

<b>Federal Award ID Number</b>	45-20-B156
<b>Grant Request Number</b>	GRN-000156
<b>Funding Program Name</b>	Broadband Equity Access and Deployment (BEAD) Program
<b>Funding Request Name</b>	South Carolina-BEAD-Initial Proposal-Volume 2
<b>Applying Organization</b>	EXECUTIVE OFFICE OF THE STATE OF SOUTH CAROLINA
<b>Applicant Name</b>	James Stritzinger

### 02.01.01 Objectives

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 and Objectives

**Expand Access** - Efficiently coordinate the rapid deployment of broadband infrastructure. Identify extremely high-cost remote, rural locations and leverage alternative technologies. Address accessibility and connectivity challenges at multi-dwelling units (MDUs). Expand public Wi-Fi networks. South Carolinians have access to reliable, resilient high-speed broadband infrastructure at 25/3 Mbps by 2026 and 100/20 Mbps by 2028.

**Model, Map and Plan** - 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. Provide actionable intelligence and outreach to county administrators. Leverage the Broadband Advisory Council to engage stakeholders and continuously look to identify barriers to adoption and use.

**Measure Affordability** - Encourage the provision of affordable broadband services for a variety of consumer needs. Establish a framework for affordability.  
**Support Affordable Connectivity Program (ACP)** awareness campaigns to help increase enrollment and broadband adoption.

**Expand Digital Opportunities** - Enhance digital equity for all federal and state -designated Covered Populations. 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. 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.

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### **02.02.01 Local, Tribal and Regional Broadband Planning Processes**

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 South Carolina Broadband Office (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). The BBAC is a legislatively mandated consortia which includes a cross-section of industry leaders to help guide broadband planning throughout the State; it 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 Office of Regulatory Staff (ORS) website, available at: <https://ors.sc.gov/broadband/office/plan>

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.

The 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 set up a grant notification distribution list that 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](mailto:broadband@ors.sc.gov), which is monitored Monday through Friday during normal business hours by 7 full-time 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, 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

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### **02.03.01 Local Coordination Tracker and Description**

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 fulfill the coordination associated with its Final Proposal.

Utilizing the techniques and strategies outlined in Section 02.02.01 (Local, Tribal, and Regional Planning Processes) allowed the SCBBO to provide a reasonable level of transparency related to coordination and outreach efforts. Most notably by reporting out on progress during South Carolina's Broadband Advisory Council (BBAC), meetings. Leading up to and after BBAC meetings, agendas, presentations, and minutes are drafted, meetings are recorded, and all content is published on ORS' website located here: <https://ors.sc.gov/broadband/office/advisory-council>

Feedback was also obtained during outreach campaigns with the public and ISP's alike as part of the GetConnectedSC initiative. Findings were published as part of the SCBBO's 5-year action plan which served as a basis for the creation of the State's initial proposal volumes I and II. Linkage to the State's 5-year action plan can be found here:

[https://ors.sc.gov/sites/scors/files/Documents/Broadband/BEAD/SC%20BEAD%20Five-Year%20Action%20Plan%20\(FINAL%202023-08-25\).pdf](https://ors.sc.gov/sites/scors/files/Documents/Broadband/BEAD/SC%20BEAD%20Five-Year%20Action%20Plan%20(FINAL%202023-08-25).pdf)

Numerous comments were also folded into the SCBBO BEAD Initial Proposal Volume 2 as part of the comment period, see section 02.17.01 for details. Direct follow up also occurred by the SCBBO to various commenters at the close of the comment period. In an effort to maintain transparency pertaining to outcomes resulting from the comment period, the SCBBO will also publish the Initial Proposal Volume 2 final version once approved by NTIA on ORS' website which will be made available here: <https://ors.sc.gov/broadband/office/investments/state/beat>.

The SCBBO has fostered creation of a network of diverse stakeholders including public, private, higher education, and nonprofit organizations all focused on ensuring Internet for all. Additional details and context are provided below.

#### **Partnerships and a Description of Current or Planned Role in Broadband Deployment and Adoption 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). The SCBBO partners with DSS to gain data regarding social-service program recipients eligible for the FCC's ACPSC 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 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.

SC Office of Resilience - The SCBBO plans to partner and coordinate with the Office of Resilience, which oversees federal funds provided for damage due to natural disasters. The SCBBO 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.

SC Emergency Management Division (EMD) - The SCBBO plans to partner with the Emergency Management Division, which manages recovery and response efforts, to support resilient broadband expansion and planning.

SC Department of Education (SCDOE)\* - The SCDOE supports initiatives expanding broadband access and adoption for students in the State. The SCDOE collaborates with the SCBBO by sharing data on schools and households with K-12 students, thereby ensuring broadband-expansion efforts and programs reach students who rely on access to broadband. The SCBBO 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 .

SC Department of Commerce (SCDOC)\* - 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 the SCBBO in deploying grants under the RBGP.

SC Rural Infrastructure Authority (RIA) - The RIA assists communities with financing for qualified infrastructure projects for water and wastewater systems as well as stormwater drainage facilities. The 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. The 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.

Commission for Minority Affairs (CMA) - The 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. The CMA serves as the single point-of contact for tribal broadband issues. The CMA supported survey development, distribution, and collection, as well as asset-mapping activities.

SC Department on Aging (SCDOA) - The 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.

Santee Cooper\* - 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.

SC State Library System\* - 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.

During the height of the pandemic, many libraries in South Carolina expanded broadband access by extending Wi-Fi. Library parking lots were often full of families, students, and workers logging on to use the free internet available. Examples include the 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. Many libraries provide hotspots following the same process one would take to check out a book which can be used at home 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 the Columbia Housing Authority areas.

South Carolina Department of Agriculture (SCDA) - The SCDA will support the SCBBO's ability to understand broadband needs related to the SC agriculture ecosystem and farming communities. 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.

The SCDA and the SCBBO will work to support economic development related to precision agriculture and practices supported by access to broadband.

SC Housing Authority (SCHA) - The SCBBO plans to partner with the SCHA on targeting and expanding broadband coverage in MDUs throughout the State.

SC Department of Veteran Affairs (SCVA) - The SCVA works with the SCBBO to improve broadband access and skills for veterans. The SCVA supported survey distribution and collection.

SC Department of Employment and Workforce (DEW), Office of Statewide Workforce Development (OSWD) - The 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 it offers a variety of services to assist both groups.

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 train workers to meet current and future workforce needs. The RWA's 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. 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, the SCBBO will work to implement workforce development programs and initiatives strengthening the positive economic impact of BEAD funding and broadband expansion across the State.

SC Department of Public Safety (SCDPS) - The SCDPS includes Highway Patrol, State Transport Police, Bureau of Protective Services, and Office of Highway Safety and Justice Programs. The SCBBO plans to work with the SCDPS to expand broadband to connect emergency services providers and to help target broadband along emergency corridors and facilities.

SC Technical College System - 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 - 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. The SCBBO works with ReadySC in advancing broadband-related workforce development efforts. 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.

#### Nonprofits, Associations and Other Organizations

SC Association of Counties (SCAC)\* - The SCAC is the only Statewide organization representing county government in South Carolina and works to empower county officials through advocacy, education, and collaboration. The SCAC supported the SCBBO with survey distribution and collection. TogetherSC\* TogetherSC serves the thousands of South Carolinians dedicated to community service, leadership, and caring through nonprofit and philanthropic organizations. It comprises 700+ member organizations.

TogetherSC - 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.

Councils of Governments (COGs) - 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. COGs are partnerships of – and provide resources to – local counties, cities, and towns in their regions. In addition to local and regional partnerships, COGs partner with numerous federal and State agencies by obtaining and administering grants for a variety of community-based programs and economic-development initiatives. The 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.

Municipal Association of SC (MASC)\* - The 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 not only to lay but also to light the fiber to expand broadband service.

Palmetto Care Connections (PCC)\* - The 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. The 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.

SC Institutes of Innovation and Information (SCIII) - The SCIII is a nonprofit that provides resources and support for the Institutes of Innovation and Information established at South Carolina's eight HBCUs. The SCIII supported the SCBBO with survey distribution and collection.

SC Cable Television Association (SCCTA)\* - The SCCTA was formed in 1997 to support educational opportunities in communications and communication technology. The 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. 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 the SCBBO broadband data and programming activities.

SC Association for Community Economic Development (SCACED)\* - The SCACED is a coalition of individuals and organizations that support the development of healthy and economically sustainable communities throughout South Carolina. 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. The SCACED will support broadband expansion efforts by providing advocacy and specific assistance with digital equity and inclusion activities.

SC Council on Competitiveness\* 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. The Council's priorities are to 1) provide actionable research 2) support industry clusters and 3) provide education and workforce development. 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 the SCBBO's economic and workforce development strategy and planning.

Electric Cooperatives of SC (ECSC)\* - The 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.

The 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. 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.

Examples: 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.

South Carolina Telecommunications and Broadband Association (SCTBA)\* - The 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. Each month the SCTBA hosts conferences and educational seminars to help prepare small businesses for success in telecommunications.

Palmetto Agribusiness Council      The Palmetto Agribusiness Council supports broadband deployment, adoption, and use related to agribusiness economic development, workforce development, and precision farming. The Council is an influential voice for agribusiness in South Carolina by 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's economic and workforce development planning.

