carolina
- South Carolina Telecommunication and Broadband Association
- Electric Cooperatives of South Carolina
- South Carolina Cable Association
- Palmetto Care Connections Annual Conference
- Office of Rural Health Annual Conference
- South Carolina Council of Governments (COGs) Annual Conference
- South Carolina Information Technology Directors Association Annual Conference

2.3 Local Coordination (Requirement 4)

- 2.3.1 **Text Box:** Describe the coordination conducted, summarize the impact such coordination has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.

Beyond the required 30-day comment period for the Initial Proposal Volume 2, the SCBBO intends to continue the multi-faceted approach outlined as a response to the previous question in section 2.2.1 by leveraging websites, online tools and resources, presentations, surveys, quarterly meetings with the BBAC, and distribution lists to communicate and facilitate broadband planning efforts in a transparent and seamless manner.

The most notable impact from local coordination in the development of the BEAD initial proposal has been the identification of funded Broadband Deployment projects and compilation of CAIs. As mentioned in Volume 1, prior to drafting the BEAD initial proposal, a formal definition for CAIs had never been developed for South Carolina. Therefore, the SCBBO completed a lengthy outreach process to coordinate, analyze, and aggregate data from local jurisdictions which had not been previously compiled for the State’s use. The same can be said for the identification of funded projects for broadband deployment at the local level. Coordination around both of these requirements proved a significant undertaking for local jurisdictions and the SCBBO alike, without which the State’s Initial Proposal would have underrepresented the total number of CAIs and the disposition of Broadband availability therein would have been incomplete.

The SCBBO will continue to rely heavily on partnerships established as part of the BEAD 5-year planning process. A list of partnerships and a description of current or planned roles in Broadband Deployment and Adoption are provided in the table below.

| Partnerships* | Description of Current or Planned Role in Broadband Deployment and Adoption |
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| State and Local Government | |
| SC Department of Social Services (DSS) | Through its Division of Economic Services, DSS administers economic assistance programs, including the federal Temporary Assistance for Needy Families (TANF) program, which provides employment and training for people receiving cash assistance, and the Supplemental Nutrition Assistance Program (SNAP). SCBBO partners with DSS to gain data regarding social service program recipients eligible for the FCC’s ACP. |
| SC Department of Transportation (SCDOT) | The SCDOT supports permitting and coordination on construction, particularly with “Star” initiatives. The SCBBO has worked with the SCDOT to develop a utility right-of-way guidance document that evaluated permitting workflows to enable a more seamless integration of broadband infrastructure along state-owned roadway easements. The SCBBO plans to continue coordinating with |

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| | <p>the SCDOT and other entities, such as the Department of Health and Environmental Control (DHEC), to ensure a streamlined and compliant permitting process for future broadband projects.</p> |
| <p>SC Office of Resilience</p> | <p>SCBBO plans to partner and coordinate with the Office of Resilience, which oversees federal funds provided for damage due to natural disasters. The Office plans to leverage the Office of Resilience’s flood vulnerability modeling and other resources to support long-term planning, including the resiliency planning efforts required as part of the Initial and Final Proposal.</p> |
| <p>SC Emergency Management Division (EMD)</p> | <p>SCBBO plans to partner with the Emergency Management Division, which manages recovery and response efforts, to support resilient broadband expansion and planning.</p> |
| <p>SC Department of Education (SCDOE)*</p> | <p>The SCDOE supports initiatives expanding broadband access and adoption for students in the state. The SCDOE collaborates with SCBBO by sharing data on schools and households with K–12 students, ensuring broadband expansion efforts and programs reach students who rely on access to broadband. The SCCBO will work with the SCDOE to identify opportunities to pair BEAD dollars with the FCC’s E-Rate dollars to strengthen broadband options for schools across the state.</p> |
| <p>SC Department of Commerce (SCDOC)*</p> | <p>The SCDOC promotes economic development, workforce development, and SC attractiveness to industry. As part of those efforts, the SCDOC supports the development of a ubiquitous, highly reliable, world-class communications network designed and engineered to meet the requirements of industry for wireless high-speed internet access and voice service. This is best exemplified by SCDOC’s collaboration with SCBBO in deploying grants under the RBGP.</p> |
| <p>SC Rural Infrastructure Authority (RIA)</p> | <p>The RIA assists communities with financing for qualified infrastructure projects for water and wastewater systems as well as storm water drainage facilities. RIA was initially offered grants for projects in rural and distressed counties, but the programs have expanded to make grant and loan assistance available statewide. RIA will oversee ARPA SLFRF funds (\$1.3b) and will be a key partner with the SCBBO. In particular, the offices will work together in identifying “dig-once” opportunities for broadband deployment.</p> |

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| <p>Commission for Minority Affairs (CMA)</p> | <p>CMA provides constructive solutions and approaches to support the policy and socioeconomic development of ethnic minority communities in SC through activities such as community engagement and awareness; collecting data; and acting as a liaison between communities, government agencies and other organizations.</p> <p>CMA serves as the single point-of-contact for tribal broadband issues. CMA supported survey development, distribution, and collection, as well as asset mapping activities.</p> |
| <p>SC Department on Aging (SCDOA)</p> | <p>SCDOA focuses on enhancing the quality of life for seniors in South Carolina. The SCDOA works with a network of regional and local organizations to develop and manage services that help seniors remain independent in their homes and in their communities, which includes facilitating access to broadband and broadband- enabled services like telehealth. To achieve this, the SCDOA partners with community-based organizations and CAIs from healthcare providers to hospitals.</p> |
| <p>Santee Cooper*</p> | <p>Santee Cooper, the state-owned electric and water utility, has developed a broadband program in accordance with the Broadband Accessibility Act that will enable broadband providers to improve statewide accessibility quicker and cheaper. As one example, on April 26, 2021, the Santee Cooper Board of Directors approved rates and terms that allow broadband providers to build out retail service to unserved areas of South Carolina by accessing Santee Cooper’s transmission infrastructure and 1,200 miles of excess fiber. The program began the following month, when the new rates for transmission pole attachments and the leasing of excess dark fiber went into effect.</p> |
| <p>SC State Library System*</p> | <p>The South Carolina State Library System is the primary administrator of federal and state support for the state’s libraries. Many libraries throughout SC support access to broadband as well as adoption and use through digital literacy resources. For example, students rely on their SC public libraries to keep them connected while attending virtual classes. SC libraries provide technological resources, including Wi- Fi, laptops, and Chromebooks, to keep students connected. SC libraries also use Wi- Fi extenders to share their Wi-Fi in more public spaces, like parks and community centers.</p> <p>During the height of the pandemic, many libraries in South Carolina expanded broadband access by extending Wi-Fi.</p> |

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| | <p>Library parking lots were often full of families, students and workers logging on to use the free internet available. Examples include Florence Library, which had two SmartBus hotspots parked in public spots to provide internet access. Marlboro, Colleton, Chester, Berkeley, and Dillon Libraries used bookmobiles as roving hotspots, visiting housing sites and rural locations.</p> <p>Many libraries check out hotspots to help bridge the digital divide. Additional examples include Union Library, which has partnered with the Union County Detention Center to expand Wi-Fi reach, and Richland Library, which placed Wi-Fi devices in all of the Columbia Housing Authority areas.</p> |
| <p>South Carolina Department of Agriculture (SCDA)</p> | <p>SCDA will support SCBBO’s ability to understand broadband needs related to the SC agriculture ecosystem and farming communities.</p> <p>According to the American Farm Bureau Federation, access to broadband is essential for farmers and ranchers for accessing commodity markets, communicating with their customers, gaining access to new markets around the world and increasingly for regulatory compliance.</p> <p>SCDA and SCBBO will work to support economic development related to precision agriculture and practices supported by access to broadband.</p> |
| <p>SC Housing Authority (SCHA)</p> | <p>SCBBO plans to partner with SCHA on targeting and expanding broadband coverage in MDUs throughout the state.</p> |
| <p>SC Department of Veteran Affairs (SCVA)</p> | <p>The SCVA works with SCBBO to improve broadband access and skills for veterans. SCVA supported survey distribution and collection.</p> |
| <p>SC Department of Employment and Workforce (DEW), Office of Statewide Workforce Development (OSWD)</p> | <p>DEW’s mission is to promote and support an effective, customer-driven workforce system that facilitates financial stability and economic prosperity for employers, individuals and communities. The agency’s primary goal is to match jobseekers with employers quickly, efficiently, and effectively, and offers a variety of services to assist both groups.</p> <p>As of June 2023, under the Statewide Education and Workforce Development Law, DEW is responsible for the Coordinating Council for Workforce Development (CCWD) and the Regional Workforce Advisors (RWAs), two initiatives formerly with the S.C. Department of Commerce. CCWD duties include engaging in discussions, collaboration, and information sharing concerning the ability of the State to prepare and</p> |

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| | <p>train workers to meet current and future workforce needs. RWA duties include coordinating and facilitating the delivery of information, resources, and services to students, educators, employers, and the community regarding opportunities available to students in industries and businesses across the State. Additionally, the law creates the Office of Statewide Workforce Development (OSWD) within DEW that will provide management and oversight for these new functions of the agency.</p> <p>These new responsibilities allow the agency to improve accountability, broaden its efforts in addressing obstacles unique to rural areas, and enhance responsiveness to industry needs. In partnership with DEW and OSWD, SCBBO will work to implement workforce development programs and initiatives strengthening the positive economic impact of BEAD funding and broadband expansion across the State.</p> |
| <p>SC Department of Public Safety (SCDPS)</p> | <p>SCDPS includes Highway Patrol, State Transport Police, Bureau of Protective Services, and Office of Highway Safety and Justice Programs. SCBBO plans to work with SCDPS to expand broadband to connect emergency services providers and to help target broadband along emergency corridors and facilities.</p> |
| <p>SC Technical College System</p> | <p>The SC Technical College System consists of 16 technical colleges offering industry- specific training and education to more than a quarter million South Carolinians each year. ReadySC is a division of the SC Technical College System with a mission to promote economic development in South Carolina by providing customized recruiting and training solutions to companies bringing new jobs to the state through relocation or expansion. SCBBO works with ReadySC in advancing broadband-related workforce development efforts.</p> <p>Apprenticeship Carolina is a division of the SC Technical College System that works to ensure all employers in South Carolina have access to the information and technical assistance they need to create demand-driven registered apprenticeship programs, including in IT and other sectors that require digital skills. The SCBBO will work with the Apprenticeship Carolina program to help expand offerings related to the broadband sector to help ensure that South Carolina citizens have opportunities to gain the skills needed to explore a career in this industry.</p> |
| <p>Nonprofits, Associations and Other Organizations</p> | |

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| <p>SC Association of Counties (SCAC)*</p> | <p>SCAC is the only statewide organization representing county government in South Carolina and works to empower county officials through advocacy, education and collaboration. SCAC supported SCBBO with survey distribution and collection.</p> |
| <p>TogetherSC*</p> | <p>TogetherSC serves the thousands of South Carolinians dedicated to community service, leadership, and caring through nonprofit and philanthropic organizations. It comprises 700+ member organizations.</p> <p>TogetherSC is a broadband expansion advocate that convenes and aligns community leaders in support of broadband expansion. On March 15, 2023, TogetherSC joined with the SCBBO to host a conference with community members and nonprofits that are working to aid communities with broadband adoption. The event supported broadband survey distribution and knowledge sharing with residents regarding broadband expansion programs.</p> |
| <p>Councils of Governments (COGs)</p> | <p>SC COGs are a network of 10 councils working to positively influence quality of life and economic development in South Carolina, including increasing access to broadband. They supported distribution of broadband surveys and act as key coordinators of broadband resources, advocacy and programs in communities throughout the state.</p> <p>COGs are partnerships of – and provide resources to – the local counties, cities and towns in their regions. In addition to local and regional partnerships, COGs partner with numerous federal and state agencies, obtaining and administering grants for a variety of community-based programs and economic development initiatives.</p> <p>COGs’ focus on workforce development, economic development, transportation planning and other government services will provide connection across state and local activities where broadband deployment and digital inclusion are core components.</p> |
| <p>Municipal Association of SC (MASC)*</p> | <p>MASC represents and serves the state’s 271 incorporated municipalities and is dedicated to empowering municipal officials with the knowledge, experience and tools to enable the most efficient and effective operation of their municipalities. For example, MASC advocated for a law to enable cities and towns to not only lay but also to light the fiber to expand broadband service.</p> |

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| <p>Palmetto Care Connections (PCC)*</p> | <p>PCC is a telehealth network that assists healthcare providers in connecting rural and underserved South Carolinians to quality services through broadband, technology, and telehealth programs.</p> <p>PCC helps healthcare providers receive broadband savings through the FCC’s Healthcare Connect Fund Program by assisting them with the internet service provider bidding process and filing the appropriate information, invoices and supporting documentation to the USAC.</p> |
| <p>SC Institutes of Innovation and Information (SCIII)</p> | <p>SCIII is a nonprofit that provides resources and support for the Institutes of Innovation and Information established at South Carolina’s eight HBCUs.</p> <p>SCIII supported SCBBO with survey distribution and collection.</p> |
| <p>SC Cable Television Association (SCCTA)*</p> | <p>SCCTA was formed in 1997 to support educational opportunities in communications and communication technology. SCCTA’s membership comprises South Carolina’s major cable companies, including Time Warner Cable, Charter Communications, Comcast Cable Communications and Atlantic Broadband, which collectively serve over 1m cable households in the state.</p> <p>The SCCTA foundation has sponsored seminars and forums that bring together leaders in education and technology to advance the use of technology in education. With ISPs as members, the SCCTA supports broadband expansion initiatives throughout the state and can provide direct support to SCBBO broadband data and programming activities.</p> |
| <p>SC Association for Community Economic Development (SCACED)*</p> | <p>SCACED is a coalition of individuals and organizations that support the development of healthy and economically sustainable communities throughout South Carolina.</p> <p>The members work collaboratively to create economic opportunity for all SC residents, with many efforts focused on minority communities and other groups that have been left out of the economic mainstream. SCACED will support broadband expansion efforts by providing advocacy and specific assistance with digital equity and inclusion activities.</p> |
| <p>SC Council on Competitiveness*</p> | <p>The SC Council on Competitiveness manages multiple industry clusters in South Carolina, including tech, cybersecurity, aerospace, and other broadband-enabled industries. Clusters are economic ecosystems of linked industries and other entities important to competition, like suppliers of components, machinery, and services.</p> |

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| | <p>The Council’s priorities are to 1) provide actionable research, 2) support industry clusters, and 3) provide education and workforce development.</p> <p>The Council works in developing science, technology, engineering, and mathematics (STEM) education and workforce pipelines to strengthen South Carolina’s economic competitiveness. This work also supports SCBBO’s economic and workforce development strategy and planning.</p> |
| <p>Electric Cooperatives of SC (ECSC)*</p> | <p>ECSC is the statewide service and trade association for electric cooperatives. The consumer-owned electric cooperatives operate the largest electric distribution system in the state, serving more than 1.5m South Carolinians.</p> <p>ECSC actively supports broadband expansion initiatives and activities through advocacy and deployment. Several cooperatives string fiber optic cable for high- speed services, connecting electricity substations and control rooms to provide real- time communications, which helps to improve the electricity delivery system.</p> <p>Some electric cooperatives have internet businesses, while others have partnered with ISPs to deliver broadband service. The cooperatives provide electricity to many rural areas, and the existing power poles in those areas can also hold the fiber optic cable.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Central Electric Power Cooperative, Inc. (Central) owns over 800 miles of electric transmission lines in the state. Pursuant to the South Carolina Broadband Accessibility Act, Central is authorized to lease its excess fiber and license certain facilities, including its transmission poles, to communications service providers for the purpose of facilitating the provision of retail broadband services. Central is not a retail broadband provider. Rather, Central has been developing a broadband program in accordance with the Act that will enable broadband providers to improve statewide accessibility quicker and cheaper. |