SC Educational TV (SCETV)\* - The SCETV is the State's public educational broadcasting network. It provides national and local content to classrooms via internet services. The 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.

Dominion Energy South Carolina\* - Dominion is a power utility servicing South Carolina. It is working to help close the digital divide through delivering reliable power.

ISPs in SC - 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 the



SCBBO and others to provide reliable high-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 - The 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).

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#### **02.03.01.01 Local Coordination Tracker Tool**

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.

Local\_Coordination\_Documentation\_Tracker\_2023-01-26-2024 01-49-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.xlsx

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#### **02.03.02 Tribal Consultation**

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 consultation occurred on December 7, 2023, with the Catawba Nation in Rockhill, South Carolina. Representatives from the NTIA, SCBBO, South Carolina Commission for Minority Affairs, and South Carolina Digital Opportunity Department (DOD), were in attendance. During the consultation, it was confirmed by leadership within the Catawba Nation all members of the tribe have access to reliable Broadband. Future opportunities for engagement may occur through the DOD to bolster adoption and use activities with a goal of complementing work already being performed through funding from the NTIA under the Tribal Broadband Connectivity (TBC) program.

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#### **02.03.02.01 Tribal Consultation Evidence**

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.

Catawba Nation Broadband Consultation Agenda-12-14-2023 02-18-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

Catawba Nation Broadband Consultation Meeting-12-14-2023 02-18-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

Catawba Nation Broadband Consultation Meeting-12-14-2023 02-18-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

USC Better Internet Analysis Survey Shared Wi-12-14-2023 02-18-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

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## **2.4 Deployment Projects Subgrantee Selection Process**

### **02.04.01 Subgrantee Selection Process Integrity**

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.

The intricacies associated with administering BEAD funds in compliance with Federal requirements shall be well documented through a program administration guide which will be developed and finalized upon the approval of the SCBBO's initial proposal. Listed below (in no specific order), are a cross-section of the steps the SCBBO will take to ensure the process of awarding subgrants to last-mile broadband deployment projects are fair and free of collusion, bias, conflicts of interest, and arbitrary decisions and these safeguards will be included as part of the SCBBO's program administration guide for BEAD (referenced above).

Supplemental context is also provided in the sections that follow:

- ORS follows the State's conflict of interest or "Ethics" policy which is consistent with 2 C.F.R. § 200.318(c). The State's conflict of interest policy is referenced as SC Code 8-13-100 et seq (1), available at: <https://www.scstatehouse.gov/code/t08c013.php>
- Eligibility criteria shall be clearly defined in grant guidelines which will be published and accessible to all in the public domain on ORS' website.
- Participation in mandatory ethics training which all ORS employees are required to attend shall continue to occur on an annual basis.
- After grant awards are made, the SCBBO will disclose the names of the recipients, the amounts, and areas awarded to promote transparency and accountability.
- The SCBBO will implement post-award monitoring to ensure that funds are used for their intended purposes, in agreed upon project areas, and that recipients are complying with grant requirements.
- The SCBBO has developed clear and objective evaluation criteria for assessing grant applications that are applied consistently to all applicants. More specifically, criteria outlined in the SCBBO scoring rubric are quantitative in nature which eliminates the potential for bias, arbitrary decision making in the selection and scoring process of grant applications.
- All applications received will be posted on the ORS website during the public review and comment period.
- When the application period for a grant program is opened, the SCBBO institutes a "quiet period" and any questions must be submitted through an online form available on the ORS BEAD website. Responses to the question will be posted in an online FAQ within the same webpage. Emails or phone calls from prospective subgrantees with questions pertaining to the BEAD grant program will not be

accepted, rather, the SCBBO will direct the entity to submit their question through the online form so that all applicants obtain the same information at the same time.

- Any/all necessary follow-up with prospective subgrantees whether telephonic, virtual, or in-person will only occur with a minimum of two ORS employees present. Email correspondence will be sent and or cc'd through [Broadband@ors.sc.gov](mailto:Broadband@ors.sc.gov) which is monitored by all members of the SCBBO as well as the ORS Office of Finance.
- The SCBBO will ensure that all selection and award decisions are thoroughly documented in a tracking document with a separate ledger.
- Controls are established such that no single SCBBO employee may review and approve a grant for award. Final decisions on award to prospective subgrantees are reviewed by multiple staff and departments within ORS.
- Grant agreements will be sent through an online review chain before final electronic signature which tracks the lineage of all reviewers and approvers in a separate log file.

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 an online form posted on the ORS website. The SCBBO will align with all document record and retention policies as provided and required through the IJJA 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 ISPs 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 relevant information pertaining to the prospective subgrantee. Supports creation of draft responses from questions provided by ISPs 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 the 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 – May be 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 or scoring criteria pertaining to the BEAD program.

Due to time constraints associated with the deployment of all BEAD funds 1, the SCBBO will plan to 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. The SCBBO reserves the right to run multiple competitive grant rounds, if necessary, to ensure that all BSLs are covered. 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 the 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.

An initial prequalification phase will be launched by the SCBBO to capture relevant gating criteria from prospective subgrantees. Prospective subgrantees will be notified through the grant notification distribution list and documentation will be published on ORS’ website on the BEAD webpage located here: <https://ors.sc.gov/broadband/office/investments/state/bead>. Applicants must provide those criteria that are relevant to all projects for which they may apply, this may include but not be limited to information pertaining to:

- Financial capability
- Managerial capability
- Technical capability
- Compliance with applicable laws
- Operational capability
- Ownership
- Other sources of public funding
- Record of past compliance with federal labor and employment laws
- Ensuring that the project workforce (including contractors and subcontractors) will be an appropriately skilled and credentialed workforce
- Ensuring that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible
- Ensuring prospective subgrantee compliance with cybersecurity and supply chain risk management requirements

The SCBBO will accept application attachment packages (on a per project basis), from ISPs that have been successfully gated during the prequalification phase 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 any additional gating criteria not captured during the prequalification phase along with 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 ZCTA geography for project areas as further mentioned in section 2.4.6. A prospective subgrantee must submit separate application attachment packages for each ZCTA-based project. The SCBBO will not accept any application attachment package whose geography spans multiple ZCTAs; 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), 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.

In addition, the SCBBO will create a map at the ZCTA level summarizing key elements from the application attachment package (i.e., ISP name, Financial Request, BSL count, etc.) for all applicants for that ZCTA geography. Online linkage to the published grant application attachment packages submitted to the SCBBO will also be included through the map interface. 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, the SCBBO shall:

- Screen project locations leveraging a cross section of spatial-data sourced from the FCC, NTIA, and EPA's watershed resource registry (WRR) for South Carolina, available at <https://watershedresourcesregistry.org/>.
- 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, the SCBBO will score applications based on the criteria outlined in section 2.4.2 if there are multiple applications for the same geographic project area.

The SCBBO's primary focus is to fund as many end-to-end fiber projects as possible, which is a goal of the BEAD program. For this reason, the SCBBO wants to ensure alternative last mile projects don't become an automatic default winner without additional due diligence toward funding a FTTP build that does not exceed the EHCPLT. This will allow the SCBBO to reach the best possible comprehensive and statewide outcome on behalf of all South Carolinians that are underserved and unserved.

As a result, if there are ZCTA's where no prospective subgrantee submitted a grant application to support a priority broadband project and last mile broadband projects, the SCBBO will coordinate with prospective subgrantees and may run a second grant round before reaching out and conducting additional negotiations.

The SCBBO will not be offering inducements. However, the SCBBO understands a change in match request rate that's less than a 25% contribution by a prospective subgrantee may occur with the concurrence and approval of the NTIA via project-specific waiver. The SCBBO will choose the provider that comes in at the lowest price but does not exceed the EHCPLT to serve any given ZCTA. This approach may occur to incentivize priority broadband projects to the greatest extent practicable through direct negotiations only.

Only in the event no provider is willing to offer a FTTP solution, shall the SCBBO choose prospective subgrantees under the last mile grant round, which will be based on their scoring.

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. Director, SC Broadband Office
2. Senior Management of ORS
3. ORS Legal Counsel
4. Executive Director of ORS

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## **2.4 Deployment Projects Scoring Criteria**

### **02.04.02 Scoring Rubric and Prioritization**

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 criterion 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 the overall ZCTA (Project Area).

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

#### Minimal BEAD Program Outlay – 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.

#### Scoring

##### Financial Match– up to 25 points

Scoring: Lowest match of funding requested by applicant receives full points.

Example with 2+ applicants: Lowest financial match requested receives full points. All other applicants’ scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored Financial Match Request}) / (\text{ISP with lowest Financial Match Request}))$

$25 / ((\text{ISP B: } \$2,062,500) / (\text{ISP A: } \$1,900,000)) = 23.03$  points awarded to ISP B  
25 points awarded to ISP with lowest Financial Match Request (ISP A)

##### Average Cost Per Structure – up to 20 points

Scoring: Lowest average cost per structure, which will be calculated based on the total project cost divided by the total number of BSLs in the application, receives full points. More expensive average cost per structure amounts will receive a percentage of points relative to the lowest cost for the same ZCTA.