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| <p>South Carolina Telecommunications and Broadband Association (SCTBA)*</p> | <p>SCTBA is an association of telecommunications companies helping connect SC regions, such as the Lowcountry, Upstate and Midlands. Founded in 1934, the purpose of the organization is to pursue statewide strategies that encourage the deployment of technologies that will enable SCTBA members to be the best providers of telecommunication and broadband products and services to South Carolina.</p> <p>Each month the SCTBA hosts conferences and educational seminars to help prepare small businesses for success in telecommunications.</p> |
| <p>Palmetto Agribusiness Council</p> | <p>The Palmetto Agribusiness Council supports broadband deployment, adoption and use related to agribusiness economic development, workforce development and precision farming.</p> <p>The Council is an influential voice for agribusiness in South Carolina promoting sustainability and the advancement of the agribusiness industry through collaboration of the diversified partners within the agribusiness community. The Council provides legislative support and advocacy on behalf of its community and develops studies and strategic economic impact assessments that can contribute to the SCBBO economic and workforce development planning.</p> |
| <p>SC Educational TV (SCETV)*</p> | <p>SCETV is the state’s public educational broadcasting network. It provides national and local content to classrooms via internet services. SCETV also provides teacher training and re-certification through in-person and online settings. The network comprises 11 TV stations, eight radio stations and a statewide tower network that serves schools, hospitals, and emergency management teams.</p> |
| <p>Dominion Energy South Carolina*</p> | <p>Dominion is a power utility servicing South Carolina. It is working to help close the digital divide through delivering reliable power.</p> |
| <p>ISPs in SC</p> | <p>ISPs deploy broadband-enabling technology and services to businesses and residents across the state. They work with SCBBO as well as county and municipal governments to implement projects and programs supporting increased broadband access and adoption. From providing information to customers on the federal ACP to supplying devices and affordable service options to communities, ISPs are a primary private partner in broadband expansion and in bridging the digital divide in South Carolina. ISPs will continue to leverage grant opportunities, match funding, and partner with SCBBO and others to provide reliable high-</p> |

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| | speed internet throughout the state. Feedback on BEAD planning was provided in and documented in Section 5.1. of the BEAD 5-year action plan. |
| Federal Partners | |
| USDA SC | USDA SC managed the ReConnect Loan and Grant Program for SC. |
| Savannah River Site | Savannah River National Laboratory and related facilities offer opportunities for planning future collaboration and broadband-related expansion support. |
| US Department of Defense (USDoD) | USDoD SC assets and facilities, such as Naval Information Warfare Systems Command (NAVWAR), US Army Fort Jackson and Shaw Air Force Base, represent opportunities for broadband deployment and expansion to surrounding areas, as well as opportunities for additional broadband-related technologies (e.g., sensitive compartmented information facility (SCIF)) supporting economic development by attracting government and defense industry companies and contractors to the State. |

***Member of the SC Broadband Advisory Council (BBAC).**

2.3.1.1 **Attachment:** As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.

The SCBBO will upload the NTIA local coordination tracker tool to certify coordination has been conducted with tribal governments, local community organizations, unions, work organizations and other groups.

2.3.2 **Text Box:** Describe the formal tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”

Stakeholder engagement as part of the BEAD program included efforts to reach out to the only federally recognized Tribe in South Carolina. While the SCBBO understands these geographies to be served at the time of this submission, a formal letter was sent by the State to the Catawba Nation inviting input into the BEAD 5-year action plan. No response was received, but the SCBBO is aware NTIA awarded \$900,578 in June of 2022 as part of the Tribal Broadband Connectivity (TBC) program to support broadband use and adoption activities and will continue outreach efforts to solicit

feedback from this sovereign nation with an eye toward complementing their ongoing efforts under the TBC program as time, opportunity, and budget pertaining to the BEAD program may provide.

- 2.3.2.1 **Optional Attachment:** *As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal tribal consultation process was conducted, such as meeting agendas and participation lists.*

Yes, the SCBBO will upload a copy of the letter submitted to the Catawba Nation to initiate a formal consultation process.

2.4 Deployment Subgrantee Selection (Requirement 8)

Deployment Projects Subgrantee Selection Process & Scoring Approach

- 2.4.1 **Text Box:** *Describe a detailed plan to award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.*

The SCBBO will award subgrants to last-mile broadband deployment projects through a fair, open, and competitive manner by leveraging best practices, lessons learned, and well-structured, durable, workflow processes previously established under ARPA State Local Fiscal Recovery Fund (SLFRF) and Capital Project Fund (CPF) grant programs administered by the State. Time will be taken to fold in BEAD-centric requirements, gating, and selection criteria as outlined herein and incorporated into grant guidelines, timelines, grant applications, project management guides, reporting templates, attestations, quality assurance plans, grant agreements, associated grant exhibits, project closeout guides, associated closeout reporting documentation, and final deliverables. The SCBBO has also requested NTIA produce a checklist of all compliance related reporting due as part of gating criteria associated with the BEAD grant program. A similar checklist has also been requested for grantee and eligible entity reporting compliance.

All relevant public-facing information pertaining to South Carolina's BEAD Grant Program will be located at the following URL located on the ORS website: <https://ors.sc.gov/broadband/investments/state/bead>. The SCBBO will facilitate a series of informational sessions about the SC BEAD grant program leading up to the opening of the grant application period.

Access for the upload of required data, grant applications, attestations, and associated documentation shall be managed through the ORS Citrix ShareFile Site for secure file transfer which will be managed by the SCBBO throughout the duration of the BEAD program. Applicants can request a login by emailing broadband@ors.sc.gov. The SCBBO will align with all document record and retention policies as provided and required through the IJA BEAD program.

Roles and Responsibilities of the Grant Application Review Team

- Director of Broadband/Senior Director of Broadband – Signatory, final reviewer, and approver of the Broadband Office on all Grant questions, rankings, and award recommendations
- Deputy Director of Broadband – Responsible for preliminary review and scoring of applications from programmatic perspective. Supports creation of draft responses from questions provided by ISP's for Senior Management's review and approval
- Manager, Finance and Administration – Responsible for preliminary review and scoring of applications from fiscal perspective along with completeness checks of pertinent information pertaining to the prospective subgrantee. Supports creation of draft responses from questions provided by ISP's relating to fiscal matters for Senior Management's review and approval
- Senior Data Scientist – Responsible for supporting preliminary review and scoring of applications from programmatic perspective. Responsible for evaluating projects proposed in relation to minimum requirements set forth in guidance documentation related to Grant. Ensure data completeness of applicant submission.
- GIS Specialists/Project Managers – Responsible for supporting preliminary review and scoring of applications from programmatic perspective. Responsible for evaluating projects proposed in relation to minimum requirements set forth in guidance documentation.
- Consultants/Contract Support – Responsible for providing subject matter expertise in the evaluation, compliance check, and affirmation grant applications submitted to the SCBBO meet (or do not meet), the minimum qualifications outlined as gating criteria pertaining to the BEAD program.

As stated in section 2.4.6, the SCBBO will define project areas at the county level to ensure complete expansion of broadband across the state. Prospective subgrantees must submit one application per county, SCBBO will not accept applications that include multiple counties. Similar to previous grant programs designed by SCBBO, applicants will be required to accept all unserved and underserved BSLs within the project area (countywide), with the exception of BSLs the applicant considers to be "High Cost" or not a true BSL, these instances must be fully documented at the BSL level by the applicant, including justification and cost. Applicants also have the option and are encouraged to select all eligible Community Anchor Institutions that are within the county. Applicants have the flexibility to design their project into smaller geographies within a given county (SCBBO stated project areas), permitted they partner with other ISPs and this partnership results in broadband access being provided to all unserved and underserved BSLs, in addition to all eligible CAIs within the county. Partnerships among ISPs must be established prior to applying and clearly outlined in the prospective subgrantee's application at the time of submission. Each

ISP partnering will submit an individual application detailing their prospective specific project area(s) and proposed BSLs within the county and make reference to the other project(s) and ISP(s) working to serve remaining locations in such a way that a comprehensive plan is formulated to solve broadband for the county in which they applied.

The approach seeks to galvanize ISPs around thinking wholistically to solve broadband at a Countywide scale, while at the same time, leveling the playing field in such a way that promotes participation from all providers who service the State.

Due to time constraints associated with the deployment of all BEAD funds within one year of approval of the State's the Initial Proposal, the SCBBO will run a single grant round which will begin following the approval of Volume 2 of South Carolina's Initial Proposal by NTIA, the completion and approval of the BEAD challenge process, and the publishing of program documents to the ORS BEAD website. Constant contact e-mails will provide up to date information regarding the documents (i.e. location of, how to acquire, and how and when to submit grant applications), as well as overall guidance for the SC BEAD grant program itself.

A finalized list of unserved and underserved BSLs along with eligible CAIs will be made available on Citrix Sharefile in the BEAD "Maps and Data Folder" upon the completion of the post challenge process outlined in Volume 1 of the Initial Proposal and subsequent approval from NTIA of the acceptance of BSLs eligible for BEAD funding, see also section 2.4.3 for supplemental details. To access the folder on Citrix Sharefile, a prospective applicant must fill out a data access request form and submit a copy of their CostQuest license to ensure compliance with data license usage and sharing provisions outlined in agreements between CostQuest and the SCBBO.

The SCBBO will accept applications in accordance with the timeline conveyed in BEAD grant guidelines which will be published prior to the BEAD grant program launch. Grant applications will be structured in such a way to collect gating and grading information relevant for the SCBBO and/or their consultants to determine whether the application fulfills requirements set forth by the BEAD program and associated grant guidelines. The applicant must also submit the subset of unserved and underserved BSLs and/or eligible CAIs they plan to serve within their project area, matching the SCBBO's county geography for project areas as further mentioned in section 2.4.6. A prospective subgrantee must submit separate applications for each county-based project. The SCBBO will not accept any application whose geography spans multiple counties; this is so that a one-to-one comparison of competing applications can occur as part of the selection process.

Before, during, and up to the close of the application period, the SCBBO will receive and respond to questions through an online comment form and maintain a list of

official responses through a Frequently Asked Questions (FAQ) tab, which will be revised and published on a regular basis through the ORS BEAD webpage.

Upon the close of the application period, the SCBBO will post applications to the SCBBO website after review and redaction of any personal identifiable information and/or confidential, proprietary information submitted by the applicant prior to publication. A map detailing each applicants' geographies will also be compiled into an ArcGIS Web Application with online linkage to the published grant applications submitted to the SCBBO, which will be available in the public domain. This will serve as a basis for initiating a public facing comment period whereby applicants or any other interested party can raise issues and/or provide support regarding an application submitted for consideration. The SCBBO will publish a grant application comment form on the ORS BEAD website and will publicly announce the opening of the BEAD grant application comment period through their grant notification email distribution list. Comments regarding broadband availability will not be accepted.

Concurrently, as part of the application intake process, once all applications are submitted, redacted, and published for public comment, SCBBO shall:

- Screen project locations leveraging data outlined in section 2.11.1. If a 'hit' is flagged, engineering plans will be reviewed to verify compliance with minimum design criteria in areas that are high-risk and vulnerable to weather and climate-related threats.
- Evaluate any eligible BSLs or CAIs which were not applied for, follow the process outlined in section 2.4.7 to fund all unserved, underserved, and CAIs to the greatest extent practicable.
- Conduct a completion check to verify all application fields and associated attachments have been submitted as part of their grant application. In the event applications are incomplete, applicants will be notified with a specific time period in which they must provide the missing information back to the SCBBO. If information is not provided by the due date indicated, the grant application may be excluded from further consideration.
- Evaluate grant applications, data, and attachments to confirm compliance with all upfront BEAD requirements and associated gating criteria.

Upon completion of the Public Comment Period, SCBBO will score applications based on the criteria outlined in section 2.4.2, should there be multiple applications for the same geographic project area. In the event there is just one proposed Priority Broadband Project in a county, and that proposal meets all gating criteria as prescribed in the BEAD NOFO, the SCBBO Initial Proposal, and published guidelines, that proposal becomes the default winner.

Final approval includes concurrence from the following ORS staff in the order listed below, which may occur upon the recommendation of the Grant Application Review Team. Grant Applications and associated documentation will then be aggregated into the BEAD final proposal for NTIA consideration and approval prior to SCBBO grant execution.

1. ORS Director of Broadband
2. Senior Management of ORS
3. ORS Legal Counsel
4. Executive Director of ORS

2.4.2 **Text Box:** Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

The SCBBO adopts the scoring criteria and weight of each respective criteria below for the purposes of evaluating a proposal of Priority Broadband Projects under the BEAD program. These criteria abide by the guidelines set forth for project scoring in the Notice of Funding Opportunity. Scoring will be based on a whole county (Project Area). In the event multiple ISPs partner together to serve a county, the score will be based on the combination of all partner's elements across applications. Evaluation criteria are outlined below for each scoring category.

Priority Broadband Projects are those projects which propose fiber to the premises (FTTP) deployment. Scoring for Priority Broadband Projects include the following:

Minimal BEAD Program Overlay – Two Scoring Opportunities for up to 45 points

- **Description:** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points awarded increasing as the BEAD outlay decreases. In the case of partnerships, the total project cost will be the sum of the total project cost for each partner to calculate financial match percentage and average cost per structure.
- **Scoring**
 - **Financial Match Percentage – up to 25 points**
 - **Scoring:** Lowest percent match of funding requested by Applicant receives full points.
 - **Average Cost Per Structure – up to 20 points**
 - **Scoring:** Lowest average cost per structure receives full points. More expensive average cost per structure amounts will receive a percentage of points relative to the lowest cost for the same county.

Affordability – up to 25 points

- **Description:** The applicant's commitment to provide the most affordable total price to the customer for 1Gbps/1Gbps (down/up) service in the project area.
- **Scoring:** The lowest service package cost of gigabit symmetric service will receive full points. In the case of partnerships, affordability will be calculated on the average 1Gbps/1Gbps between partners. More expensive service packages will receive a percentage of points relative to the lowest service package cost per month for the same county, inclusive of all taxes, fees, and charges billed to the consumer.

Fair Labor Practices – up to 10 points

- **Description:** Priority will be given to projects for this selection criteria based on a prospective subgrantee's demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.
- **Scoring:** The SCBBO (or their consultants), will evaluate all applicant information provided and make a determination as to the completeness and accuracy of the information submitted by the Applicant. Instances where an applicant demonstrates past compliance with labor laws in addition to ensuring controls are in place to maintain compliance throughout the lifecycle of the proposed project will receive full points under this category. Partial points will be awarded should an applicant have some noted prior deficiencies within the last 3 years but have demonstrated controls are in place to mitigate and/or address those deficiencies moving forward. An independent verification will occur as part of the application review process to ensure compliance with fair labor practices. Upon independent verification by the SCBBO and/or their consultants/contractors, should a lack of full disclosure of deficiencies and/or notice of violation(s) of fair labor practice laws occur by an applicant, 0 points shall be awarded, the SCBBO may also exclude the application from further consideration under the BEAD grant program. In the case of partnerships, the lowest score across all partners will be the one used to determine the partnership's fair labor practices score.

Speed to Deployment – up to 10 points

- **Description:** All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband service within the project area not later than four years after the date in which the subgrantee receives the subgrant from the SCBBO.

- **Scoring:** The earliest project completion date of all BSL's for which the prospective subgrantee applied will receive full points. In the case of partnerships, the latest date across all partners will be the one used to determine the completion date.

Local Coordination – up to 10 points

- **Description:** Key to the success of Broadband deployment at a countywide scale is the full cooperation, transparency, and participation of local leaders from concept, to planning, deployment and initiation of operations, to broadband adoption and use. As such, all applicants are highly encouraged to coordinate with leadership within the counties they intend to apply under the BEAD deployment grant program.
- **Scoring:** Applicants which have received a letter of support from a County Administrator or County Council within the application's geography will receive full points. Applicants without such support letter will receive no credit but are still permitted and encouraged to submit applications within the jurisdiction. In the case of partnerships, all ISPs involved in the partnership to complete a county must be listed, by name, in the letter of support provided by a County Administrator or County Council. In the event multiple letters are received for the same county in different projects (i.e. not part of a collaboration to complete an entire county), both projects will receive 0 points.

In the event a location was not proposed to be served through an application with a Priority Broadband Project, the SCBBO adopts the scoring criteria and weight of each respective criteria below for the purposes of evaluating proposals of other Last-Mile Broadband Deployment Projects under the BEAD program which are referred to as Non-Priority Broadband Deployment Projects. Non-Priority Broadband Deployment projects are those projects proposed which do not utilize a fiber to the premises (FTTP) deployment build.

In the event multiple ISPs partner together to serve a county the score will be based on the combination of all partner's elements combined in their applications. Evaluation criteria are outlined below for each scoring category. These criteria abide by the guidelines set forth for project scoring in the Notice of Funding Opportunity. Evaluation criteria are outlined below for each scoring category. Scoring for Non-Priority Broadband Projects include the following:

Minimal BEAD Program Overlay – Two Scoring Opportunities for up to 45 points

- **Description:** The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the applicant's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points awarded increasing as the BEAD outlay decreases. In the case of partnerships, the total project cost will be the sum of

the total project cost for each partner to calculate financial match percentage and average cost per structure.

- **Financial Match Percentage – up to 25 points**
 - **Scoring: Lower percent of funding requested by Applicant receives higher points**
- **Average Cost Per Structure – up to 20 points**
 - **Scoring: Lower average cost per structure receives higher points**

Affordability – up to 25 points

- **Description: The applicant’s commitment to provide the most affordable total price to the customer for 100Mbps/20Mbps service in the project area.**
- **Scoring: The lowest service package cost of gigabit symmetric service will receive full points. In the case of partnerships, affordability will be calculated on the average 100Mbps/20Mbps between partners. More expensive service packages will receive a percentage of points relative to the lowest service package cost per month for the same county, inclusive of all taxes, fees, and charges billed to the consumer.**

Fair Labor Practices – up to 10 points

- **Description: Priority will be given to projects for this selection criteria based on a prospective subgrantee’s demonstrated record of and plans to be in compliance with federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.**
- **Scoring: The SCBBO (or their consultants), will evaluate all applicant information provided and make a determination as to the completeness and accuracy of the information submitted by the Applicant. Instances where an applicant demonstrates past compliance with labor laws in addition to ensuring controls are in place to maintain compliance throughout the lifecycle of the proposed project will receive full points under this category. Partial points will be awarded should an applicant have some noted prior deficiencies within the last 3 years but have demonstrated controls are in place to mitigate and/or address those deficiencies moving forward. An independent verification will occur as part of the application review process to ensure compliance with fair labor practices. Upon independent verification by the SCBBO and/or their consultants/contractors, should a lack of full disclosure of deficiencies and/or notice of violation(s) of fair labor practice laws occur by an applicant, 0 points shall be awarded, the SCBBO may also exclude the application from further consideration under the BEAD grant program. In the case of partnerships, the lowest score across all partners will be the one used to determine the partnership’s fair labor practices score.**

Speed to Deployment – up to 5 points

- **Description:** All subgrantees that receive BEAD Program funds for network deployment must deploy the planned broadband network and begin providing services to each customer that desires broadband service with the project area not later than four years after the date on which the subgrantee receives the subgrant from the Eligible Entity.
- **Scoring:** The earliest project completion date of all BSL's for which the prospective subgrantee applied will receive full points. In the case of partnerships, the latest date across all partners will be the one used to determine the completion date.

Speed of Network and Other Technical Capabilities – up to 5 points

- **Description:** The South Carolina Broadband Office will weigh the speeds, latency, and other technical capabilities of the technologies proposed by applicants seeking to deploy projects that are not Priority Broadband projects. Applications proposing to use technologies that exhibit greater ease of scalability with lower future investment (as defined by the SCBBO) and whose capital assets have longer usable lives should be afforded additional weight over those proposing technologies with higher costs to upgrade and shorter capital asset cycles.
- **Scoring:** The SCBBO will score based on max download and upload speeds that can be achieved by the proposed technology. The proposed technology may not have a latency that exceeds 100 milliseconds. In addition, the applicant must document how the proposed technology can add incremental capacity in a cost-effective manner. The project with the greatest max download and upload speeds that meets the other requirements outlined will receive full points. In the case of partnerships, the lowest max download and upload speed across the partners will be used in the scoring.

Local Coordination – up to 10 points

- **Description:** Key to the success of Broadband deployment at a countywide scale is the full cooperation, transparency, and participation of local leaders from concept, to planning, deployment and initiation of operations, to broadband adoption and use. As such, all applicants are highly encouraged to coordinate with leadership within the counties they intend to apply under the BEAD deployment grant program.
- **Scoring:** Applicants which have received a letter of support from a County Administrator or County Council within the application's geography will receive full points. Applicants without such support letter will receive no credit but are still permitted and encouraged to submit applications within the jurisdiction. In the case of partnerships, all ISPs involved in the partnership to complete a county must be listed, by name, in the letter of support provided by a County

Administrator or County Council. In the event multiple letters are received for the same county in different projects (i.e. not part of a collaboration to complete an entire county), both projects will receive 0 points.

2.4.2.1 **Attachment:** As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.

Yes, the SCBBO will upload the scoring rubric for subgrantee selection.

2.4.3 **Text Box:** Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures **complete coverage** of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.

Based on cost projections developed and outlined in South Carolina's 5-Year Plan, as well as continued broadband expansion through the State's existing ARPA grant program, it is anticipated funding available under the SC BEAD grant program will address all unserved and underserved BSLs as well as eligible community anchor institutions that lack broadband access as defined in the BEAD program. The SCBBO will face challenges certifying all BSLs have been funded for access to Broadband due to the inherent error and overall suspect nature of the FCC BDC fabric.

Upon analysis of the FCC BDC fabric over the last three published versions, the SCBBO has discovered, documented, and reported inconsistencies to the FCC and NTIA. Issues with version 3 of the data which will be used as a basis for making investments in broadband deployment projects may result in incomplete coverage of all unserved and underserved locations in South Carolina because tens of thousands of BSLs have been systematically removed by the FCC throughout all three versions, a percentage of which met the definition of a BSL. Analysis on the latest version of the fabric revealed the following:

- Comparing the December 2022 BDC fabric to the July 2023 BDC fabric for South Carolina
 - Total BSLs Removed = 44,076
 - Total Units Removed = 60,117
 - Total Residential BSLs Removed = 28,505
 - Total Residential Units Removed = 43,478

Comparing previous versions of the fabric against removed BSLs from version 3 using GIS and the latest publicly available aerial imagery indicated many of the BSLs appeared to be valid and lacking service. It's important to note many of the locations

identified were existing structures and not believed to be a result of new construction occurring throughout the State. Therefore, these BSLs should not have been removed from the FCC fabric. Due to this inherent error in the BSL data, there could be many residential BSLs not eligible for funding under the BEAD program but lack service to reliable broadband, which in turn would lead to incomplete coverage to all residential BSLs across the State.

In an effort to help mitigate this issue, the SCBBO will identify all new BSLs added to Version 4 of the FCC BSL fabric (Dec 2023 FCC BSL Fabric) and that were not in version 3. The list of new BSLs will then be analyzed against the public FCC BDC reporting data (anticipated release May 2024) which will represent the most recent ISP availability data to determine which of the new, additional BSLs in version 4 of the fabric are either unserved or underserved. This additional list of unserved and underserved BSLs represents outliers that would otherwise not be eligible for BEAD funding. As a result, the SCBBO will run through a deduplication against funded BSLs and publish this supplemental list of BSLs with the initial list of eligible BSLs created at the completion of the BEAD map challenge process. This combined list will serve as the basis with which ISPs will apply for funding under the BEAD grant program. Adopting the approach described herein ensures the SCBBO can truly certify complete coverage of all unserved and underserved locations throughout the State accomplishing the overarching goal of “Internet for All” under the IJJA BEAD program.

To ensure the remaining unserved, underserved, and CAI locations in South Carolina have successful bids, SCBBO will communicate and negotiate with applicants upon the close of the application period to prevent any singular location, in or around a project area, remain unserved/underserved. While not anticipated by the SCBBO, if funding is only available for one or more of the investment priority areas, the SCBBO will prioritize projects by investment area including the following order of operation:

1. Unserved locations
2. Underserved locations
3. Community Anchor Institutions lacking gigabit service.

2.4.4 Text Box: *If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note “Not applicable.”*

Non-Deployment activities consisting of workforce development may occur at the same time the SCBBO launches a deployment-focused grant program where unserved, underserved, and CAIs will be made eligible for funding on a county-wide basis. The rationale for implementing these deployment and non-deployment activities concurrently is to prepare the South Carolina workforce for future demand of broadband related jobs and associated career fields within the marketplace. Independent of any non-deployment activity, the SCBBO will ensure adequate funding

remains available to complete all unserved, underserved, and CAIs throughout the State.

- 2.4.5 **Text Box:** *The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.*

SCBBO will place emphasis to ensure that American taxpayer dollars are spent procuring needed products and supplies from American workers and businesses, strengthening and growing U.S. domestic manufacturing capacity. SCBBO will communicate requirements stipulated in the Build America, Buy America Act (BABA) to all applicants prior to the opening of the application period through a series of informational sessions. Key points that shall be highlighted by SCBBO include:

- Requirement that all iron, steel, manufactured products, or construction materials used in the project or other eligible activities are produced in the United States, unless a waiver is granted.
- Unless a waiver is granted by the federal government, prospective subgrantees will be required to obtain evidentiary proof of compliance which may include but not be limited to a letter from their manufacturer certifying their product(s) comply with BABA requirements.

SCBBO will clearly convey in grant guidelines, verify, and ensure projects maintain compliance throughout the project's period of performance. Environmental and Historic Preservation (EHP) and BABA provisions will also be included in grant agreements developed and executed between a prospective subgrantee and the SCBBO. Exhibits will be included in the BEAD grant agreement that require subgrantees to certify a project shall maintain compliance with EHP and BABA requirements. As part of compliance controls pertaining to this requirement, the SCBBO will conduct extensive, preliminary review of projects across multiple datasets to adhere to the National Environmental Protection Act (NEPA) (42 U.S.C. § 4321 *et seq.*) and the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 *et seq.*) for Eligible Entity proposals and awardee projects and other eligible activities seeking funding under the BEAD Program. The SCBBO will highly encourage prospective subgrantees include contractors who specialize in environmental permitting and compliance as part of the project delivery team, which will be an eligible expense under the BEAD program. The office will coordinate with prospective subgrantees to work through any findings or abnormalities, which will be documented and cured, along with addressing key topics listed below:

- All subgrantees will be responsible for obtaining all necessary federal, state, and local governmental permits and approvals necessary for the proposed work to be conducted.
- Projects containing construction and/or ground-disturbance activities shall be required to submit all environmental documentation to the SCBBO upon request, which will in turn be evaluated as a compliance check and shared with the NTIA upon request.
- Projects and other eligible activities are expected to be designed so that they avoid and minimize the potential for adverse impacts on the environment.

Evaluation of these provisions shall serve as gating criteria for a prospective subgrantee's grant application. In the event the prospective subgrantee cannot certify BABA compliance and/or demonstrate mechanisms will be in place to ensure compliance with environmental laws and regulations to include but not be limited to environmental and historic preservation laws, their application(s) shall not be considered for funding under the SC BEAD grant program.

Any additional State and/or Federal laws specifically pertaining to the BEAD program will be integrated into grant guidelines, grant agreements, and associated reporting protocols, taking a similar approach to ensure transparency and compliance to the greatest extent practicable.

Last-Mile Broadband Deployment Project Areas

2.4.6 **Text Box:** *Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.*

SCBBO will define project areas at the county level to ensure complete expansion of broadband across the state. Prospective subgrantees must submit one application per county, SCBBO will not accept applications that include multiple counties. Similar to previous grant programs designed by SCBBO, applicants will be required to accept all unserved and underserved BSLs within the project area (countywide), with the exception of BSLs the applicant considers to be "High Cost" or not a true BSL, these instances must be fully documented at the BSL level by the applicant, including justification and cost. Applicants also have the option and are encouraged to select all eligible Community Anchor Institutions that are within the county.

Applicants have the flexibility to design their project into smaller geographies within a given county (SCBBO stated project areas) permitted they partner with other ISPs and this partnership will address all unserved and underserved BSLs, in addition to all eligible CAIs in the project area. Partnerships among ISPs must be established prior to applying and clearly outlined in the prospective subgrantee's application at the time

of submission. Each ISP partnering will submit an individual application detailing their prospective specific project area(s) and proposed BSLs within the county and make reference to the other project(s) and ISP(s) working to serve remaining locations in such a way that a comprehensive plan is formulated to solve broadband for the county in which they applied. As stated in section 2.4.1, the approach seeks to galvanize ISPs around thinking wholistically to solve broadband at a Countywide scale, while at the same time, leveling the playing field in such a way that promotes participation from all providers who service the State.

SCBBO is aware of the possibility that a location, or set of locations, may be more cost-effective to serve through access that crosses county lines than an internal county route; this instance would require extensive and thorough pre-design. In the case that an applicant includes location(s) outside of county boundaries for such reasoning and another applicant includes the same location(s) in a project proposal for the county for which the location(s) reside in, SCBBO will contact the applicants to produce a construction cost value for the location(s), should it differ from the average cost per structure, to determine which build direction would be more cost effective. This instance does not permit applicants to combine multiple counties into one application and is also further restricted to no more than a neighborhood of locations just outside of a county boundary.

Should an applicant express to the SCBBO any eligible BSL(s) and/or CAI(s) in a county as extremely high cost and exclude the location(s) from their application with adequate written explanation, a final determination by SCBBO would be based on the Extremely High Cost Per Location Threshold explained further in section 2.4.9.

2.4.7 Text Box: *If no proposals to serve a location or group of locations that are unserved underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find provider willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.*

After all applications are received by the SCBBO, the Office will be aware of any unserved/underserved BSL(s) and/or CAI(s) that remain. In the event unfunded or missing BSL's are located near an application submitted to the office, the SCBBO will engage with the applicant to negotiate the possibility of their inclusion of the BSL location(s) to their application.