Example with 2+ applicants: Lowest Average Cost Per Structure receives full points. All other applicants’ scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored Average Cost Per Structure}) / (\text{ISP with lowest Average Cost Per Structure}))$

$20 / ((\text{ISP B: } \$11,000) / (\text{ISP A: } \$8,400)) = 15.27$  points awarded to ISP B  
20 points awarded to ISP with lowest Average Cost Per Structure (ISP A)

##### 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. More

expensive service packages will receive a percentage of points relative to the lowest service package cost per month for the same ZCTA, inclusive of all taxes, fees, and charges billed to the customer.

Example with 2+ applicants: Lowest 1Gbps/1Gbps (down/up) service price will receive full points. All other applicants' scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored 1Gbps/1Gbps Plan}) / (\text{ISP with lowest 1Gbps/1Gbps Plan}))$

$25 / ((\text{ISP B } \$120) / (\text{ISP A } \$100)) = 20.83$  points awarded to ISP B 25 points awarded to ISP with lowest 1Gbps/1Gbps Plan (ISP A)

Fair Labor Practices – up to 20 points

Description: Record of compliance with Federal labor and employment law and a plan for ensuring compliance with Federal labor and employment law.

Scoring: Submit a plan for ensuring compliance with Federal labor and employment law. Any applicant that certifies a record of past compliance with Federal labor and employment law with respect to broadband deployment projects, as supported by submitted information as specified in section 2.7.1 below.

Applicants that cannot certify compliance with Federal labor and employment law with respect to broadband deployment projects within the last three years, including new entrants that have not completed a broadband deployment project in that time frame, shall be eligible for points for producing forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Applicant to provide a plan for ensuring compliance with federal labor and employment laws or forward-looking commitments for those who cannot certify compliance as specified in section 2.7.1 below shall receive 10 points.

Applicants may also achieve additional points (2 points per up to 10 points maximum), to the total category maximum of 20 points, based on including in their workforce plans additional elements as specified below:

1. Using a directly employed workforce, or subcontractors with a workforce that is based in South Carolina. (As listed in section 2.7.2 in the NOFO)
2. Use of local hire provisions, or evidence of targeted training and hiring of South Carolina residents in proximity of the project. (Follows closely with item D, in section 2.7.2 of the NOFO)
3. Use of programs to establish an appropriately credentialed workforce and opportunities for employees to obtain additional occupational training, certification, and licensure. (As listed in section 2.7.2 in the NOFO)
4. Taking measures to prevent misclassifications of workers. (As listed in section 2.7.2 in the NOFO)
5. Leveraging apprenticeships (Addresses use of an appropriately skilled workforce to support broadband deployment)
6. Participation in federal workforce training. (To ensure prospective sub-grantees will comply with Federal labor and employment laws)

Applicants are encouraged to submit a single statewide workforce plan that applies to all applications.



## Speed to Deployment – up to 10 points

Description: For Priority Broadband projects, 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. A 1% reduction on the match rate requested from the SCBBO will be applied on a per month basis to the ISP if the project is not completed by the project completion date listed in the application.

Scoring: The applicant's score will be based on the total number of months from project start to completion. Total number of months will be calculated from a start date listed in the SCBBO guidelines and a project completion date determined by the applicant based on the date the last BSL is provided access in the project. Applicants who commit to completing a project in 48 months will receive zero points.

Example with 2+ applicants: Least number of months toward complete deployment will receive full points. All other applicants' scores will be determined based on the formula:

(Max Points) / ((ISP to be scored number of months) / (ISP with least number of months for project completion))

$10 / ((\text{ISP B: 47 months}) / (\text{ISP A: 35 months})) = 7.45$  points awarded to ISP B

10 points awarded to ISP with least number of months to project completion awarded to the ISP with the least number of months for project completion (ISP A)

Scoring for Non-Priority Broadband Projects include the following.

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

Description: The total BEAD funding 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.

Scoring

## Financial Match– up to 25 points

Scoring: Lowest match of funding requested by applicant receives full points.

Example with 2+ applicants: Lowest financial match requested receives full points. All other applicants' scores will be determined based on the formula:

(Max Points) / ((ISP to be scored Financial Match Request) / (ISP with lowest Financial Match Request))

$25 / ((\text{ISP B: } \$2,062,500) / (\text{ISP A: } \$1,900,000)) = 23.03$  points awarded to ISP B  
25 points awarded to ISP with lowest Financial Match Request (ISP A) Average Cost Per Structure – up to 20 points

Scoring: Lowest average cost per structure, which will be calculated based on the total project cost divided by the total number of BSLs in the application, receives full points. More expensive average cost per structure amounts will receive a percentage of points relative to the lowest cost for the same ZCTA.

Example with 2+ applicants: Lowest Average Cost Per Structure receives full points. All other applicants' scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored Average Cost Per Structure}) / (\text{ISP with lowest Average Cost Per Structure}))$

$20 / ((\text{ISP B: } \$11,000) / (\text{ISP A: } \$8,400)) = 15.27$  points awarded to ISP B  
20 points awarded to ISP with lowest Average Cost Per Structure (ISP A)

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 100Mbps/20Mbps service will receive full points. More expensive service packages will receive a percentage of points relative to the lowest service package cost per month for the same ZCTA, inclusive of all taxes, fees, and charges billed to the consumer.

Example with 2+ applicants: Lowest 100Mbps/20Mbps (down/up) service price will receive full points. All other applicants' scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored 100Mbps/20Mbps Plan}) / (\text{ISP with lowest 100Mbps/20Mbps Plan}))$   
 $25 / ((\text{ISP B } \$50) / (\text{ISP A } \$45)) = 22.5$  points awarded to ISP B  
25 points awarded to ISP with lowest 100Mbps/20Mbps Plan (ISP A)

Fair Labor Practices – up to 20 points

Description: Record of compliance with Federal labor and employment law and a plan for ensuring compliance with Federal labor and employment law.

Scoring: Submit a plan for ensuring compliance with Federal labor and employment law. Any applicant that certifies a record of past compliance with Federal labor and employment law with respect to broadband deployment projects, as supported by submitted information as specified in section 2.7.1 below. Applicants that cannot certify compliance with Federal labor and employment law with respect to broadband deployment projects within the last three years, including new entrants that have not completed a broadband deployment project in that time frame, shall be eligible for points for producing forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

Applicant to provide a plan for ensuring compliance with federal labor and employment laws or forward -looking commitments for those who cannot certify compliance as specified in section 2.7.1 below shall receive 10 points.

Applicants may also achieve additional points (2 points per up to 10 points maximum), to the total category maximum of 20 points, based on including in their workforce plans additional elements as specified below:

1. Using a directly employed workforce, or subcontractors with a workforce that is based in South Carolina. (As listed in section 2.7.2 in the NOFO)
2. Use of local hire provisions, or evidence of targeted training and hiring of South Carolina residents in proximity of the project. (Follows closely with item D, in section 2.7.2 of the NOFO)
3. Use of programs to establish an appropriately credentialed workforce and opportunities for employees to obtain additional occupational training, certification, and licensure. (As listed in section 2.7.2 in the NOFO)
4. Taking measures to prevent misclassifications of workers. (As listed in section 2.7.2 in the NOFO)
5. Leveraging apprenticeships (Addresses use of an appropriately skilled workforce to support broadband deployment)
6. Participation in federal workforce training. (To ensure prospective sub-grantees will comply with Federal labor and employment laws)

Applicants are encouraged to submit a single statewide workforce plan that applies to all applications.

#### Speed to Deployment – up to 5 points

Description: For Last-Mile Broadband Deployment Projects, 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. A 1% reduction on the match rate requested from the SCBBO will be applied on a per month basis to the ISP if the project is not completed by the project completion date listed in the application.

Scoring: The applicant's score will be based on the total number of months from project start to completion. Total number of months will be calculated from a start date listed in the SCBBO guidelines and a project completion date determined by the applicant based on the date the last BSL is provided access in the project. The applicant with the smallest number of months for project completion will receive full points. Applicants who commit to completing a project in 48 months will receive zero points.

Example with 2+ applicants: Least number of months toward complete deployment will receive full points. All other applicants' scores will be determined based on the formula:

$(\text{Max Points}) / ((\text{ISP to be scored number of months}) / (\text{ISP with least number of months for project completion}))$

$5 / ((\text{ISP B: 47 months}) / (\text{ISP A: 35 months})) = 3.72 \text{ points awarded to ISP B}$

5 points awarded to ISP with least number of months to project completion (ISP A)

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

Description: The SCBBO will weigh the speeds, latency, and technology 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 maximum reliable download and upload speeds that can be achieved and 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 and achieve the speeds proposed.

Scores will be determined by the table listed below in which the applicant’s maximum reliable download and upload speeds fall into:

- 1 Gbps/ 1 Gbps: 5 points
- 800 Mbps / 800 Mbps: 4 points
- 600 Mbps / 600 Mbps: 3 points
- 400 Mbps / 400 Mbps: 2 points
- 200 Mbps / 200 Mbps: 1 point
- < 100 Mbps / 100 Mbps: 0 points

Additionally, the point value awarded above will be adjusted based on the technology proposed, total field scores to not score less than 0:

- Cable: 0 points removed
- Fixed Wireless: 1 point removed
- Satellite: 1.5 points removed

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#### **02.04.02.01 Scoring Rubric and Prioritization**

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.