Should no applicant be contiguous, SCBBO will establish the location(s) as its own project area. Simultaneously, the Office will research local ISPs nearest to the location(s) and request a cost estimate to extend broadband access to the location(s) along with the requesting associated information required of applicants to receive funding under the BEAD program to address baseline gating criteria. SCBBO will conduct the process of engaging with ISPs to negotiate inclusion of these locations

immediately after the application window closes, with the aim of ensuring all unserved, underserved, and CAIs are funded to the greatest extent practicable.

- 2.4.8 **Text Box:** Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands.

The SCBBO understands these geographies to be served at the time of this submission, but in the event any BSLs reside on tribal lands which are unserved or underserved at the close of the BEAD challenge process, the State of South Carolina will work in good faith alongside Catawba Nation leadership utilizing the overarching principles of Free, Prior, and Informed Consent (FPIC) best practices before any projects pertaining to broadband deployment may take place on indigenous lands.

This will begin by informing leadership of the Catawba Nation on the disposition of broadband availability within their jurisdiction. Time will be taken to understand any need pertaining to broadband which may exist and the intent of the SCBBO to provide access to any CAIs, or structures remaining unserved, or underserved with the concurrence and support of their leadership. Grant guidelines will be explained in detail and partnerships with the Catawba Nation will be expected by all applicants which may submit a grant for deployment-related activities in their jurisdiction.

Decision making and consent will occur by the Catawba Nation in its own time, without coercion or expectations of timelines and associated outcomes by the State and/or Federal Government.

Proof will be provided such that open and transparent communication occurred prior to actual consent from the Catawba Nation (should consent in fact be provided), in the form of Certified letters, meetings with distributed meeting minutes, and other supplemental documentation, notes, and presentations regarding the IIJA BEAD grant program shared between the Catawba Tribe and the State of South Carolina.

Extremely High Cost Per Location Threshold

- 2.4.9 **Text Box:** Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include operational costs for the lifespan of the network.

With investments in Broadband infrastructure from the ARPA grant program and other State investments administered by the SCBBO, along with numerous federal investments including USDA Reconnect and FCC RDOF, there is an expectation existing networks will be edged out to a point where few BSL's will remain that are not in relative close proximity to a provider's network.

Further, the SCBBO has proposed to engineer the State's BEAD grant program to address access at a county-wide level, this approach will give rise to large project areas covering potentially thousands of BSL's which will result in an overall lowered average cost per location for a given grant application.

Therefore, the SCBBO intends to take a market-based approach in determining extremely high cost per location thresholds. The SCBBO will require instances where a prospective subgrantee does not include all BSL structures in their grant application (and is not partnering with other ISPs to solve the County), to provide justification for leaving eligible BSLs out of their grant application, including the price for deployment. The SCBBO will attempt to negotiate their inclusion in the grant submission. In circumstances where no deal can be reached with the prospective subgrantee, the resulting list, including pricing, will serve as extremely high-cost locations for which other providers within geographic proximity of the BSL(s) will be contacted to determine if fiber to the premise (FTTP) or hybrid fiber coaxial (HFC) broadband technology deployment can remain a consideration. In the event fiber or cable is not a viable option, the SCBBO will negotiate the deployment of other less reliable Broadband technologies to the BSL(s) from other providers.

Of note, the SCBBO has requested a limited waiver for match requirements related to extremely high-cost locations. In the event the SCBBO steps through the processes outlined in this section and DOES NOT secure a viable, timely application, the waiver proposes eliminating the 25% non-federal match.

Justification for not using CostQuest model data -

The SCBBO conducted a thorough review of CostQuest model data, and it was discovered to be misaligned with costing based on empirical findings from current and previous grant rounds administered by the SCBBO. Inconsistencies were found throughout the CostQuest model data, for example, the average cost per structure according to CostQuest in South Carolina is \$2,900 - Based on SCBBO findings from grant programs administered over the last several years up to present day, the average cost per structure has incrementally risen in the State and is more closely in the order of \$8,000 (Source: ARPA CPF). This is why the SCBBO chose to use empirical data from prior grant rounds as opposed to CostQuest pricing data in support of the State's 5-year action plan. For these reasons, the office was not willing to utilize the CostQuest model for purposes of determining an extremely high cost per location threshold.

2.4.10 **Text Box:** *Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring*

requirements set forth in Section IV.B.6.b of the BEAD NOFO. The response must describe:

- a. The process for declining a subgrantee proposal that exceeds the threshold where an alternative technology is less expensive.
- b. The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

As stated in section 2.4.9, the SCBBO is taking a holistic approach by encouraging partnerships between ISPs to support project implementation at a county-wide scale connecting all unserved, underserved, and CAIs within a given jurisdiction. As a result, projects that meet gating criteria along with all other BEAD requirements which are negotiated in good faith will not be declined. However, similar to the State's ARPA grant programs, the SCBBO will include a provision in BEAD grant guidelines that the SCBBO reserves the right to negotiate the final terms and conditions of the Funding Agreement with Applicants whose proposals are selected and to reject any Applicants with whom the ORS cannot agree to terms and conditions, including but not limited to the addition and omission of proposed funded areas provided by an Applicant and agreed upon by the SCBBO. Upon the close and evaluation of the grants received under the BEAD program, the SCBBO will attempt to negotiate the inclusion of any missing BSLs in the grant submission. Negotiations may occur using telephonic, in-person, web, and/or email correspondence.

The process for selecting a proposal that involves a less costly non-priority broadband project includes the following:

- Evaluate all priority-based broadband projects, score and award priority projects when possible.
- Should negotiations fail, or no priority projects were submitted for the subject area, evaluate any additional proposal(s) submitted for the same area which meet the definition of reliable broadband.
- Should negotiations fail and/or no proposal was submitted for the subject area that meets the definition of reliable broadband, the SCBBO will evaluate nearby ISPs and negotiate with other providers within geographic proximity of the BSL to determine if fiber to the premise (FTTP) or hybrid fiber coaxial (HFC) broadband technology deployment can remain a consideration.
- In the event fiber or cable is not a viable option, the SCBBO will negotiate the deployment of other less reliable Broadband technologies to the BSL from other nearby providers.

Deployment Subgrantee Qualifications

2.4.11 **Text Box:** Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for **financial capability** as outlined on

pages 72 – 73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.
- b. Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).
- c. Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
- d. Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.

The SCBBO will ensure prospective subgrantees deploying facilities meet the minimum qualifications for financial capability as outlined in the BEAD NOFO. The financial capabilities of an applicant must be certified via attestation that they will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all program requirements, including service milestones. To the extent the SCBBO disburses funding to subgrantees, it will only occur upon completion of the associated tasks. Each prospective subgrantee must also certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the SCBBO authorizes additional disbursements.

Subgrantees will be required to provide a letter of credit prior to the execution of any agreement by the SCBBO. A letter of credit template will be modeled after the Federal Communications Commission (FCC), Rural Digital Opportunity Fund (RDOF) letter of credit. As an initial step during the application process, prospective subgrantees shall be required to submit a letter from a bank that meets eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby letter of credit, utilizing the SCBBO form template, to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of the SCBBO's model letter of credit. Prior to entering into any subgrantee agreement, each prospective subgrantee shall obtain an irrevocable standby letter of

credit, which shall be acceptable in all respects to the SCBBO and in a value of no less than 25 percent of the subaward amount. The SCBBO may adopt rules under which a subgrantee may obtain a new letter of credit or renew its existing letter of credit so that it is valued at a lesser amount than originally required by the SCBBO upon verification that the subgrantee has met optional or required service milestones. In no event, however, shall the letter of credit have a value of less than 25 percent of the subaward amount. Inclusive of the letter of credit, a prospective subgrantee shall also provide an opinion letter from legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the “Bankruptcy Code”), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code.

The SCBBO has requested a limited waiver for the BEAD Letter of Credit from the NTIA in certain circumstances, including the following situations: Large Existing SC Company 1) Subrecipient parent company has \$100 million telecommunications or electric plant in production in the State of South Carolina; and, 2) Subrecipient agrees to get paid at the end of the project. Smaller Project, Proven Company 1) Subrecipient agrees to get paid at the end of the project; and, 2) Proposed project is less than \$5M total BEAD funds with no Davis-Bacon requirements; and, 3) SCBBO has a proven track record with the subrecipient of completing projects on time/budget.

The SCBBO’s rationale for the waiver is that: a) The state is adequately protecting the federal interest by not paying until project verification/closeout. SCBBO has managed ARPA investments using this same proven approach and ISPs throughout the state are accustomed to obtaining reimbursement upon the completion of the project. b) Some of our BEAD projects will be relatively small and the BEAD Letter of Credit will extend timelines unnecessarily and add extra cost. c) Paying at the end is high incentive for the ISP to move more quickly to complete the project so they can get paid. At the time of this submission, the SCBBO has not obtained feedback or approval from NTIA on the requested waiver.

Regardless of whether the waiver is granted or not, each prospective subgrantee shall submit to the SCBBO from which it seeks funding, financial statements from the prior fiscal year that are audited by an independent certified public accountant. If the potential subgrantee has not been audited during the ordinary course of business, in lieu of submitting audited financial statements, it must submit unaudited financial statements from the prior fiscal year and certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant by a deadline specified by the SCBBO. The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it is determined the documents submitted demonstrate the prospective subgrantee’s financial capability with respect to the proposed project.

Applicants will also be required to submit business plans and related analyses that substantiate the sustainability of the proposed project. This may be provided in the form of pro forma statements or analyses, inclusive of cash flow and balance sheet projections and should include at least three years of operating cost and cash flow projections post targeted completion of project. The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to the agency adequately demonstrates the prospective subgrantee's financial capability with respect to the proposed project. All requirements associated with minimum qualifications for financial capability will be outlined in BEAD grant guidelines and will serve as gating criteria as grant applications are received and evaluated, prior to scoring.

2.4.11.1 Optional Attachment: *As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.*

No. Due to time constraints with delivery of Volume 2 and a lack of responses to questions raised by the SCBBO to NTIA, the SCBBO will not be able to upload draft copies of grant guidelines, grant application, grant agreement, associated attachments, and SCBBO grant administration guides at this time.

2.4.12 Text Box: *Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for **managerial capability** as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.*
- b. Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.*

Included as part of the application submission process will be a requirement for prospective subgrantees to submit resumes for key management personnel in addition to an organizational chart which outlines the structure, roles, and responsibilities of the entire project delivery team (including any work delivered by subcontractors as part of the proposed project). Additional questions will also be included as part of the grant application to address the readiness of prospective subgrantees to manage a broadband services network. Applicant's narratives shall

describe the experience and qualifications of key management to be used for undertaking this project, its experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, and relevant organizational policies. The SCBBO will also require applicants to disclose any other BEAD grant applications or other financial commitments that have been made to other counties and/or states and to update the SCBBO with any new relevant information to identify any potential capacity issues from a risk management perspective. This will be a confirmation in the grant application and included as a provision in the grant agreement outlining a requirement for the subgrantee to inform the SCBBO on the status of any additional work being performed by the grantee, upon award. The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to the agency adequately demonstrates the prospective subgrantee's managerial capability with respect to the proposed project. All requirements associated with minimum qualifications for managerial capability will be outlined in BEAD grant guidelines and will serve as gating criteria as grant applications are received and evaluated, prior to scoring.

2.4.13 **Text Box:** Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for **technical capability** as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.

Each prospective subgrantee seeking funding to deploy or upgrade a broadband network will be required to certify via attestation that it is technically qualified to complete and operate the Project and that it is capable of carrying out the funded activities in a competent manner, including that it will use an appropriately skilled and credentialed workforce as referenced in Section IV.C.1.e of the BEAD NOFO. Prospective subgrantees must submit network designs in PDF and GIS format, FCC BSLs, network diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and

the initiation of service within four years of the date on which the entity receives the subgrant. All documentation shall be certified on company letterhead by a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project upon its completion. The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to the agency adequately demonstrates the prospective subgrantee's technical capability with respect to the proposed project. All requirements associated with minimum qualifications for technical capability will be outlined in BEAD grant guidelines and will serve as gating criteria as grant applications are received and evaluated, prior to scoring.

2.4.14 **Text Box:** *Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for **compliance with applicable laws** as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:*

- a. *Detail how the Eligible Entity will require prospective subgrantees to demonstrate that they are capable of carrying out funded activities in a competent manner in compliance with all applicable federal, state, territorial, and local laws.*
- b. *Detail how the Eligible Entity will require prospective subgrantees to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.*

The SCBBO will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for compliance with applicable Federal, State, Territorial, and Local laws. Applicants will be required to demonstrate how they will carry out funded projects, if awarded, in a competent manner in compliance with all applicable laws and regulations. A narrative will be required as part of the BEAD grant application. Further, the SCBBO will require subgrantees who are awarded BEAD funds to permit workers to create worker-led health and safety committees that management will meet with upon reasonable request. This will be a confirmation in the grant application and included as a provision in the grant agreement outlining a requirement for the subgrantee to offer proof to the SCBBO that workers were notified of this provision and given guidance on best practices for establishment of worker-led health and safety committees.

The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the materials submitted to the agency adequately demonstrates the prospective subgrantee's ability to maintain compliance with all applicable laws with respect to the proposed project. All requirements associated with the minimum qualifications for compliance with applicable laws will be outlined in

BEAD grant guidelines and will serve as gating criteria as grant applications are received and evaluated, prior to scoring.

2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for **operational capability** as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.
- b. Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to and specify the number of years the prospective subgrantee or its parent company has been operating.
- c. Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
- d. Detail how the Eligible Entity will require prospective subgrantees that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
- e. In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.

Each prospective subgrantee seeking funding to deploy or upgrade a broadband network will be required to certify via attestation that they possess the operational capability to complete and operate the proposed project. The SCBBO will also include a field in the grant application where applicants must indicate the number of years the prospective subgrantee or its parent company has been providing a voice, broadband, and/or electric transmission or distribution service. Prospective subgrantees that have provided a voice and/or broadband service will also be required to certify that it has timely filed their FCC BDC submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations. Any infractions noted from the Commission regarding a prospective subgrantee must be

explained to the SCBBO in narrative form through their grant application. An explanation will be required for any pending or completed enforcement action, civil litigation, or other matter in which it failed to comply or was alleged to have failed to comply with Commission rules or regulations.

If the prospective subgrantee has operated only an electric transmission or distribution service, it will be required to submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

New entrants to the South Carolina broadband market must provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities at the time of their submission of a grant application to the SCBBO. Such evidence may include resumes from key personnel, project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience, or other comparable evidence.

The SCBBO shall not approve any grant for the deployment or upgrading of network facilities unless it determines that the documents submitted to it demonstrate the prospective subgrantee's operational capability with respect to the proposed project. All requirements associated with the minimum qualifications for ensuring adequate operational capability will be outlined in BEAD grant guidelines and will serve as gating criteria as grant applications are received and evaluated, prior to scoring.

- 2.4.16 **Text Box:** Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for **providing information on ownership** as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:
- a. Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).

The SCBBO is committed to ensuring that applicants seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for providing information on ownership as outlined in the BEAD NOFO. Each application will be required to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7)¹. Documentation related to the requirements below will

¹ eCFR linkage available at: <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-1/subpart-Q/subject-group-ECFR7e6f5a3219dc9cd/section-1.2112>

be collected and reviewed by qualified personnel. If necessary, the SCBBO will hire additional staff or source contractor support to ensure there is appropriate capacity and expertise to adequately ensure correct methods are used for determining compliance with this requirement. The Code of Federal Regulations regarding ownership information requires the following:

- (1) List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant;
- (2) List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common or preferred, including the specific amount of the interest or percentage held;
- (3) List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses);
- (4) List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership;
- (5) List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater;
- (6) List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest; and
- (7) List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant). (b) Designated entity status. In addition to the information required under paragraph (a) of this section, each applicant claiming eligibility for small business provisions, or a rural service provider bidding credit shall disclose the following:

- (1) On its application to participate in competitive bidding (i.e., shortform application (see 47 CFR 1.2105)):
 - (i) List the names, addresses, and citizenship of all officers, directors, affiliates, and other controlling interests of the applicant, as described in § 1.2110, and, if a consortium of small businesses or consortium of very small businesses, the members of the conglomerate organization;

- (ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;
- (iii) List all parties with which the applicant has entered into agreements or arrangements for the use of any of the spectrum capacity of any of the applicant's spectrum;
- (iv) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: The applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium;
- (v) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4); and (vi) If applying as a consortium of designated entities, provide the information in paragraphs (b)(1)(i) through (v) of this section separately for each member of the consortium.

(2) As an exhibit to its application for a license, authorization, assignment, or transfer of control:

- (i) List the names, addresses, and citizenship of all officers, directors, and other controlling interests of the applicant, as described in § 1.2110;
- (ii) List any FCC-regulated entity or applicant for an FCC license, in which any controlling interest of the applicant owns a 10 percent or greater interest or a total of 10 percent or more of any class of stock, warrants, options or debt securities. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant;
- (iii) List and summarize all agreements or instruments (with appropriate references to specific provisions in the text of such agreements and instruments) that support the applicant's eligibility as a small business under the applicable designated entity provisions, including the establishment of de facto or de jure control. Such agreements and instruments include articles of incorporation and by-laws, partnership agreements, shareholder agreements, voting or other trust agreements, management agreements, franchise agreements, spectrum leasing arrangements, spectrum resale (including wholesale) arrangements, and any other relevant agreements (including pre-applications), oral or written;
- (iv) List and summarize any investor protection agreements, including rights of first refusal, supermajority clauses, options, veto rights, and

rights to hire and fire employees and to appoint members to boards of directors or management committees;

(v) List separately and in the aggregate the gross revenues, computed in accordance with § 1.2110, for each of the following: the applicant, its affiliates, its controlling interests, and affiliates of its controlling interests; and if a consortium of small businesses, the members comprising the consortium; (vi) List and summarize, if seeking the exemption for rural telephone cooperatives pursuant to § 1.2110, all documentation to establish eligibility pursuant to the factors listed under § 1.2110(b)(4)(iii)(A).

(vii) List and summarize any agreements in which the applicant has entered into arrangements for the use of any of the spectrum capacity of the license that is the subject of the application; and (viii) If claiming eligibility for a rural service provider bidding credit, provide all information to demonstrate that the applicant meets the criteria for such credit as set forth in § 1.2110(f)(4).

The SCBBO will ensure applicants are aware of these requirements prior to and throughout the selection process by conducting informational webinars, posting a list of requirements on the ORS website, and including information about these requirements in grant guidelines and associated applications. Applications that fail to meet the minimum qualifications for providing ownership information as outlined on page 75 of the BEAD NOFO will not be considered for BEAD funding through the SCBBO.

2.4.17 **Text Box:** Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for **providing information on other public funding** as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity response may reference those to outline alignment with requirements for this section. The response must:

- a. Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
- b. At a minimum, the Eligible Entity shall require the disclosure, for each broadband deployment project, of: (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

As similarly stated in section 2.4.12, the SCBBO will require applicants to disclose any other BEAD grant applications or other financial commitments from a public funding source that have been made to other counties and/or states and to update the SCBBO with any new relevant information to identify any potential capacity issues from a risk management perspective. This will be a confirmation in the grant application with additional space provided for the applicant to convey (a) the speed and latency of the broadband service to be provided (as measured and/or reported under the applicable rules), (b) the geographic area to be covered, (c) the number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage), (d) the amount of public funding to be used, (e) the cost of service to the consumer, and (f) the matching commitment, if any, provided by the subgrantee or its affiliates.

2.5 Non-Deployment Subgrantee Selection (Requirement 9)

- 2.5.1 **Text Box:** Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

The SCBBO's priority is to utilize South Carolina's BEAD allocation to extend broadband infrastructure to every unserved location, underserved location, and Community Anchor Institutions without gigabit symmetrical connectivity.

Following this, any potential remaining funds may be used to fund non-deployment programs related to addressing the digital divide. At present, it is difficult for the SCBBO to project the amount of BEAD resources which will be available for allowable non-deployment activities; however, the SCBBO has identified a major deficiency in rural areas when it comes to high-capacity, resilient middle-mile fiber transport networks. SCBBO will highly prioritize non-deployment funds for this purpose.

Rural Resource Networks (RRN) –

The future of the internet will require network interconnection, datacenter services, cloud on-ramps, and content to be located closer to end-users. Technologies like Artificial Intelligence (AI), quantum computing, precision agriculture, Internet of Things (IoT), and 5G have the potential to transform healthcare, agriculture, manufacturing, and education in South Carolina; however, each of these systems require high performance, low-latency fiber backbones to function.

Rural Resource Networks (RRNs) provide the essential foundation for these technologies, improve regional internet performance and enhance statewide telecommunications resilience. RRNs feature:

- Regional Design to serve the needs of a multi-county area.
- High-Capacity Fiber that can support 50+ Gbps symmetric speeds.
- Low-Latency to power next generation technologies.
- Multi-Carrier/Carrier-Neutral Architecture to support a wide variety of provider options.
- Resilient underground ring topology to ensure operation during the most severe weather situations.
- Convenient interconnection points for Community Anchor Institutions, private businesses, and strategic vertical assets.
- Cost-Effective by offering shared use of expensive facilities.
- Demonstrated community support and partnership from a set of strong, capable partners.

South Carolina does not currently have many RRNs, and it is one of the primary reasons for weak cell phone service in rural areas.

As South Carolina RRNs are placed into production, they will be encouraged to cross-connect to other existing statewide networks that carry dark fiber that could be utilized (see [BEAD Five-Year Action Plan](#), page 33). Doing so will add additional resilience, allow for cross-region communication, and provide direct access to data center services.

In line with the BEAD NOFO, to the extent further BEAD funding and federal match is available, the SCBBO will also consider supporting non-deployment activities related to the following:

- User training with respect to cybersecurity, privacy, and other digital safety matters.
- Digital literacy/upskilling (from beginner-level to advanced).
- Computer science, coding and cybersecurity education programs.
- Implementation of Eligible Entity digital equity plans (to supplement, but not to duplicate or supplant, Planning Grant funds received by the Eligible Entity in connection with the Digital Equity Act of 2021).
- Broadband sign-up assistance and programs that provide technology support.
- Multi-lingual outreach to support adoption and digital literacy.
- Prisoner education to promote pre-release digital literacy, job skills, online job acquisition skills, etc.
- Digital navigators.

- Costs associated with stakeholder engagement, including travel, capacity-building, or contract support.
- Other allowable costs necessary to carrying out programmatic activities of an award, not to include ineligible costs described in Section V.H.2 of the NOFO.
- Activities related to the incorporation of “smart” technologies and capabilities into farming practices.
- Broadband adoption initiatives or programs.
- Other activities related to non-deployment.

The SCBBO will ensure that in all subgrantee selection processes for potential BEAD non-deployment programs, applications for funds will go through a competitive process, and awards will be made in accordance with the results of that process. Additionally, all relevant federal grant requirements and all relevant BEAD-specific program requirements will apply to potential subrecipients in any BEAD non-deployment programs that the SCBBO operates.

The SCBBO will ensure that nondeployment subgrantee programs are conducted via a fair, open, equitable, and competitive subgrantee selection process and that adequate safeguards are in place to protect the integrity of the competition, including safeguards against collusion, bias, conflicts of interest, arbitrary decisions, and other factors that could undermine confidence in the process.

2.5.2 **Text Box:** Describe the Eligible Entity’s plan for the following:

- a. How the Eligible Entity will employ preferences in selecting the type of non-deployment initiatives it intends to support using BEAD Program funds.
- b. How the non-deployment initiatives will address the needs of residents within the jurisdiction.
- c. The ways in which engagement with localities and stakeholders will inform the selection of eligible non-deployment activities.
- d. How the Eligible Entity will determine whether other uses of the funds might be more effective in achieving the BEAD Program’s equity, access, and deployment goals.

The SCBBO will prioritize the following considerations in the selection of non-deployment initiatives using funds from South Carolina’s BEAD allocation:

Transformational - The project will have a transformational impact on the residents of SC and will address the digital divide in a sustainable manner. Projects will likely enhance other state-supported economic development efforts.

Scale – The project’s magnitude of impact on South Carolina.

Cost-Effective – The project is cost-effective.

Results – The project can deliver short and long-term results.

Identified Need – The project addresses a pre-identified component of the digital divide that is supported by either the SC BEAD Five-Year Action Plan and/or the SC Digital Opportunity Plan.

Innovation - The project addresses an aspect of the digital divide without a current solution or supplements an existing solution in an innovative manner.

Capacity and Experience - The organizations in the prospective pool of applicants generally have the experience and organizational capacity necessary to administer a potentially significant program.

2.5.3 *Text Box:* Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.

The SCBBO's priority for BEAD funding is to reach the unserved and underserved areas without a funded solution for broadband access and has developed cost projections to reach the remaining unserved and underserved locations without a funded solution for broadband access.

In addition to these cost projections, the SCBBO is sequencing the BEAD program to ensure that enough funding availability exists to address gaps in infrastructure, as well as gaps in infrastructure to Community Anchor Institutions, prior to allocating funding for other eligible uses.

In other words, subawards for non-deployment will not be finalized until after subawards for deployment project are complete. This approach ensures that deployment uses of BEAD funds are prioritized ahead of non-deployment uses. This approach also affords the SCBBO additional time to make thoughtful, transformational, non-deployment investments through a subgrantee selection process based.

2.5.4 *Text Box:* Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the BEAD NOFO.

Prior to entering any subgrantee agreement, the SCBBO will ensure that any applicant:

- **Can carry out activities funded by the subgrant in a competent manner in compliance with all applicable federal, State of South Carolina, and local laws.**
- **Has the financial and managerial capacity to meet the commitments of the subgrantee under the subgrant, the requirements of the Program and such other requirements as have been prescribed by the Assistant Secretary or the SCBBO.**

- Has the technical and operational capability to provide the services promised in the subgrant in the manner contemplated by the subgrant award.

2.6 Eligible Entity Implementation Activities (Requirement 10)

2.6.1 **Text Box:** Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.

The SCBBO's priority is to utilize South Carolina's BEAD allocation to extend broadband infrastructure to every unserved location, underserved location, and Community Anchor Institutions without gigabit symmetrical connectivity.

In line with this priority, as soon as the BEAD Initial Proposal is approved, the SCBBO plans to utilize a portion of the initial 20% allocation to work with other state agencies to support broadband-related workforce activities.

In all cases, the SCBBO will follow SC procurement laws and develop Memorandums of Understanding (MOU) with the following:

Broadband-Related Workforce – The SCBBO plans to invest some of its' initial allocation with the SC Department of Employment and Workforce (SCDEW, dew.sc.gov) to directly support and grow the broadband-related workforce in South Carolina.

Apprenticeships – The SCBBO plans to invest some of its' initial allocation with the SC Technical College System (SCTCS, sctechsystem.edu) to directly support broadband-related apprentices in South Carolina.

Prior to submission of the BEAD Final Proposal, the SCBBO may increase the initial allocations if remaining BEAD funds are available and the initiatives are successful.

As part of the BEAD Final Proposal, the SCBBO plans to develop MOUs with other state agencies to support a wide variety of BEAD non-deployment activities.

Broadband Permitting Specialists – As part of BEAD Administrative funds, the SCBBO will develop MOUs with the state agencies that directly support permitting of broadband-related BEAD projects. Funding will be time-limited to three years.

Middle-Mile Infrastructure - The SCBBO will invest a portion of the BEAD allocation and develop an MOU with Santee Cooper (santeecooper.com) to enhance the 1,200-mile fiber optic network and be utilized as a resilient backbone for a series of Rural Resource Networks.

Cybersecurity, AI or Quantum Computing - The SCBBO will invest a portion of the BEAD allocation and develop an MOU with the SC Department of Commerce (sccommerce.com) to support and enhance their existing programs related to cyber security and explore potential new opportunities in AI and Quantum computing.

Precision Agriculture - The SCBBO will invest a portion of the BEAD allocation and develop an MOU with the SC Department of Agriculture (agriculture.sc.gov) to enhance local broadband infrastructure and support pilot precision agriculture projects for production farms in South Carolina.

Telehealth - The SCBBO will invest a portion of the BEAD allocation and develop an MOU with appropriate state agencies so that they can develop a program to replace costly medical transport to emergency rooms for routine medical visits with more cost-effective virtual primary care options. This MOU will permit the agencies to engage an ISP to cover installation, annual monthly cost of residential broadband, appropriate device purchases (if necessary), and any required household training. This program will be limited to high-need families and vulnerable populations.

K-12 - The SCBBO will invest a portion of the BEAD allocation and develop an MOU with appropriate state agencies so that they can develop a program to upfit a high-need residential home to support K-12 educational achievement. This MOU will permit the agencies to engage an ISP to cover installation, annual monthly cost of residential broadband, appropriate device purchases (if necessary), and any required household training. This program will be limited to high-need families and vulnerable populations.

2.7 Labor Standards and Protection (Requirement 11)

2.7.1 **Text Box:** Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors:

- a. **Prospective subgrantees' record of past compliance with federal labor and employment laws, which:**
 - i. Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;
 - ii. Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and
 - iii. Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found

to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.

- b. Prospective subgrantees' **plans for ensuring compliance** with federal labor and employment laws, which must address the following:*
 - i. How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:*
 - 1. Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and*
 - 2. How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.*

The SCBBO will require applicants to submit information pertaining to compliance with labor standards and protection during the application period for BEAD. Information from prospective subgrantees must demonstrate the following and must include information about contractors and subcontractors, including:

- **Prospective subgrantees' record of past compliance with federal labor and employment laws, which:**
 - **Must address information on these entities' compliance with federal labor and employment laws on broadband deployment projects in the last three years;**
 - **Should include a certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors; and**
 - **Should include written confirmation that the prospective subgrantee discloses any instances in which it or its contractors or subcontractors have been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years.**
- **Prospective subgrantees' plans for ensuring compliance with federal labor and employment laws, which must address the following:**
 - **How the prospective subgrantee will ensure compliance in its own labor and employment practices, as well as that of its contractors and subcontractors, including:**
 - **Information on applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network; and**

- How the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

As an added measure to verify compliance with labor standards and protection, the SCBBO will leverage online tools and resources from the US Department of Labor (DOL) utilizing EnforcementData.gov (available at: <https://enforcedata.dol.gov/homePage.php>), which collects information on violations of the workplace laws enforced by DOL and the names of entities determined to have violated these laws. The SCBBO will also verify applicants are in good standing to receive federal contracts through SAM.gov (available at: <https://sam.gov/content/home>). The SCBBO will evaluate all applicant information provided and make a determination as to the completeness and accuracy of the information provided. Instances where an applicant demonstrates past compliance with labor laws in addition to ensuring controls are in place to maintain compliance throughout the lifecycle of the proposed project will receive full points under the fair labor practices category of the scoring rubric identified in section 2.4.2.