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#### **02.04.03 Prioritization of Projects**

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 is 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 lacking service to reliable broadband which, in turn, would lead to incomplete coverage to all residential BSLs across the State.

To ensure the remaining unserved, underserved, and CAI locations in South Carolina have successful bids, the 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, remains 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.

#### **02.04.04 Prioritization of CAIs**

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 the Apprenticeship Stipend (broadband-related workforce development) and Virtual Primary Care programs 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 ZCTA 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.

The SCBBO proposes that funds for the Apprenticeship Stipend and Virtual Primary Care programs would be contingent upon Initial Proposal approval and made available before the approval of the Final Proposal.

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#### **02.04.05 Subgrantee EHP and BABA Requirements**

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.

The SCBBO will place emphasis to ensure that American taxpayer dollars are spent procuring needed products and supplies from American workers and businesses, thereby strengthening and growing U.S. domestic manufacturing capacity. The 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 will be highlighted by the 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 that may include, but not be limited to, a letter from their manufacturer certifying their product(s) comply with BABA requirements.

The 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, 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 will 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 will 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) will 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.

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#### **02.04.06 Project Area Definition**

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.

The SCBBO will define project areas at the 2020 Census ZIP Code Tabulation Areas (ZCTA) level to ensure complete expansion of broadband across the State. Like previous grant programs designed by the SCBBO, applicants will be encouraged to accept all unserved and underserved BSLs within the project area (ZCTA). An extremely high cost per location threshold will be determined and implemented as prescribed in sections 02.04.09 and 02.04.10 respectively. Applicants also have the option and are encouraged to select all eligible Community Anchor Institutions that are within the ZCTA.

The approach seeks to galvanize ISPs around thinking holistically to solve broadband at a ZCTA scale, while at the same time leveling the playing field in such a way that promotes participation from all providers who meet the minimum gating criteria outlined in the BEAD NOFO.

The SCBBO is aware of the possibility that a location, or set of locations, may be more cost-effective to serve through access that crosses ZCTA lines than an internal ZCTA route; this instance would require extensive and thorough pre-design. In the case that an applicant includes location(s) outside of ZCTA boundaries for such reasoning and another applicant includes the same location(s) in a project proposal for the ZCTA in which the location(s) are situated, the 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 ZCTAs into one application and is also further restricted to no more than a neighborhood of locations just outside of a ZCTA boundary.

If an applicant expresses to the SCBBO that any eligible BSL(s) and/or CAI(s) in a ZCTA is/are extremely high cost and excludes the location(s) from their application with adequate written explanation, a final determination by the SCBBO would be based on the Extremely High Cost Per Location Threshold explained further in section 2.4.9.

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#### **02.04.07 Coverage for Locations with No Proposals**

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 providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.

At the conclusion of the priority broadband project and last-mile project application submission period and preliminary awardees are selected, the state will identify any remaining unserved and underserved locations not covered by a preliminary priority broadband project or last-mile project awarded subgrant the SCBBO and may move to a second grant round. Should a second grant round prove no new applications were submitted for a given ZCTA, the SCBBO will then move to direct negotiations due to the 365-day timeline imposed by the NTIA. As a matter of transparency, the SCBBO will publish the list of remaining BSLs and associated ZCTAs to the ORS website. In addition, the SCBBO will notify all applicants and potential applicants of this list by emailing through constant contact using the list of email addresses of applicants and any entity which has signed up for SCBBO grant notifications.

During the negotiation phase, the SCBBO will engage in direct negotiations with providers receiving preliminary subgrants in nearby areas first then move to ISPs who were not granted a preliminary award about potential expansion of reliable wireline broadband then moving to alternate reliable broadband solutions to encompass these remaining unserved locations, including the potential exercise of the state's option to remove underserved locations from provisionally awarded subgrants, with the aim of ensuring all unserved and underserved BSLs are funded to the greatest extent practicable. During the direct negotiation process, or at any other time, no inducements will be offered.

However, working in conjunction with NTIA, the SCBBO may negotiate a decrease in the ISP match rate below the standard 25% rate via project-specific waiver to cover locations that did not receive a proposal. The ISP which requests the least amount to cover the location or locations not covered in a priority grant application or last-mile grant application will be awarded the location or locations. As a tool for in engaging in these negotiations, SCBBO will use available data as reference for assessing the reasonableness of proposed terms for expanding coverage. The SCBBO will commit to an ongoing direct negotiation process of offers and counteroffers for a period of no more than six months, to allow sufficient time to submit the Final Proposal within the one- year timeline. Finally, if direct negotiations prove unsuccessful, and the SCBBO cannot find alternative reliable technology. Non- Reliable broadband technology that meets all other BEAD technical requirements (See BEAD NOFO page 38-39) along with requiring a full application and gating to cover unserved and underserved locations will be considered.

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#### **02.04.08 Deployment Project Tribal Consent**

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, which was confirmed by the Catawba Nation, South Carolina's only federally recognized tribe in the State. As a result, this section is not applicable to the South Carolina BEAD program.

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#### **02.04.09 Extremely High Cost Per Location Threshold Identification**

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.

The EHCPLT will be set in a way which allows as many end-to-end fiber projects to be deployed as possible, which is a goal of the BEAD program. Indeed, SCBBO believes it is likely that South Carolina will be able to deploy fiber to every BSL in the state, though even if this is the case, a EHCPLT will be set in accordance with NOFO requirement. Any decision on the threshold will be purely cost-based, and



a decision will be made after the first (and hopefully only) round of funding applications, at which point SCBBO will be able to determine if the BEAD allocation is sufficient to rely solely on fiber deployment.

In setting the threshold, SCBBO will accommodate well-designed applications for State funding in former years that were not funded because of higher costs to build the networks, rendering them uncompetitive for available funding. This approach also accommodates the necessity for construction of line extensions, which has been identified as a significant barrier to connectivity. This threshold may enable the use of alternative technology types, where fiber is cost prohibitive.

Based on both State and federal goals (and the federal requirement) to fund fiber-to-the-premises wherever possible, SCBBO will optimize the EHCPLT to achieve the goal of 100% broadband statewide and ensure greater fiber coverage. In addition to the data provided by applicants, SCBBO will also consult other data. SCBBO will determine the EHCPLT through a process that will involve analysis of the following:

- The Eligible Entity Planning Tool provided by NTIA
- Data developed by SCBBO during previous broadband grant programs

Most significantly, SCBBO will develop the EHCPLT using the pricing and associated data provided by applicants through the application process, including feedback and outcomes from the negotiations. Based on all these inputs, SCBBO will develop the EHCPLT in order to determine at what cost per location (if any), fiber-to-the-premises is too costly to achieve the critical BEAD goal of achieving 100 percent broadband coverage with the funds provided in the BEAD allocation.

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#### **02.04.10 Extremely High Cost Per Location Threshold Process**

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 that exceeds the threshold.
- c. The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.

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 SCBBO will coordinate with prospective subgrantees to revise their proposal and ensure any locations that exceed the EHCPLT are removed from their respective project(s). 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.

-If no priority projects were submitted for the subject area, the SCBBO will evaluate any additional proposal(s) submitted for the same area that meet the definition of reliable broadband.

-If no proposals were submitted for the subject area, the SCBBO will evaluate nearby ISPs and negotiate with other providers within geographic proximity of the BSL to determine if fiber to the premises (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, (which still meets program technical requirements of BEAD), to the BSL from other nearby providers.

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#### **02.04.11 Deployment Subgrantee Qualifications: Financial Capability**

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 1) they will have available funds for all project costs that exceed the amount of the grant and 2) 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 (LOC) prior to the execution of any agreement by the SCBBO. A LOC template will be modeled after the Federal Communications Commission's (FCC) Rural Digital Opportunity Fund (RDOF) letter of credit.

As an initial step during the application process, and consistent with NTIA's Notice of Programmatic Waiver that was issued on Nov. 1, 2023 (<https://broadbandusa.ntia.gov/funding-programs/policies-waivers/BEAD-Letter-of-Credit-Waiver>), prospective subgrantees shall be required to submit a LOC from a bank or any United States credit union that:

- (a) is insured by the National Credit Union Administration; and
- (b) has a credit union safety rating issued by Weiss of B- or better that meets eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable standby LOC, utilizing the SCBBO form template, to the prospective subgrantee.

Prior to entering any subgrantee agreement, each prospective subgrantee shall obtain an irrevocable standby LOC, which shall be acceptable in all respects to the SCBBO and in a value of no less than 10 percent of the subaward amount. The SCBBO may adopt rules under which a subgrantee may obtain a new LOC or renew its existing LOC 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 LOC have a value of less than 10 percent of the subaward amount. Inclusive of the LOC, 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 LOC requirement is waived where:

- (a) During the application process, prospective subgrantees are required to submit a letter from a company holding a certificate of authority as an acceptable surety on federal bonds as identified in the Department of Treasury Circular 570 committing to issue a performance bond to the prospective subgrantee. The letter shall at a minimum provide the dollar amount of the performance bond.
- (b) Prior to entering any subgrantee agreement, each prospective subgrantee obtains a performance bond, acceptable in all respects to the Eligible Entity and in a value of no less than 100 percent of the subaward amount.

Where a subgrantee chooses to exercise the option to obtain a performance bond under this waiver, the requirement that the subgrantee "provide with its LOC 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 LOC as property of the winning subgrantee’s bankruptcy estate under Section 541 of the Bankruptcy Code” is waived. The SCBBO may adopt rules under which a subgrantee may reduce the amount of the performance bond upon verification that the subgrantee has met optional or required service milestones. In no event, however, shall the performance bond have a value of less than 10 percent of the subaward amount.

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.

In addition, 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 demonstrate 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.

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#### **02.04.11.01 Deployment Subgrantee Qualifications: Financial Capability**

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.

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#### **02.04.12 Deployment Subgrantee Qualifications: Managerial Capability**

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 demonstrate 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.

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#### **02.04.13 Deployment Subgrantee Qualifications: Technical Capability**

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 it is capable of carrying out the funded activities in a competent manner, including that it 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.

The SCBBO is committed to ensuring that prospective subgrantees seeking to deploy network facilities are thoroughly vetted and meet the minimum qualifications for technical capabilities as outlined in the BEAD NOFO. The SCBBO will formulate specific application questions to evaluate the viability and

compliance of a proposed application.

To submit a grant application, prospective subgrantees will be required to provide the details listed below related to technical capability. Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the SCBBO will hire additional staff or contractors to ensure there is appropriate capacity and expertise to adequately review the documentation and provide a third-party perspective of the technical capability of the prospective subgrantee.

The SCBBO will communicate requirements stipulated below to all prospective subgrantees prior to the selection process. This will be completed by conducting outreach to participating stakeholders (webinars, in-person meetings, etc.), posting documentation on the SCBBO website, and including the requirements in the grant application, associated guidelines, and grant agreement terms, conditions and monitoring program requirements.

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 can carry 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. Along with all the required items listed below as outlined in section 2.4.13.

1. Documentation of current licensing with governing bodies to operate in South Carolina.
2. An attestation of current South Carolina licensing for any engineers who certify design, diagrams, project costs, etc.
3. Demonstrated experience designing and delivering similar projects of size, complexity and timeline.

Prospective subgrantees must also submit, by project:

1. Network designs in PDF and GIS format
2. FCC BSLs
3. Network diagram
4. Project costs
5. Build-out timeline and milestones for project implementation
6. 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.
7. An attestation must also be provided that states the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the 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 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.

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#### **02.04.14 Deployment Subgrantee Qualifications: Compliance with Laws**

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. Subgrantees shall permit workers to create worker-led health and safety committees that management will meet with upon reasonable request.

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 demonstrate 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.

Because locations already subject to another enforceable deployment obligation are not eligible for BEAD funding (see BEAD NOFO, page 36), it is important that all other obligations are honored. It is possible that other federal obligations block a location from BEAD eligibility in the near term and then be defaulted by the provider after the end of the BEAD subgrant process, leaving the locations in question without funding to receive service. Therefore, absent a force majeure event, any BEAD subgrantee also subject to deployment obligations elsewhere in South Carolina—must not default or otherwise fail to fulfill any such deployment obligation in the state of South Carolina. Should any breach of this commitment occur, the SCBBO reserves all rights, including but not limited to the right to pursue all appropriate recourse available under the BEAD subgrant agreement, any other applicable agreement, in law, at equity, or otherwise.

The SCBBO will communicate the requirements outlined above to all applicants utilizing the outreach strategies and methods detailed in Section 2.4.1 as part of the Subgrantee Selection Process. This will include engaging participating stakeholders in webinars, meetings, and providing online materials, including requirements of the grant applications, associated guidelines, and grant agreement terms, conditions and program requirements. Applications that fail to meet these minimum qualifications as outlined in the BEAD NOFO will not be considered to receive BEAD funding.

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#### **02.04.15 Deployment Subgrantee Qualifications: Operational Capability**

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 the 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. Prospective subgrantees must attest they have performed a minimum of 2 consecutive years of service prior to the date of their application submission or that they are a wholly owned subsidiary of such an entity and attest to or shall specify the number of years the prospective subgrantee or its parent company has been operating. 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 which will be reviewed by qualified personnel procured by the SCBBO. 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.

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#### **02.04.16 Deployment Subgrantee Qualifications: Ownership**

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). Documentation related to the requirements below will be collected and reviewed by qualified personnel. If necessary, the SCBBO will hire additional staff or outsource 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.

#### **02.04.17 Deployment Subgrantee Qualifications: Public Funding**

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.

#### **02.05.01 Non-Deployment Subgrantee Selection Process Integrity**

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 will designate funding to non-deployment activities after first funding affordable, high-speed broadband service to all unserved and underserved locations, as well as eligible Community Anchor Institutions, within South Carolina.

By referencing the results of the BEAD Five-Year Action Plan, collaborating with the SC Governor's Office, the SC Department of Commerce, the SC Department of Education, members of the SC General Assembly, and South Carolina Congressional Delegates, the SCBBO decided to prioritize Apprenticeships, Virtual Primary Care (VPC), Multiple Dwelling Unit (MDU) Infrastructure, and Rural Resource Networks (RRN) as critical Non-Deployment BEAD activities.

The Apprenticeship and VPC programs will be executed directly as Eligible Entity Activities and are detailed further in Requirement 10 (Section 2.6). The RRN and MDU programs will be executed via a competitive subgrantee selection processes. The processes that the SCBBO will use for selecting RRN and MDU non-deployment subgrantees, developing these initiatives, and allocating funding is described below.

The SCBBO will develop objective means for evaluating applications, including scoring criteria, for each grant program and publish the application review and evaluation processes prior to accepting applications.

South Carolina's proposed non-deployment grant process includes:

- Finalization of the scoring rubrics listed below.
- Announcement and Public Notice of grant opportunities: The SCBBO will leverage its internal marketing team and its Digital Opportunity and BEAD partners to promote non-deployment grant opportunities. As noted below, the SCBBO will allow for 30 days of public notice of the application period.

- Webinar or other engagement opportunities: The SCBBO will hold a webinar and develop/host other opportunities for prospective applicants to engage with SCBBO on topics such as eligibility, program activities, and reporting.
- Communication of scoring rubric: The SCBBO will ensure applicants understand the scoring rubric.
- Grant Review: The SCBBO will ensure reviewers have the expertise necessary to evaluate applications fairly and accurately. If reviewers differ in their assessments of an application, the SCBBO will use a fair process to assess those differences and determine an agreed upon score.
- Transparency and Public Input: The subgrantee selection process will be transparent, with clear communication throughout.

To safeguard against collusion, bias, conflicts of interest, and arbitrary decisions, the SCBBO and its partners will confirm all application reviewers are free of conflicts of interest and will not enter business or actions that result in conflicts of interest. SCBBO will disqualify an application if applicants or any of their representatives attempt to inappropriately influence the grant process or collude in any way.

To enable participation by a wide variety of potential applicants, the SCBBO will provide at least 30 days public notice of the competitive application period for any non-deployment subgrants. The SCBBO will announce the application period via the [ors.sc.gov/broadband](https://ors.sc.gov/broadband) websites and leverage continued coordination with community organizations and other stakeholders throughout the State.

Applications for all non-deployment programs will undergo a competitive review process to verify an application's merit and alignment with program goals and federal requirements. Applications will be scored based upon a competitively neutral evaluation criteria that does not favor one applicant over another.

#### Program and Selection Processes:

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, public safety, manufacturing, and education in South Carolina; however, each of these systems require extremely reliable, high performance (100Gb+ symmetric capability), low-latency (< 10ms) fiber backbones to function.

RRNs provide the essential intrastate foundation for these technologies, improve regional internet performance, and enhance statewide telecommunications resilience.

The SCBBO will work to identify and prioritize existing buried fiber network segments which may be enhanced to ring or mesh topology with the addition of network segments that may be installed to close loops or improve speed or resilience.

Overall, completed RRNs will likely feature:

- Regional, intrastate design to serve the needs of a multi-county area.
- High-Capacity Fiber that can support speeds meeting or exceeding 100 Gbps symmetric with low-latency (< 10ms) 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.

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.

RRN grants will be awarded from an estimated pool of \$199,141,891 BEAD funds after the Final Proposal is approved and the SCBBO is estimating \$66,380,630 (~25%) in additional private sector match which will yield an overall investment of approximately \$265,522,521. One or more RRN grants may be awarded by the SCBBO; however, the SCBBO reserves the right to not award any proposals if, in the opinion of the professional reviewer team, no proposal meets the minimum requirements to be beneficial to the State of South Carolina.

Entities eligible to apply for RRN grants will include, but not be limited to:

- a) Public-Private Partnerships;
- b) Non-profit agencies;
- c) Internet Service Providers

A preliminary rubric for RRN Grant Program is included below, and a group of at least five professional reviewers with significant telecommunications background will be used to award points in each category.

Max

Points Category Description

25 Network Capabilities Priority will be given to projects that can achieve 100 Gbps symmetric speeds with less than 15ms latency.

25 Scope & Scale Priority will be given to projects that can reach the highest overall percentage of SC county coverage.

25 Organization / Business Plan / Cost Priority will go to organizations that have demonstrated skill with network operation. In addition, highest priority will go to Public-Private Partnerships that feature the demonstrated commitment of a large number of existing SC Internet Service Providers and state agencies. The organization's business plan – including approach to sustainability – and the overall cost of deployment will be key. Projects will also score more points by demonstrating a higher cash match.