2.7.2 **Text Box:** Describe in detail whether the Eligible Entity will **make mandatory** for all subgrantees (including contractors and subcontractors) **any of the following** and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes:

- a. Using a directly employed workforce, as opposed to a subcontracted workforce;
- b. Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls;
- c. Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project);
- d. Use of local hire provisions;
- e. Commitments to union neutrality;
- f. Use of labor peace agreements;
- g. Use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded);
- h. Use of an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure); and
- i. Taking steps to prevent the misclassification of workers.

The SCBBO does not plan to incorporate any of the following items into legally binding commitments for subgrantees (including contractors and subcontractors), outside of what is explicitly required in the BEAD NOFO and in compliance with applicable South Carolina State and Federal law. It is up to the applicant to assemble a project delivery

team that is qualified and capable of building the network in accordance with grant guidelines which will be published as part of the State’s BEAD program, upon approval of the Initial Proposal Volumes 1 and 2. As a result, the SCBBO will clearly convey in grant guidelines, verify, and ensure projects that trigger Davis-Bacon requirements maintain compliance throughout the period of performance. When applicable, this provision will be included in grant agreements developed and executed between a prospective subgrantee and the SCBBO. Exhibits will be included in the BEAD grant agreement that require subgrantees to provide Davis-Bacon Certification or require subgrantees to complete a project employment and location impact report detailing:

- The number of contractors and sub-contractors working on the Project;
- The number of workers on the Project hired directly and hired through a third party;
- The wages and benefits of workers on the Project by classification; and
- Whether those wages are at rates less than those prevailing.

An illustrative example of Davis-Bacon reporting will be included as part of the overall grant agreement where subgrantees must document employee classifications, wages, and benefits which will be reported on regular intervals by subgrantees. As part of compliance controls pertaining to this requirement, the ORS finance department will conduct periodic audit and review of certified payroll compared to reporting details on awarded projects. The SCBBO will coordinate with subgrantees to work through any findings or abnormalities, which will be documented and cured. Any additional State and/or Federal laws specifically pertaining to the BEAD program will be integrated into grant guidelines, grant agreements, and associated reporting protocols, taking a similar approach to ensure transparency and compliance to the greatest extent practicable.

2.8 Workforce Readiness (Requirement 12)

2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance **equitable workforce development and job quality objectives** to develop a skilled, diverse workforce. At a minimum, this response must clearly provide each of the following, as outlined on page 59 of the BEAD NOFO:

- a. A description of how the Eligible Entity will ensure that subgrantees support the development and use of a highly skilled workforce capable of carrying out work in a manner that is safe and effective;
- b. A description of how the Eligible Entity will develop and promote sector-based partnerships among employers, education and training providers, the public workforce system, unions and worker organizations, and community-based organizations that provide relevant training and wrap-around services to support workers to access and complete training (such as child care, transportation, mentorship, etc.), to attract, train, retain, or transition to meet local workforce needs and increase high-quality job opportunities;

- c. *A description of how the Eligible Entity will plan to create equitable on-ramps into broadband-related jobs, maintain job quality for new and incumbent workers engaged in the sector; and continually engage with labor organizations and community-based organizations to maintain worker voice throughout the planning and implementation process; and*
- d. *A description of how the Eligible Entity will ensure that the job opportunities created by the BEAD Program and other broadband funding programs are available to a diverse pool of workers.*

As stated in the SCBBO 5-year Action Plan, while unemployment has decreased over the last 10 years, jobs in telecommunications over the same period have largely remained unchanged in South Carolina, according to the Bureau of Labor Statistics Data (bls.gov). Although the telecommunications market seems to have stabilized over the last decade, high growth in short periods of time in recent years, suggests the labor force could react to large shocks in the market. Notably, all occupations are forecast to grow across South Carolina from 2023 to 2028 and will likely be able to match expanded demand for services during BEAD implementation.

Location Quotients (LQs) noted below compare the concentration of an industry within a specific area, i.e., South Carolina, to the concentration of that industry nationwide. If an LQ is equal to one (1.0), then the industry has the same share of its area employment as it does in the nation. Of the 20 occupations that make up the majority of the wired telecommunications industry, South Carolina has an almost equal to or higher concentration of workers than the US average in nine categories, including five labor categories highly relevant to the telecommunications and broadband sectors:

Labor Category Location Quotient (LQ)

- 1 Telecom equipment installers and repairers 1.0**
- 2 Telecom line installers and repairers 0.9**
- 3 First-line supervisors of mechanics, installers, and repairers 1.1**
- 4 Computer support specialists 0.9**
- 5 Computer systems analysts 1.1**

Additional sources for insight on relevant labor trends in South Carolina include conversations with stakeholders and examination of South Carolina occupational trends data. Both have not indicated that labor shortages will limit BEAD implementation activities more significantly than expected due to the current conditions of a tight labor market with low unemployment. This means the increase in broadband expansion projects is not anticipated to strain the broadband deployment-related labor market in South Carolina.

However, the State recognizes the value of a skilled diverse workforce and intends to implement additional measures by working alongside other partnering state agencies

regarding eligible entity implementation-related activities (see Section 2.6.1), to bolster jobs training in broadband/telecommunications industries along with advancing training opportunities for jobs focused on cybersecurity, geographic information systems (GIS), and artificial intelligence through collaborative initiatives working with counterparts residing in sister agencies. Preestablished partnerships with the South Carolina Commission for Minority Affairs will also help ensure programs are made available to a diverse pool of workers.

2.8.2 **Text Box:** Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce (including contractors and subcontractors) will be an **appropriately skilled and credentialed workforce**. These plans should include the following:

- a. The ways in which the prospective subgrantee will ensure the use of an appropriately skilled workforce, e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers;
- b. The steps that will be taken to ensure that all members of the project workforce will have appropriate credentials, e.g., appropriate and relevant pre-existing occupational training, certification, and licensure;
- c. Whether the workforce is unionized;
- d. Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce; and
- e. The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the subgrantee must also provide with respect to the non-union workforce:

- a. The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce;
- b. For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - i. Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - ii. Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

The SCBBO will work with Internet Service Providers to ensure awareness and linkage to requirements outlined in Section 2.8.2 are referenced in guidelines, supported in applications they may submit to the SC BEAD grant program, and monitored from a compliance perspective throughout the duration of an awarded project, as appropriate.

Credentials of the members of the project delivery team outlined in prospective subgrantees resumes of key personnel and associated organizational structure chart referenced in Section 2.4.12 will be evaluated. Additional gating criteria will be included to, at a minimum, require a licensed Professional Engineer with proper licensure in the State of South Carolina to be responsible for submitting stamped engineering plans representing the project build. The SCBBO will include confirmations within the grant application that will address:

- Acknowledgement by the subgrantee all members of the project workforce will have appropriate credentials.
- Provide an indication whether the proposed workforce is unionized (or not).
- Provide an indication whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce.
- In the case of a subcontracted workforce, prospective subgrantees will be required to list those contractors and subcontracts that will comprise the project team.

If the project workforce or any subgrantee's, contractor's, or subcontractor's workforce is not unionized, the SCBBO will require the subgrantee provide the following details with respect to the non-union workforce:

- The job titles and size of the workforce (FTE positions, including for contractors and subcontractors) required to carry out the proposed work over the course of the project and the entity that will employ each portion of the workforce.
- For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
 - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications, titles; and
 - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

2.9 Minority Business Enterprises (MBEs)/ Women's Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion (Requirement 13)

2.9.1 **Text Box:** Describe the process, strategy, and the data tracking method(s) the eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

With an overall unemployment rate of 3%, there is no Labor Surplus as defined by the US Department of Labor in South Carolina. However, the SCBBO will take all necessary affirmative steps to assure that minority businesses, and women-owned business enterprise firms are used when possible. This will be accomplished utilizing a cross-section of actions and strategies beginning with establishment of direct communication with members of the South Carolina Division of Small and Minority Business Contracting and Certification along with the South Carolina Department of Transportation's Minority and Small Business Affairs Office to assist with the identification of North America Industry Classification System (NAICS) commodity codes suitable for all aspects of the design, permit, management, and construction of broadband deployment certified within the State. Findings will be published on the BEAD program webpage located on the ORS website at: <https://ors.sc.gov/broadband/investments/state/bead>. The SCBBO also proposes facilitation of MBE/WBE outreach events connecting businesses with known ISPs providing mass market retail service to consumers in the State that may submit a grant application to the BEAD grant program.

Requirements associated with MBE/WBE participation will be outlined in the BEAD guidelines. The BEAD grant application will also (either in the body of the application, as supplemental attachments, or both), require disclosure of all MBE/WBE firms utilized and the planned percentage of MBE/WBE participation for each entity relative to the total project cost.

Adequate written justification will be required in instances where no participation and subsequent percentage of the project will be supported by MBE/WBE programs. Prospective subgrantees that do not make a good faith effort in obtaining and integrating minority and woman-owned business participation within their overall project team will not be considered for funding by the SCBBO. Upon an award and issuance of a notice to proceed, subgrantees will be required to report payments made to all MBE/WBE that are comprised of the project team. Where possible, the SCBBO will seek to utilize standardized forms and templates the State may already leverage in support of tracking MBE/WBE programs respectively.

2.9.2 **Check Box:** *Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:*

- a. *Placing qualified small and minority businesses and women's business enterprises on solicitation lists;*
- b. *Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;*
- c. *Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;*

- d. *Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;*
- e. *Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and*
- f. *Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.*

Yes, the South Carolina Broadband Office will take all necessary affirmative steps to ensure minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including the following outlined on pages 88 – 89 of the BEAD NOFO:

- **Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;**
- **Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;**
- **Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;**
- **Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;**
- **Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and**
- **Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.**

2.10 Cost and Barrier Reduction (Requirement 14)

2.10.1 Text Box: *Identify steps that the Eligible Entity has taken or will take to **reduce costs and barriers to deployment**. Responses may include but not be limited to the following:*

- a. *Promoting the use of existing infrastructure;*
- b. *Promoting and adopting dig-once policies;*
- c. *Streamlining permitting processes;*
- d. *Streamlining cost-effective access to poles, conduits, easements; and*
- e. *Streamlining rights of way, including the imposition of reasonable access requirements.*

Several regulatory barriers were identified through creation of the State’s 5-year action plan, for example, the number of permitting processes required may present an obstacle to deployment by extending project delivery timelines. For example, a United

States Army Corps of Engineer (USACE) permit can take 6–12 months, and the potentially lengthy federal NEPA process is also required for each deployment project. Furthermore, the BEAD program may cause additional burden on agencies managing permits. As BEAD accelerates the number of projects, the number of permits will increase substantially, and agencies may not be prepared for the additional influx atop existing workloads.

The SCBBO will continue to support trainings that facilitate coordination among various relevant government entities. In addition, as part of the BEAD program, SCBBO could potentially include a requirement for subgrantees to take permitting training. SCBBO will also continue coordination with SCDOT, which has developed a Multi-County, Same-District, Fiber Optic Broadband Encroachment Application and Help Guide intended to streamline certain permitting by helping applicants wishing to construct longer segments of fiber optic broadband cable that spans multiple counties within the same district along SCDOT's ROW, without the need for multiple permits. To further support coordination, programmatic agreements could be developed between SCBBO and utilities to better define certain processes. Finally, other agencies could support SCBBO by detailing personnel to create and staff a new permitting and monitoring department focused on streamlining efforts for BEAD projects.

Acknowledging solutions to some of these challenges are beyond the scope and jurisdiction of the SCBBO, several references to cost and barrier reduction strategies toward broadband deployment were provided in a legislatively mandated annual report to the South Carolina General Assembly with recommendations for which legislative, regulatory, or other governmental actions may be appropriate to promote broadband access throughout the State. This included the following:

Streamline State and Federal Permitting Requirements

The types of federal permits that may be required as part of a BEAD grant program by prospective applicants is expansive. It is a subgrantee's responsibility to obtain certain federal, state, and local governmental permits and approvals necessary for proposed work to be conducted. Additionally, obtaining permits and right-of-way (ROW) for network deployment can oftentimes be a time-consuming and challenging process. Furthermore, the BEAD program may cause additional burden on agencies and utilities managing permits. As BEAD accelerates the number of projects, the number of permits will increase substantially, and agencies may not be prepared for the influx. As an eligible entity tasked with the administration of funds under the BEAD program, it is the responsibility of the SCBBO to ensure compliance with all federal, state, and local permitting and to ensure a policy is in place for the State to assist with streamlining permitting workflows respectively. To further support coordination, programmatic agreements could be developed between SCBBO, permitting agencies, and associated utilities to better define certain processes. Finally, other agencies could support SCBBO by detailing personnel to create and staff a new permitting and monitoring

department focused on streamlining efforts for BEAD projects. NTIA recommends consideration be made toward enacting new legislation and/or an executive order to streamline permitting if expedited workflow processes around broadband permitting don't currently exist. States are encouraged to standardize intake of permit applications through an online centralized process, identify a single point of contact for a given permitting agency pertaining to broadband deployment projects, establish a 30-day 'shot clock' for the authorization or denial of permits, waive permit fees where applicable, and include screening data available for download along with online tools and resources to determine the types of permits that may be required for any given project.

Based on the volume of permitting anticipated as a result of the BEAD program in addition to existing funding commitments for broadband deployment regarding ARPA SLFRF and CPF grant programs, additional staff resources will be necessary. ORS proposes to utilize federal funding to support the additional workload e.g. SCDOT, DHEC, SHPO, and 811 dig programs respectively (see Section 2.6.1. for additional details).

Promote and Adopt a Dig Once Policy for South Carolina

ARPA SLFRF investments (non-broadband related) in South Carolina have been allocated to multiple agencies focused on infrastructure projects, including the Rural Infrastructure Authority (RIA) and the Department of Transportation (SCDOT). The ORS and these agencies all acknowledge the unique opportunity this funding provides to encourage "Dig Once" practices through grant programs administered by the state, engagement is ongoing. The concept of Dig Once is focused on minimizing the number and scale of ground excavation projects when installing infrastructure.

As an example, the practice of Dig Once effectively eliminates the need to dig up recently paved roads to expand water and sewer lines going down a Main Street. The overall harmonization of construction activities can eliminate disruption to projects and overall operations, save time, and significantly reduce the cost of building out infrastructure. It is through this lens the SCBBO is encouraging grantees to consider any potential for implementing dig once best practices tied to their grant award(s) through the SCBBO. Advocacy will continue through the ARPA CPF 1.0 grant program. However, the BEAD Notice of Funding Opportunity (NOFO) requires States adopt a dig-once policy, and while preliminary discussions with partnering agencies reveal there is a value of a dig-once approach, without a legislatively mandated dig-once policy tied to investments that leverage state and federal funds it may prove challenging to implement dig once best practices due to a perception it may adversely impact projects from a perspective of schedule, cost, and liability.

ORS recommends that the South Carolina Utility Coordinating Committee (UCC), give consideration toward establishing best practices which can be adopted as a statewide or local policy.

811 Dig Locates

As part of the management and oversight of ARPA SLFRF projects, the SCBBO has obtained feedback from grantees during regularly scheduled monthly status meetings that, when called upon as part of the 811 dig locate process, all utility providers are not locating and marking their facilities resulting in cut lines and disruption to service for consumers. Local utility providers cite the increased volume in tickets as well as distances that are listed for locate tickets as a barrier toward achieving compliance with 811 dig locate policy. The SCBBO recommends reviewing best practices in other jurisdictions on ways to incentivize dig locates by utility providers.

Rail Permitting

As part of the management and oversight of ARPA SLFRF projects, the SCBBO has obtained feedback from grantees during regularly scheduled monthly status meetings that delays in scheduling and cost associated with Railway permits have proven challenging. The SCBBO recommends state legislation be considered similar to Virginia and Wisconsin to streamline railway permits by, for example, setting a 30-day timeline to review a railroad crossing notice, establish standardized crossing fees, and appoint an authority to facilitate adjudication when parties disagree.

Proposed Federal Regulatory Emissions Requirements for Power Generation

The ORS continuously monitors potential changes that may affect the regulatory landscape. Looming large in this area is the proposed Environmental Protection Agency (EPA) 111(d) rule, which the ORS believes could have significant negative impacts on South Carolina and its citizens. In this proposed rule, published by the EPA on May 23, 2023, the technologies the EPA expects South Carolina to rely on are what it has characterized as the best system of emission reduction (BSER) technologies. According to this rule, the BSER technologies include Low GHG hydrogen, carbon capture and storage (CCS), and co-firing using natural gas.

The proposed rule would require EGUs to reduce GHG emissions based on threshold size, utilization, and fuel type. Existing coal units would be expected to reduce utilization to a capacity factor less than 20%, co-fire with 40% natural gas, or install CCS technologies. Existing gas and new-source units would be required to co-fire with Low-GHG hydrogen or install CCS. EPA 111(b) contains the standards for new combustion turbine generation units, and EPA 111(d) contains the emission guidelines for existing fossil fuel-fired EGUs. The proposed new standards impact 24 out of the 62

electrical generation plants in South Carolina, and any newly constructed base-load plant would have to be operating on low-GHG hydrogen gas within nine years.

In line with the ORS mission to represent the concerns of the using and consuming public with respect to public utility services, the ORS provided comments stating its position to the EPA. Based on the information and technology currently available, the ORS concluded that the EPA's proposed rule dangerously undermines the reliability of the grid, places an unreasonable financial burden on consumers, and causes immediate and irreparable harm to South Carolina consumers and the state economy.

A whole-of-government approach requires consideration of this proposed rule and its potential impact on South Carolinians, coherence across sectors and an efficient use of resources. If power is not available or unreliable, broadband access is compromised. There is no broadband access without reliable, affordable power.

2.11 Climate Assessment (Requirement 15)

2.11.1 Text Box: *Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure. At a minimum, this response must clearly do each of the following, as outlined on pages 62 – 63 of the BEAD NOFO:*

- a. Identify the geographic areas that should be subject to an initial hazard screening for current and projected future weather and climate-related risks and the time scales for performing such screenings;*
- b. Characterize which projected weather and climate hazards may be most important to account for and respond to in these areas and over the relevant time horizons;*
- c. Characterize any weather and climate risks to new infrastructure deployed using BEAD Program funds for the 20 years following deployment;*
- d. Identify how the proposed plan will avoid and/or mitigate weather and climate risks identified; and*
- e. Describe plans for periodically repeating this process over the life of the Program to ensure that evolving risks are understood, characterized, and addressed, and that the most up-to-date tools and information resources are utilized.*

Network resiliency is defined by the SCBBO as Broadband Infrastructure that provides continuous business operation (i.e., highly resistant to disruption and able to operate in a degraded mode if damaged), rapid recovery if failure does occur, and the ability to scale to meet rapid or unpredictable demands.

The SCBBO has worked closely with the South Carolina Office of Resilience, the South Carolina Emergency Management Division, and others to build awareness and begin addressing how today's investments will be evaluated and mitigated against the risk of weather and climate-related threats currently, and in the future with a goal of establishing resilient networks capable of withstanding and reducing overall impacts to critical infrastructure.

With these overarching principles in mind, actionable steps have been outlined as mitigation measures in the State's Hazard Mitigation Plan (available at: <https://www.scecmd.org/em-professionals/plans/hazard-mitigation-plan/>), which was adopted through a formal memorandum from the South Carolina Office of the Adjutant General in January of 2023. Broadband-related actions are published on the South Carolina Emergency Management Division's (EMD's) website: <https://www.scecmd.org/media/1716/appendix-c-mitigation-actions.pdf>, bottom of page 3, and include the following:

- Account for current and future weather- and climate-related risks to new Broadband infrastructure project investments. Communities who lack access to broadband are also often the most vulnerable to extreme weather and climate events. This combination often results in a lack of crucial communications infrastructure to respond during these emergencies. Building climate-resilient broadband infrastructure for such communities provides emergency response preparedness and thus greater climate resilience for the community itself.
- Establish siting and design specifications to deploy Resilient Broadband Infrastructure. Establishment of a screening protocol to determine the potential risk for impacts due to extreme weather and climate events prior to state investment. Develop guidelines and specifications for design criteria of infrastructure that will be deployed in high-risk areas.

All broadband deployment projects will be screened at the close of the application submission period for BEAD, regardless of its geography, leveraging the best available GIS data from a multitude of State and Federal resources pertaining specifically to weather and climate-related data. Flooding remains one of the most significant and frequently damaging hazards to South Carolinians, particularly in low-lying riverine and coastal areas which could be the result of tropical cyclones bringing heavy rain, high winds, and storm surge, or general severe weather from thunderstorms bringing higher intensity and duration of precipitation events as compared to historical trends. Acknowledging the recent publication of the EMD State Hazard Mitigation plan as well as the South Carolina Office of Resilience Strategic Statewide Resilience and Risk

Reduction Plan² (SSRRRP), as definitive sources of state-based analysis pertaining to Hazards, the SCBBO will leverage source data from the plans in GIS format, in addition to Federal Emergency Management Agency (FEMA), Digital Flood Insurance Rate Maps (DFIRMs), National Oceanic and Atmospheric Administration (NOAA) sea level rise projection data, along with other climate, weather, and hazard-related datasets. The complete suite of data to be used for project screening will be summarized and included as part of the SCBBO program administration guide which will serve as a standard operating procedure, management, and administration tool for the office to effectively administer the BEAD grant program on behalf of the State.

The SCBBO recognizes identification of weather and climate-related risks alone are not enough to assure public investments made in critical infrastructure like Broadband will last, at minimum, for the useful life of the network. Moreover, at the time of this submission, the SCBBO is not aware of any engineering design criteria, specifications, or best practices that have been published as it would pertain to mitigating weather and climate-related risk for this specific type of infrastructure.

As a result, the SCBBO had the foresight to include as part of their ARPA CPF grant scoring criteria a resiliency category whereby applicants were given up to 10 points based on the measures they would use to ensure resiliency of the proposed network based on the Offices' definition, defined above. Working alongside industry professionals in resiliency, floodplain management, engineering, hazard mitigation, and ISPs, the SCBBO has developed a list of Best Management Practices for the establishment of a resilient broadband network, which includes:

1. Elevate Optical Line Terminals (OLTs) in flood-prone areas.
2. Ensure power redundancy with DC Battery/Diesel/Gas Generator Backup from temporary power loss at customer premises, Network Operations Center (NOC), and OLTs.
3. Ensure OLTs have divergent paths to redundant upstream equipment.
4. Configure OLTs on a fiber ring so the network may continue operation if fiber is cut and/or damaged.
5. Establish an Emergency Action Plan (EAP), provide copies to state and local Emergency Operations Centers.
6. Conduct readiness drills and tabletop exercises leveraging the EAP, document lessons learned and update the EAP based upon findings.
7. Deploy facilities underground as opposed to aerial to minimize impacts of downed utility poles from hurricanes, tornadoes, and vehicle accidents occurring in rights of way.

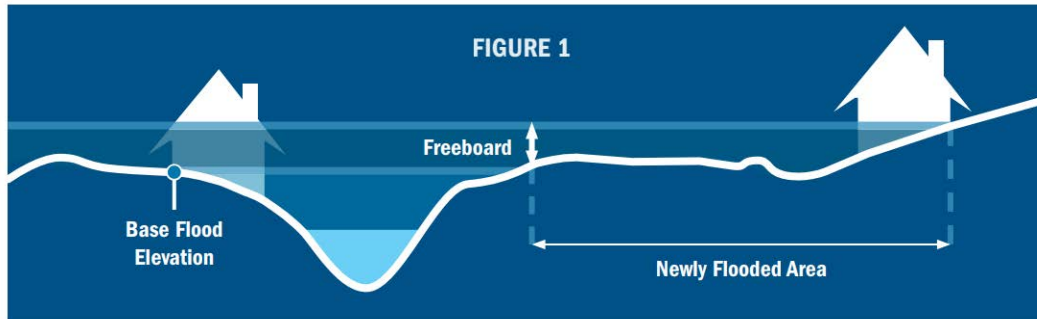
² South Carolina Office of Resilience SSRRRP Plan, available at: https://scor.sc.gov/sites/scor/files/Documents/FINAL%20RESILIENCE%20PLAN_06282023_compressed.pdf
f Details regarding Internet and Broadband are referenced on page 224.

8. Diversify connectivity by including more than a single tier-one provider as an access point to the Internet through the ISP's network.
9. Ensure availability of qualified field service teams and spare equipment are on standby before, during, and after major weather events.
10. Conduct regular site inspections through field reconnaissance and windshield surveys on facilities, log, maintain, and repair facilities accordingly.

These parameters will be highlighted in grant guidelines to further incentivize prospective subgrantees to consider and implement engineering designs that ensure the proposed network will remain functional up to and perhaps beyond its useful life expectancy.

Industry approved aging tests suggest properly manufactured and installed fiber can last upwards of 30 years with little-to-no degradation of signal strength. Due to the materials used it's not uncommon for fiber to remain highly functional, performing without issue while being exposed to extremely wet conditions, especially in low-lying coastal areas where fiber is deployed underground and within close proximity to the water table. Therefore, of greater concern from a resiliency perspective are Optical Line Terminals (OLTs), which serve as an endpoint hardware device in passive optical networks that requires a power source. The loss of power at an OLT can disrupt service to an entire neighborhood and therefore, requires additional consideration around techniques to mitigate risks associated with this aspect of the network.

Pending available data, an additional design requirement for all broadband deployment projects is proposed by the SCBBO. Projects that are screened and determined Optical Line Terminals (OLT's) have a flood-related 'hit' shall be required to elevate the structure at least 3' above the current base flood elevation. A 3' freeboard will also be required in flood-prone coastal areas where sea level rise is projected to increase over the next 50 years when redesign and/or relocation to a less flood-prone area is not feasible. Where these datasets intersect when screened, the higher of the resulting elevation shall prevail. In the event a local floodplain management ordinance indicates higher, more stringent standards are required in their jurisdiction, local floodplain management regulations shall prevail. Prospective subgrantees that choose to integrate with existing OLTs as part of their proposed project build will also be screened. Those OLTs which include a flood-related 'hit' shall be required to implement various hardening techniques to mitigate the risk of future flooding to their existing infrastructure. The approach described mirror's FEMA's Federal Flood Risk Management Standards referenced in the BEAD NOFO which indicates entities are to expand management from the base flood elevation to a higher vertical flood elevation and corresponding horizontal floodplain. (source: https://www.fema.gov/sites/default/files/documents/fema_implementing-guidelines-EO11988-13690_10082015.pdf).



The proposed siting and design criteria noted herein require availability of certain flood risk mapping datasets the SCBBO and prospective subgrantees will need to screen projects against which may not currently exist for South Carolina. Specifically, a dataset that would represent a 3' corresponding horizontal expansion or rise of the Special Flood Hazard Area (SFHA). Designated as "Newly Flooded Area" in Figure 1. above (source: https://www.fema.gov/sites/default/files/documents/fema_r3_gis-instructions_mapping-rising-flood-risk.pdf). Coordination is ongoing with the South Carolina Emergency Management Division, South Carolina State National Flood Insurance Program Coordinating Office, the South Carolina State Climatologist Office, and the South Carolina Office of Resilience to determine whether the necessary data to screen BEAD projects using the approach described in this section exists in a statewide capacity and is available for use by the SCBBO and their prospective subgrantees. In the event the data does not exist, the SCBBO will coordinate with state partnering agencies to determine the best course of action in an effort to fully address guidance put forth through FEMA's Flood Risk Management Standard.

The adaptation measures described in this section will help to ensure investments made in Broadband under the BEAD program have a greater likelihood of remaining functional over the course of the next 20+ years. All Broadband infrastructure projects funded through the BEAD program will be reevaluated using any applicable new and/or revised datasets from the sources identified in this section of the SCBBO Initial Proposal on a 5-year interval basis to coincide with the potential update of the State's 5-year Broadband action plan, and/or Hazard Mitigation, and/or Resiliency plan updates respectively. This will ensure alignment and overall plan integration across all programs that may be related to Broadband infrastructure as it pertains to potential vulnerabilities associated with weather and climate risk.

2.11.1.1 Optional Attachment: *As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.*

Rather than upload reports, online linkage to documentation is provided in the prior response by the SCBBO.

2.12 Low-Cost Broadband Service Option (Requirement 16)

2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction. At a minimum, this response must include a definition of low-cost broadband service option that clearly addresses the following, as outlined on page 67 of the BEAD NOFO:

- a. All recurring charges to the subscriber, as well as any non-recurring costs or fees to the subscriber (e.g., service initiation costs);
- b. The plan's basic service characteristics (download and upload speeds, latency, any limits on usage or availability, and any material network management practices);
- c. Whether a subscriber may use any Affordable Connectivity Benefit subsidy toward the plan's rate; and
- d. Any provisions regarding the subscriber's ability to upgrade to any new low-cost service plans offering more advantageous technical specifications.

The SCBBO acknowledges in the BEAD Notice of Funding Opportunity (NOFO), subgrantees receiving BEAD funds to deploy broadband infrastructure are required to offer a "low-cost broadband service option" that is available to consumers for the useful life of the network assets. The office reached out to NTIA to define 'the useful life of a broadband network asset' as it relates to this provision in the Initial Proposal and the NOFO. As of the time of this submission, no answer has been provided to the SCBBO regarding the inquiry. Requiring ISPs to commit to a fixed price for broadband service for an undisclosed amount of time is not defensible and will likely result in a hardship for local providers throughout the State. Therefore, the SCBBO proposes the low-cost price outlined below to be fixed starting at the completion of the project when final invoice payment is processed up to a 5-year duration, at which point the SCBBO will reevaluate the low-cost pricing plan and may adjust pricing accordingly at that time, as appropriate.

The South Carolina Broadband Office defines a low-cost service option, at minimum, as the following:

- Costs \$50 per month or less, inclusive of all taxes, fees, and charges billed to the customer.
- Allows the end user to apply the Affordable Connectivity Benefit (or its successor) subsidy to the service price which reduces the monthly reoccurring fee for service to \$20.
- The Plan must consistently and reliably provide download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps.
- Provides typical latency measurements of no more than 100 milliseconds.
- Is not subject to data caps, surcharges, or usage-based throttling, and is subject only to the same acceptable use policies to which subscribers to all other

broadband internet access service plans offered to home subscribers by the participating subgrantee must adhere.