10 Network Operations Priority will be given to entities that have state-of-the-art network operations centers and proven cyber security skills and a robust staff.

10 Carrier-Neutral Design Priority will be given to projects that include carrier-neutral features like Internet Exchange Points (IXP) and buried MicroDuct.

5 Data Center/Cloud Priority will be given to projects which can enable data center services and

cloud-based services like peering.

Once the scoring rubric is finalized to include subsection guidance, each member of the professional review team will individually calculate total scores for every application that is submitted to the SCBBO. Then, the professional review team will select the application(s) with the overall highest scores against the pool of available financial resources. In the event the professional reviewers cannot agree on a particular project, the professional review team will eliminate the highest and lowest scores related to a particular project and that score will be used as the tiebreaker. Once complete, the professional review team will present their recommendations to the SCBBO. From here, it becomes the SCBBO's obligation to complete the grantmaking process.

The SCBBO reserves the right to deploy RRN investments in multiple grant rounds (smaller tranches) over the life of the BEAD program. As an example, the SCBBO may focus a preliminary investment tranche on the core RRN statewide network. Then, in subsequent grant rounds, the SCBBO may focus investment tranches to extend the RRN into new geographies and/or on key economic sectors (precision agriculture, healthcare, K-12, etc.) to connect critical facilities to the RRN.

RRN program applicants will be required to satisfy all NTIA BEAD program subgrantee requirements.

**Multiple Dwelling Unit Grant Program:** The SCBBO is committed to ensuring that the infrastructure inside MDUs can support the residential broadband needs of all residents. This MDU program is designed to cover the cost of internal network infrastructure that is required from the ISP's demarcation location to additional floors or remote parts of the facility.

The MDU program will require a 25% match from all private building owners. No BEAD match will be required for facilities that are owned or operated by non-profit organizations or public housing agencies.

The MDU program will provide priority points for projects that are contracted to SC-based small businesses. MDU grants will be awarded through a competitive grant program and be funded through a pool of \$5 million BEAD funds after the Final Proposal is approved.

Entities eligible to apply for MDU grants will include:

- a) Public Housing Agencies;
- b) County/Local Governments;
- c) Non-profit agencies;
- d) Private property owners;
- e) Internet Service Providers

Eligible MDU grant expenses include conduit, cable, wiring, labor, access points, required electronics, and testing.

A preliminary rubric for MDU Grant Program is included below:

Max

Points	Category	Description
25	Residential Need	Priority will be given to facilities that house low-income residents and qualify as Community Anchor Institutions (CAI).
25	Network Capabilities	Projects will be evaluated based on their ability to deliver 100 Mbps symmetric speeds to all residents.
25	Construction Cost	Points will be awarded based on the total network installation cost per

resident. Lower cost receives most points.

25 Small Business Priority points will be awarded to projects involving SC-based small, minority-owned, veteran-owned, and women-owned businesses.

MDU program applicants will be required to satisfy all NTIA BEAD program subgrantee requirements.

The MDU Program will be coordinated directly by the SCBBO because we have extensive mapping and GIS capabilities and are in the best position to evaluate eligible MDUs and coordinate installation with South Carolina's Internet Service Providers.

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### **02.05.02 Non-Deployment Initiative Preferences**

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 fund;
- 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 anticipates that sufficient funds will remain following the completion of BEAD deployment requirements but is not yet able to determine that this is definitively the case.

The following projected funding schedule assumes that the SCBBO will indeed have sufficient funds and is conditional on the total amount of funds available. SCBBO is prioritizing the remaining BEAD funds, up to \$32 million for broadband-related Apprenticeships, VPC, and MDU programs. Any funding exceeding \$32 million will be distributed to the other priorities, as reflected in the table below:

#### **If Available Non-Deployment**

Amounts Falls Between... Funding Waterfall:

\$0 million - \$32 million Provide funds for Apprenticeships, VPC, and MDU infrastructure, up to \$32 million total.

\$32 million - \$231.1 million Provide funds for Rural Resource Networks, up to \$199.1 million total  
Exceed \$231.1 million

1. Provide additional funds for Apprenticeships, VPC, MDU, or RRNs based on demonstrated stakeholder interest.
2. Select from any of the other BEAD approved Non-Deployment initiatives.

Apprenticeships are designed to provide stipends to rapidly deploy funding to entities are interested in hiring broadband-related employees across South Carolina.

The Virtual Primary Care (VPC) will assist with identification and enrollment of eligible households to provide affordable broadband internet. VPC will assess the need for and provide telehealth technology



and devices as well as digital and health literacy education to increase citizens' ability to engage in virtual health care and health-related decision-making. VPC will extend virtual health care offerings such as virtual primary care, specialty care, and remote patient monitoring services to increase health access for underserved populations across South Carolina.

The Multiple Dwelling Unit (MDU) Infrastructure program will provide one-time investment to MDUs and Community Anchor Institutions (CAI) statewide to ensure that high speed broadband is available on all floors or in all buildings of an MDU/CAI so that all residents get the same grade of service.

Rural Resource Networks (RRN) will be designed to add high performance, resilient, backbone fiber to rural areas throughout South Carolina. Once deployed, the RRN will support improved cellular services, stabilize K-12 networking, and provide the foundation for advanced computing - including AI.

SCBBO is committed to the development of locally driven strategies that acknowledge the link between broadband access and digital opportunity. SCBBO has developed these early plans for infrastructure improvement and workforce development initiatives from ongoing coordination with state, regional, and local stakeholders.

The SCBBO will continue to leverage the existing SC Broadband Advisory Council (SCBBAC) and consult with other stakeholders to inform the final selection of non-deployment activities and program designs.

As stated above in Non-Deployment Subgrantee Selection (above) and Eligible Entity Implementation Activities (Requirement 10), SCBBO intends to fund four non-deployment programs and several implementation activities in addition to its Deployment Subgrantee Selection program. Please refer to these sections for further details on how this use of funds is anticipated to achieve stated BEAD Program goals.

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#### **02.05.03 Ensure Coverage Prior to Non-Deployment Projects**

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.

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#### **02.05.04 Non-Deployment Subgrantee Qualifications**

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.

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### **02.06.01 Eligible Entity Implementation Activities**

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

By referencing the results of the BEAD Five-Year Action Plan, collaborating with the Governor's Office, the SC Department of Commerce, the SC Department of Education, members of the SC General Assembly, and South Carolina US Congressional Delegates, the SCBBO decided to prioritize Apprenticeships, Virtual Primary Care (VPC), Multiple Dwelling Unit (MDU) Infrastructure, and Rural Resource Networks (RRN) as Non-Deployment BEAD activities.

The Apprenticeship and VPC programs will be executed as Eligible Entity Activities and are detailed here. The MDU and RRN programs will be executed via a competitive subgrantee selection processes and are detailed in Requirement 9.

Apprenticeship Stipend Program: The SCBBO is committed to rapidly developing its broadband-related workforce through the Apprenticeship Stipend Program (Apprenticeship) which will provide salary reimbursement for the first six months of salary and benefits of a full-time employee.

Apprenticeships shall be designed to deploy quickly and leverage existing, employer-based training programs. Priority points are allocated to employers that have a formal, pre-existing training program; however, formal training programs will not be required to receive an Apprenticeship.

The SCBBO plans to invest \$7,000,000 of its Initial 20% BEAD allocation in Apprenticeships as soon as the Initial Proposal is approved but before the Final Proposal is approved by NTIA.

The Apprenticeship Program will be coordinated directly by the Digital Opportunity Department (SCDOD) in collaboration with the SCBBO that are both located within the SC Office of Regulatory staff. This is being done because the SCDOD has existing capacity and the overall process can be streamlined to accelerate mission-critical employees into the broadband workforce.

The maximum reimbursement for any one employee will be \$46,667. This amount is equal to one half the annual salary of an employee earning \$75,000 per year with a 24.44% benefits level. Eligible applicants will need to provide monthly employee performance reports and pay stubs at the end of the grant period to receive reimbursement. The SCBBO expects that approximately 150 apprenticeships statewide will be awarded from the pool of \$7,000,000 BEAD dollars.

Virtual Primary Care: Many low-income South Carolinians lack transportation as well as access to high-speed broadband. When these same residents have chronic health conditions, county governments are deploying ambulances to transport these patients to the emergency room for basic primary care.

The SCBBO plans to invest \$20,000,000 of its Initial 20% BEAD allocation in VPC as soon as the Initial Proposal is approved but before the Final Proposal is approved by NTIA.

These funds will be allocated to the Medical University of South Carolina / SC Telehealth Alliance (MUSC, an SC state agency) via an MOU so that they can administer the program for four full years through Dec. 31, 2028. MUSC will collaborate with the SCBBO as it determines the eligibility of individual residential homes.

The SC Telehealth Alliance currently estimates that there are over 72,000 unserved/underserved residential locations that house low-income resident(s) that would dramatically benefit from VPC.

The SCBBO will allow for \$100,000 (roughly 50% of two FTE's) in administrative cost per year for the program. In addition, since the estimated one-time cost to upfit a single VPC home is \$1,500 (medical device(s), computing devices(s), installation and training) and the annual recurring cost is \$625 (monthly broadband services), over four years, the overall estimated cost for one VPC home is \$4,000. Therefore, this \$20 million investment will likely support 4,900 VPC homes over four years in South Carolina.