- In the event the provider later offers a low-cost plan with higher speeds downstream and/or upstream, permits Eligible Subscribers that are subscribed to a low-cost broadband service option to upgrade to the new low-cost offering at no additional charge.
- The applicant is required to participate in the Affordable Connectivity Program, and encouraged to ensure that prospective consumers are aware of the ISP's participation in the ACP. The applicant must participate in any successor broadband subsidy programs should funding for the Affordable Connectivity Program be depleted and the Program not renewed.
- The low-cost broadband service option must be made available to those who do and do not qualify for the FCC's Affordable Connectivity Program. Eligibility criteria for the can be found on the Affordable Connectivity Program website (available at: <https://www.affordableconnectivity.gov/do-i-qualify/>). Subgrantees may not impose additional eligibility restrictions.
- The SCBBO strongly encourages the low-cost broadband service option made available to all eligible prospective customers across the subgrantee's service territory; however, this service option must at minimum, be available to locations within the awarded project areas under the BEAD program.

Basis for Determining Low-Cost Plan

The SCBBO has required Internet Service Providers across the state offer a low-cost plan as they applied for any of the SCBBO's three current state-managed grant programs pertaining to ARPA. The low-cost plans for the programs also required download speeds of at least 100 Mbps and upload speeds of at least 20 Mbps with no data caps or income requirement threshold. All consumers were eligible for the low-cost plan in corresponding funded areas regardless of consumer eligibility to participate in the Affordable Connectivity benefit. SCBBO calculated the average low-cost offering of each provider to result in the \$50 per month 100/20 service low-cost service option for BEAD.

2.12.2 **Check Box:** *Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.*

Yes, the South Carolina Broadband Office will require all subgrantees to participate in the Affordable Connectivity Program or any successor program.

2.13 Middle-Class Affordability Plans

2.13.1 **Text Box:** *Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a*

reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.

The SCBBO has required ISPs under previous grant programs (ARPA SLFRF and ARPA CPF), to provide a low-cost plan available to all consumers in the funded area independent of income threshold and/or other requirements of the ACP program. Given a low-cost plan of \$50 for 100/20 Mbps service has been proposed with no additional eligibility requirements to the consumer, access to affordable broadband for middle-class families in BEAD funded areas will be ever-present.

Since 2016, the Federal Communications Commission (FCC) has measured broadband affordability for middle-class families against a benchmark where broadband expenditure does not exceed two percent of a consumer's disposable household income. The FCC adopted a benchmark based on the commission's research from 2014 indicating "that for the poorest 20 percent of U.S. households, a fixed broadband connection constitutes 2.47 percent of monthly disposable income"³. Pew Charitable Trust analyzed a median middle-class broadband affordability range based on FCC's 2 percent benchmark and the middle-class household income range across the country to provide insight toward middle-class affordability plans of at least 100 Mbps download and 20 Mbps upload. Based on Pew's research, South Carolina's affordable pricing for high-speed internet should range between around \$53 to \$118/month and be on average around \$80/month.⁴ The SCBBO encourages Internet Service Providers to conduct similar research across their existing and expanding networks to ensure their service offerings aid in providing reliable and affordable high-speed broadband to all of South Carolina above and beyond the required low-cost plan.

As an additional measure, the SCBBO will ensure that high-quality broadband services are available to all middle-class families in the BEAD-funded network's service area at reasonable prices through the following program elements:

BEAD Proposal Scoring Criteria –

The scoring criteria established in this proposal is the SCBBO's primary means of ensuring affordability as it comprises 25% of the scoring to evaluate proposals to serve a location under the BEAD program. As stated in section 2.4.2, the lowest total cost service package of gigabit symmetrical service will receive full credit. More expensive service packages will receive a percentage of points relative to the lowest service

³ Federal Communication Commission, *Third Report and Order, Further Report and Order, and Order on Reconsideration* (Washington, DC, 2016), 151, <https://docs.fcc.gov/public/attachments/FCC-16-38A1.pdf>

⁴ Katheryn de Wit and Colby Humphrey, "Is Broadband Affordable for Middle-Class Families?", *Pew Charitable Trusts*, Last modified September 28, 2023, <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/08/30/is-broadband-affordable-for-middle-class-families>

package cost per month for the same county, inclusive of all taxes, fees, and charges billed to the consumer.

Promotion of Consumer Pricing Transparency –

The SCBBO will also require Internet Service Providers to promote openly on their website the service plans available in the project area, if not already doing so. The SCBBO may also publish pricing on their website for transparency and awareness to consumers in the State. Publicly facing service plans will provide consumers an objective criterion to use in determining whether the rate offerings of broadband service providers are reasonable and to encourage providers to remain competitive with their peers to adopt affordable pricing for high-quality broadband service to all consumers in their service territories.

2.14 Use of 20 Percent of Funding (Requirement 17)

2.14.1 Text Box: Describe the Eligible Entity's planned use of any funds being requested, which must address the following:

- a. If the Eligible Entity does not wish to request funds during the Initial Proposal round, it must indicate no funding requested and provide the rationale for not requesting funds.
- b. If the Eligible Entity is requesting less than or equal to 20 percent of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, and how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations.
- c. If the Eligible Entity is requesting more than 20 percent (up to 100 percent) of funding allocation during the Initial Proposal round, it must detail the amount of funding requested for use upon approval of the Initial Proposal, the intended use of funds, how the proposed use of funds achieves the statutory objective of serving all unserved / underserved locations, and provide rationale for requesting funds greater than 20 percent of the funding allocation.

The SCBBO requests 100% of the funding allocation during the initial proposal round totaling \$551,535,983.05 with a goal of conquering the digital divide by 2028. Funding will be used for deployment activities, administrative costs, programmatic expenses and certain implementation activities that will be led by the State as an eligible entity. Other non-deployment activities will follow after a BEAD-related grant program is launched, subgrantee selection has been observed and adequate funds are verified available for utilization to address all unserved, underserved, and CAIs throughout the State.

2.14.2 **Financial Data Entry:** Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter '\$0.00.'

The SCBBO shall request \$551,535,983.05.

2.14.3 **Check Box:** Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Proposal Funding Request, note "Not applicable".

Yes, the SCBBO will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

2.15 Eligible Entity Regulatory Approach (Requirement 18)

2.15.1 Text Box:

- a. *Disclose whether the Eligible Entity will waive all laws of the Eligible Entity concerning broadband, utility services, or similar subjects, whether they predate or postdate enactment of the Infrastructure Act that either (a) preclude certain public sector providers from participation in the subgrant competition or (b) impose specific requirements on public sector entities, such as limitations on the sources of financing, the required imputation of costs not actually incurred by the public sector entity, or restrictions on the service a public sector entity can offer.*
- b. *If the Eligible Entity will not waive all such laws for BEAD Program project selection purposes, identify those that it will not waive (using the Excel attachment) and their date of enactment and describe how they will be applied in connection with the competition for subgrants. If there are no applicable laws, note such.*

Under the BEAD program, municipal entities in the State are eligible to apply for BEAD grants supporting broadband deployment and service. SC State law (S.C. Code Ann. § 58-9-2600 et seq. available at: <https://www.scstatehouse.gov/code/t58c009.php>), ensures that government resources are not used in an unfair, anticompetitive manner and contains various procedural requirements and additional tax considerations.

Subject to specific exemptions, local government-owned communications service providers or municipal broadband networks have to first show that there is no ISP or internet service available in an area prior to offering retail broadband services (service directly to residents). No government entity has chosen to make a filing at the Public Service Commission of South Carolina to declare an area is unserved and that the government entity seeks to provide retail internet service in that unserved area.

While the SCBBO included reference to this state law in their legislatively mandated annual report to the South Carolina General Assembly which includes

recommendations for which legislative, regulatory, or other governmental actions may be appropriate to promote broadband access throughout the State, there are no current actions to waive this statutory provision. As a result, compliance for this provision will take place in the form of gating criteria as part of the BEAD application process. Details will be included in grant guidelines and the grant application requiring public sector entities to disclose proof of their engagement and associated filing with the South Carolina Public Service Commission.

2.15.1.1 Optional Attachment: *As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.*

Yes, the SCBBO will upload the required optional attachment pertaining to S.C. Code Ann. § 58-9-2600 et seq.

2.16 Certification of Compliance with BEAD Requirements (Requirement 19)

2.16.1 Check Box: *Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements.*

Yes, the South Carolina Broadband Office will comply with all applicable requirements of the BEAD Program, including the reporting requirements.

2.16.2 Text Box: *Describe subgrantee **accountability procedures**, including how the Eligible Entity will, at a minimum, employ the following practices outlined on page 51 of the BEAD NOFO:*

- a. Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the Eligible Entity to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize);*
- b. The inclusion of clawback provisions (i.e., provisions allowing recoupment of funds previously disbursed) in agreements between the Eligible Entity and any subgrantee;*
- c. Timely subgrantee reporting mandates; and*
- d. Robust subgrantee monitoring practices.*

The SCBBO will deploy Broadband infrastructure projects on a reimbursable basis which will allow the State to withhold funds if the subgrantee fails to take the actions the funds are meant to subsidize. Clawback provisions will be included in all grant agreements between the State and any subgrantee. This will be clearly outlined leveraging comparable provisions included in the State's ARPA grant programs, which include:

Compliance by Subgrantee with Laws & Regulations. In connection with this Grant, Subgrantee, in addition to their contractors and subcontractors agree to comply with all statutes, laws, regulations, and orders of federal, State, county, or municipal authorities that impose any obligations or duty upon Subgrantee, including, but not limited to, all applicable labor laws, workers compensation requirements, and requirements to acquire any and all necessary permits. If it is later determined that Grantee did not comply with all statutes, laws, regulations, and/or orders of federal, State, county, or municipal authorities, the SCBBO retains the right to pursue any legal remedy, including, but not limited to, the recoupment or clawback of the Grant, whether pursuant to 31 C.F.R. § 35.10 or otherwise, and to the extent applicable, any costs and attorneys' fees expended or incurred by ORS in pursuing such legal remedies.

Timely subgrantee reporting mandates will also be a requirement for the BEAD grant program paired with a robust subgrantee monitoring regime. The SCBBO will repurpose template reporting documentation for subgrantees which have been used to support the State's ARPA grant programs, enhanced to the extent necessary to accommodate any additional BEAD reporting and monitoring requirements.

Part of the administration and milestone-based disbursement of funds to applicants includes verifying the scope requirements outlined in contractual agreements between ORS and an ISP have been met in accordance with provisions detailed in each agreement prior to any milestone payment. Simply stated, ORS, their contractors, and/or agents will verify the ISP is honoring their contractual obligation to install Broadband Infrastructure in predetermined, mutually agreed upon areas in accordance with all applicable law, order, policy, and/or regulation.

As part of these requirements, from a programmatic perspective, ISPs must submit geotagged photographs of the infrastructure they install, in addition, geotagged speed tests are required to verify the network is capable of reaching speeds outlined in each grant award. This data will be required as part of the reporting process throughout the duration of the project to track progress toward construction completion. Subgrantees will also be required to report on financial, labor and expense-related elements associated with the project build, they must document percentage completion of the overall project. In addition, provide narratives on work performed during the current reporting period, issues encountered, and planned future work throughout the next reporting period.

The SCBBO will also include a provision in all grant agreements whereby failure to submit any report or submission of an incomplete report required by the office will trigger an event of default by the subgrantee. This will be clearly outlined leveraging comparable provisions included in the State's ARPA grant programs, which include:

Event of Default. Any of the following acts or omissions of subgrantee shall constitute an event of default hereunder (hereinafter referred to as “Events of Default”):

- 1) Breach by subgrantee of any term, condition, covenant, agreement, or certification contained in this Agreement;
- 2) The use of Grant funds for any purpose other than as provided in this Agreement or to reimburse any expenses other than those related to the Project;
- 3) The failure to complete the Project by the Project Completion Date or as set forth in the Agreement, or otherwise unsatisfactory performance or completion of the Project, as determined by ORS in its sole discretion;
- 4) Subgrantee’s bankruptcy, insolvency, or the dissolution or liquidation of subgrantee’s business organization or assets;
- 5) Failure to submit any report or submission of an incomplete report required hereunder;
- 6) Failure to submit expenses by due dates and in the format as determined and requested by ORS;
- 7) Failure to maintain, or permit access to, the records required hereunder;
- 8) Failure to perform any of the other covenants and conditions of this Agreement;
- 9) A change in subgrantee’s staffing capacity that adversely affects subgrantee’s ability to complete the Project by the Project Completion Date, in the sole discretion of ORS.
- 10) Except as provided in a Force Majeure event, where ORS determines that meaningful progress is not occurring, ORS shall provide notice and if subgrantee does not cure or remedy the matter, ORS may terminate this agreement.

ORS shall give subgrantee written notice of an Event of Default, and subgrantee shall have thirty (30) calendar days from the date of such notice to cure the default. Upon the occurrence of an Event of Default that continues beyond the thirty (30) day cure period, ORS shall have the right to terminate this Agreement immediately by written notice to subgrantee.

Notwithstanding the above or anything in the grant agreement to the contrary, upon the occurrence of an Event of Default under this Agreement involving subgrantee’s bankruptcy, insolvency, or the dissolution or liquidation of subgrantee’s business organization or assets, ORS shall be entitled and have the right to immediately terminate this Agreement, without notice or a cure period. Two successive Events of Default by the subgrantee may result in termination of this Agreement immediately by written notice to the subgrantee.

2.16.3 **Check Box:** *Certify that the Eligible Entity will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.*

Yes, the SCBBO will account for and satisfy authorities relating to civil rights and nondiscrimination in the selection of subgrantees.

2.16.4 **Check Box:** *Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:*

Cybersecurity

- 1) *The prospective subgrantee has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;*
- 2) *The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;*
- 3) *The plan will be reevaluated and updated on a periodic basis and as events warrant; and*
- 4) *The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days.*

Supply Chain Risk Management (SCRM)

- 1) *The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;*
- 2) *The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;*
- 3) *The plan will be reevaluated and updated on a periodic basis and as events warrant; and*
- 4) *The plan will be submitted to the Eligible Entity prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted to the Eligible Entity within 30 days. The Eligible Entity must provide a subgrantee's plan to NTIA upon NTIA's request.*

Yes, the South Carolina Broadband Office certifies that it will take all necessary affirmative steps to ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements on pages 70 - 71 of the BEAD NOFO to require prospective subgrantees to attest that:

Cybersecurity

- 5) The applicant has a cybersecurity risk management plan (the plan) in place that is either: (a) operational, if the prospective subgrantee is providing service prior to the award of the grant; or (b) ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award;
- 6) The plan reflects the latest version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented;
- 7) The plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 8) The plan will be submitted to the SCBBO prior to the allocation of funds. If the prospective subgrantee makes any substantive changes to the plan, a new version will be submitted to the SCBBO within 30 days.

Supply Chain Risk Management (SCRM)

- 5) The prospective subgrantee has a SCRM plan in place that is either: (a) operational, if the prospective subgrantee is already providing service at the time of the grant; or (b) ready to be operationalized, if the prospective subgrantee is not yet providing service at the time of grant award;
- 6) The plan is based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented;
- 7) The plan will be reevaluated and updated on a periodic basis and as events warrant; and

The plan will be submitted to the SCBBO prior to the allocation of funds. If the prospective subgrantee makes any substantive changes to the plan, a new version will be submitted to the SCBBO within 30 days. The SCBBO must provide an prospective subgrantee's plan to NTIA upon NTIA's request.