The VPC program will be executed via an MOU with MUSC because they have an existing organization with a trained medical team and they have all the raw data to efficiently select eligible homes.

In addition to the Apprenticeship and VPC programs, as the Eligible Entity and grant recipient, SCBBO is responsible for the development, oversight, and management of all deployment and non-deployment activities related to the BEAD Program.

The SCBBO has opted to carry out some related activities without making a subgrant. This necessitates, among other things, seeking input from and coordinating with stakeholders across the State. These stakeholders include state and local government agencies, educational institutions, the telecommunications industry, and community organizations. The SCBBO will take great advantage of the existing SC Broadband Advisory Council to coordinate these efforts statewide.

The remainder of this response to 2.6.1 explains why SCBBO proposed to implement the administrative initiatives without making a subgrant:

#### BEAD Grant Administration Activities

South Carolina will utilize both its staff and contractor support to undertake administrative activities over the life of BEAD program.

#### State Challenge Process

South Carolina utilized its internal staff to design and implement a challenge process to ensure locations needing broadband service are correctly identified and that broadband funding is appropriately allocated to ensure Internet for All without duplication of funds. For more information on the Challenge Process that will be implemented, see Initial Proposal Volume 1.

#### Subgrantee Selection

As described in Requirement 8, the State has developed a phased subgrantee selection process that will include pre-application, application, review, scoring, and project alignment and selection phases. The SCBBO will utilize both its staff and contractor support for all phases of subgrantee selection.

Timely review and scoring of applications will be critical to ensuring implementation and deployment projects begin swiftly. The review and scoring activities are detailed extensively in 2.4.2.

#### Webinars and Public Outreach

SCBBO will utilize both its staff and contractor support to develop effective materials on the process and requirements for participation in competitive subgrantee programs as part of the BEAD implementation plans.

#### Post-Award Compliance, and Project Reporting

South Carolina will rely on both its staff and contractor support to design and carry out post-award compliance and project reporting efforts throughout the life of the project. This process ensures subgrantees comply with all relevant program guidelines and ensures South Carolina achieves the objectives established by the BEAD program. SCBBO post-award process includes phased review: Desktop Review, Technical Review, Spending Analysis and Field Review. These reviews ensure that awarded subgrantees fulfill obligations established in grant agreements, and comply with local, state, and federal law and ensures timely implementation of awarded projects.

#### Oversight of Non-Deployment Programs

As detailed in Requirement 9, SCBBO plans to undertake monitoring of subgrantees throughout the implementation of non-deployment programs. These programs include the Apprenticeship, Virtual Primary Care, Multiple Dwelling Unit, and Rural Resource Network programs. The SCBBO will oversee the implementation of the programs, ensuring they meet their Key Performance Indicator (KPI) targets.

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#### **02.07.01 Labor Standards and Protection: Subgrantees Compliance with Federal Labor and Employment Laws**

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 and 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 life cycle of the proposed project will receive full points under the fair labor practices category of the scoring rubric identified in section 2.4.2.

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### **02.07.02 Labor Standards and Protection: Additional Measures**

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.

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#### **02.08.01 Prospective Subgrantees' Workforce Plan**

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 should 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.

The SCBBO recognizes the value of a skilled, diverse workforce and intends implement strategies to implement through multiple mechanisms.

In the prequalification phase of the subgrantee selection process SCBBO will require subgrantees to submit the subgrantees plans for

- 1) ensuring the project workforce will be appropriately skilled and credentialed workforce and

2) ensuring that minority business, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used and retained when possible.

As part of the application process, subgrantee's will be required to submit:

- Evidence of the subgrantees' record of past compliance (previous three years) with federal and state laws and its plans to be in compliance with federal awards,
- An Officer/Director certification evidencing consistent past compliance with federal labor and employment laws by the subgrantee,
- Information on applicable wage scales and overtime practices for each class of employee expected to be involved in the physical construction of the broadband networks,
- The subgrantee's plans for ensuring compliance with its stated labor and employment practices, including verifying its contractors and subcontractors will comply with the same consistent practices, and
- The subgrantee's plans to ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns.

Prospective subgrantees without a record of compliance with relevant labor and employment laws may strengthen its application by making forward-looking commitments to strong workforce development and employment standards and protection, which should the project be awarded shall be formalized in the grant agreement and monitored by SCBBO during the construction phase of the project.

SCBBO and or it's consultants will verify the completeness of prospective subgrantee disclosure of compliance with federal and state laws by using the U.S. Department of Labor's Data Enforcement search portal. Based on the application package and the SCBBO's subsequent verification, subgrantees may be awarded up to 20 points in the scoring process.

As an additional accountability measure, the grant agreement between SCBBO and the subgrantee will include in the definition of an event of default, "a change in subgrantee's staffing capacity that adversely affects the subgrantee's ability to complete the Project by the Project Completion Date, in the sole discretion of the SCBBO."

Further, SCBBO will establish periodic reporting requirements which will include requesting information from the subgrantee related to its wage practices. Moreover, as part of the reporting, subgrantee's may certify compliance with the Davis-Bacon Act or provide enhanced project employment information which will include the number of contractors and subcontractors working on the project, the wages and benefits of workers by employee classification and whether those wage rates are prevailing.

To the extent, subgrantee's choose to certify compliance with the Davis-Bacon Act, the SCBBO will request and review certified payroll records during planned periodic desktop or site audits.

SCBBO will also 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. SCBBO anticipates collaborating with the following State agencies and organizations:

- SC Department of Commerce (SCDOC) - 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 highspeed internet access and voice service. This is best exemplified by SCDOC's collaboration with SCBBO in deploying grants under the RBGP.
- SC Department of Employment and Workforce (DEW) – The mission of this agency 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 it offers a variety of services to assist both groups. Further, the DEQ is responsible for the Coordinating Council for Workforce Development (CCDW), which will coordinate the State's initiatives to prepare and train workers to meet current and future workforce needs.

- Councils of Governments (COGS) – The SC COGS' are a network of 10 councils that help support workforce development, economic development, transportation planning and other government services where broadband deployment and digital inclusion are core components. They supported distribution of broadband surveys and act as key coordinators of broadband resources, advocacy and programs in communities throughout the state.
- ReadySC - As a division of the SC Technical College System will support the SCBBO in advancing broadband-related workforce development, with customized recruiting and training solutions. This organization is a key player that will help to support in leveraging existing training and apprenticeship programs to advance current and future workforce needs.
- Apprenticeship Carolina – As a division of the SC Technical College System, 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 a digital skillset. The SCBBO will work with employers in South Carolina and Apprenticeship Carolina programs to help expand offerings related to the broadband sector to help ensure that the state's citizens have opportunities to gain the skills needed to explore and sustain a career in the broadband industry. Per the NTIA requirement, the SCBBO consulted with the Communications Works of America Union (CWA) to gather different perspectives on workforce issues. CWA did not express any issues or concerns with the workforce in the State.

Continued collaboration with key stakeholders will be facilitated through the Broadband Advisory Council (BBAC) which holds public meetings to solicit feedback on emerging challenges to broadband development. The BBAC includes representation from state agencies, education institutions, trade organizations and non-profits.

In addition to the BBAC, the SCBBO plans to partner with existing organizations that provide access and training initiatives to increase job opportunities. These partnerships, include:

- The SC Council on Competitiveness manages multiple industry clusters in South Carolina, such as technology, cybersecurity and other broadband-enabled industries. The Council's priorities include providing education and continued workforce development.
- The SC Department of Social Services Division of Economic Services administers economic assistance programs including the federal Temporary Assistance for Needy Families (TANF) program which provides employment and training for people receiving cash assistance.
- The Commission for Minority Affairs provide constructive solutions and approaches to support socioeconomic development of ethnic minority communities in SC, including tribal communities.
- SC Works Centers operated by the DEW provide prospective employees with workforce guidance and training and assist prospective employers in finding qualified employees.

During the application process, subgrantees will be expected to outline plans for ensuring the project workforce will be appropriately skilled and credentialed and plans for implementing workplace safety committees that provide a forum for workers to raise concerns. ORS anticipates implementing grant monitoring procedures that will include assessing subgrantee compliance with commitments made in its application.

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. Applicants or any other interested party can

raise issues and/or provide support regarding an application submitted for consideration through the grant application comment form on the ORS BEAD website.

Further, labor organizations and community-based organizations may voice concerns at the BBAC's public meetings or through the SCBBO BEAD contact form.

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**02.08.02 Prospective Subgrantees' Highly Skilled Workforce**

Describe the specific 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 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 subcontractor 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(s) 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 that 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 subcontractors 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.

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#### **02.09.01 Minority Business Enterprises (MBEs), Women's Business Enterprises (WBEs), and Labor Surplus Firms Inclusion Strategy**

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

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.

Three Counties in South Carolina (Allendale, Bamberg, Marlboro) are defined by the US department of Labor as "labor surplus areas". The SCBBO will increase awareness of these areas for possible contracting/workforce opportunities for potential subgrantees through any informational sessions, program documentation, and on the ORS BEAD webpage.

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#### **02.09.02 MBEs, WBEs, and Labor Suplus Firms Inclusion Affirmative Steps**

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

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**02.10.01 Cost and Barrier Reduction Steps**

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. The 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 span 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 the 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. The 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. The BEAD Notice of Funding Opportunity (NOFO) encourages 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.

The ORS recommends that the South Carolina Utility Coordinating Committee (UCC), give consideration toward establishing best practices that 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, thereby 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 that of Virginia and Wisconsin to streamline railway permits by, for example, setting a 30-day timeline to review a railroad crossing notice, establishing standardized crossing fees, and appointing 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 has the potential to dangerously undermine the reliability of the grid, place an unreasonable financial burden on consumers, and cause 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.

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### **02.11.01 Climate Risks Assessment**

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 should 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, the South Carolina Department of Natural Resources, 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.scemd.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.scemd.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 Plan (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 is not enough to ensure 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 Office's 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 include:

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.

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 over 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](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). See example linked here: (source: [https://www.fema.gov/sites/default/files/documents/fema\\_r3\\_gis-instructions\\_mapping-rising-flood-risk.pdf](https://www.fema.gov/sites/default/files/documents/fema_r3_gis-instructions_mapping-rising-flood-risk.pdf)).

The SCBBO has learned through the South Carolina Department of Natural Resources Flood Mitigation

Program Coordinating Office that FEMA is developing this dataset nationwide and, pending no slippage in schedule, should be complete by Q2 2024 for the State. Coordination will remain ongoing with stakeholders to track timing on use of this data by the SCBBO and ISPs in support of BEAD. In the event the data does not exist, the SCBBO will coordinate with State partnering agencies to determine the best course of action to fully address guidance put forth in the BEAD NOFO.

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 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.

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#### **02.11.01.01 Climate Reports**

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.

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#### **02.12.01 Low-Cost Broadband Service Option**

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.

As required in the BEAD Notice of Funding Opportunity (NOFO), subgrantees receiving BEAD funds to deploy broadband infrastructure must offer a "low-cost broadband service option" that is available to customers for the useful life of the network assets. Without the establishment of an approved low-cost broadband service option, the NTIA will not open to the State of South Carolina its additional allocation of \$546,535,983.05 in BEAD funds. Accordingly, the SC Broadband Office (SCBBO) establishes the low-cost broadband service option below only to avail the State of its additional \$546,535,983.05 in allocated BEAD funds and, the SCBBO is not claiming the right, nor making an attempt, to rate regulate. The SCBBO is establishing this low-cost plan only pursuant to the requirements set forth in

the BEAD NOFO as provided in Section 2.c.i. Affordability and Low-Cost Plan Service Obligations for Subgrantees Deploying Network Projects (page 66) to ensure the State may avail itself of the additional BEAD funding allocated by the NTIA for broadband-related activities in South Carolina. Accordingly, the (SCBBO) Office of Broadband defines a low-cost service option as the following:

The applicant offers a service option that meets, at a minimum, the following criteria:

- The service option is set at a price that is affordable to the eligible population, defined as those eligible for the Affordable Connectivity Program or its successor or within the range of \$30.00 to an amount not to exceed \$75.00. This range is based upon data obtained from the SCBBO's previous ARPA-related grant rounds and conversations with internet service providers regarding feasible plan pricing options that may be offered in broadband expansion award areas. The offerings for lowest cost plans ranged between \$30.00 and \$75.00. In making awards pursuant to BEAD, the Internet Service Provider is not evaluated on the individual components of its low-cost plan, but only whether it offers a qualifying low-cost plan.
  - Upon the completion of five years from the end of this calendar year (December 31, 2029), the SCBBO will review the range of \$30.00 to \$75.00 and assess whether market conditions still support the original low-cost plan range of \$30.00 to \$75.00. If market conditions justify a change to the range – either up or down – the SCBBO will coordinate with NTIA to make appropriate adjustments.
  - The applicant shall submit justification on why such option is affordable to the eligible population. The applicant may establish a low-cost service option below \$30/month.
  - The price identified, as well as the provisions identified below, for this service option will be a contractual requirement of awardees for the useful life of the network assets, which is defined as 10 years for the purpose of this section. This price shall be indexed to Consumer Price Index, as outlined by the U.S. Bureau of Labor Statistics.
  - Allows the end user to apply the Affordable Connectivity Program benefit subsidy to the service price and makes a demonstrable effort to inform prospective customers of these programs and the steps necessary to enroll and apply the benefit to the service plan.
  - Consistently and reliably provides download speeds of at least 100 Mbps and typical 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 applicant 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 little to no cost.
  - The applicant is required to participate in the Affordable Connectivity Program, and encouraged to ensure that prospective customers are aware of their participation in the ACP. The applicant is encouraged to 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 qualify for the FCC's Affordable Connectivity Program. Eligibility criteria for the Affordable Connectivity Program are located at <https://www.affordableconnectivity.gov/do-i-qualify/>.
  - Subgrantees may not impose additional eligibility restrictions beyond those applicable to the Affordable Connectivity Program. In the event that funding for the Affordable Connectivity Program is not replenished and the National Verifier is no longer available, the SCBBO will defer to NTIA clarification on how low-cost service option eligibility verification should occur.
-

## **02.12.02 Affordable Connectivity Program Participation**

Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.

Yes

## **02.13.01 Middle-Class Affordability Plan Description**

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 affordability of broadband services from BEAD-funded networks for middle-class households is a priority for the SC Broadband Office (SCBBO). 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 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 or Commission) 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". 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. 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.

The affordability of internet service plans for middle class households is further addressed by the following program elements:

### **BEAD Proposal Scoring Criteria**

The SCBBO's primary means of ensuring affordability is the weight of affordability in the scoring criteria established in this proposal. Affordability will comprise 25% of the scoring criteria the SCBBO will use to evaluate proposals to serve a location under the BEAD program. Under the scoring criterion, the lowest total cost service package of gigabit symmetrical service will receive full credit. More expensive packages receive a percentage of points relative to the lowest service package cost per month for the same ZCTA, inclusive of all taxes, fees, and charges billed to the consumer.

### **Low-Cost Service Option**

Providers participating in the BEAD program are required to offer to eligible customers the Low-Cost Service Option defined in this Proposal. Broadband service providers are encouraged to ensure that

broadband services offered to prospective customers in the BEAD-awarded area are affordable and reasonably accessible to middle class households.

#### 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.

#### Consideration of Special Construction Costs

For a subset of South Carolinians, broadband connections are not attainable because their home exceeds an internet service provider's standard connection drop length from a roadway or easement containing telecommunications infrastructure. The cost incurred by homeowners to extend broadband infrastructure to these locations, referred to as special construction costs (or Aid in Construction), range from a few hundred to thousands of dollars, depending on the distance and cost to connect the location. To account for this affordability barrier to connect to broadband networks, awardees will be prohibited from charging special construction charges for a minimum of twelve months after broadband service is made available to a BEAD-funded location. Awardees will not be permitted to charge any fees to subscribers for these line extensions, except for the regular connection fees associated with any connection made on the network.

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#### **02.14.01 20 Percent of Funds Usage**

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 for Initial Proposal funds, 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 SC Broadband Office (SCBBO) is submitting this Broadband Equity, Access, and Deployment (BEAD) Program Initial Proposal Funding Request to support our pursuit of increasing equitable and universal broadband access and adoption in our service area. Our efforts will be conducted in collaboration with community stakeholders and are informed by our prior/existing efforts detailed in the BEAD Five-Year Action Plan and State Digital Equity Plan.

Our program includes the following eligible activities:

- Funds to be used, directly or indirectly, for the administration of the grant (and thus subject to the statutory two percent cap);
- Funds to be used for administrative purposes, other than the administration of the grant;
- Funds to be used to implement the Challenge Process and Subgrantee Selection Process;
- Eligible non-deployment uses prior to approval of the Final Proposal, subject to the requirement of demonstrating a plan to ensure deployment to all unserved and underserved areas as outlined in the NOFO, Section IV.B.8; and
- Funds to be used upon approval of the Final Proposal.

Please note that these costs exceed the 20 percent of the total allocation; however, based on the BEAD NOFO, Section IV.B.8, the SCBBO requests that the Assistant Secretary make 100% of the total allocation available at the Initial Proposal state of the BEAD Program.

The SCBBO requests that the Assistant Secretary make the total allocation of funds to be obligated at the Initial Proposal stage of the BEAD Program due to promotion of a robust, fair, and competitive Subgrantee Selection Process by giving industry confidence in the full allocation and availability of funds.

1. Funds to be used, directly or indirectly, for the administration of the grant

The SCBBO intends to use funds as part of the Initial Proposal Funding Request for the administration of the grant; specifically, to maintain compliance of the SCBBO. The below costs do not overlap with those funds requested during the Initial Planning stage; however, they may represent a continuation of those costs vital to the administration of the SCBBO. These funds include:

Personnel | Includes salaries and fringe of SCBBO Director, Deputy Director, Sr. Data Scientist, and Grant Specialist for four years, and hourly compensation for Digital Opportunity Specialist totaling \$3,438,732.

Grant Compliance Team | The Grant Compliance Team, who has yet to be identified, will be contractors. Collectively, the SCBBO assumes that the Grant Compliance Team will utilize \$7,591,987.05 over the life of the BEAD grant program in South Carolina. The grant compliance team will be selected following a competitive review process in line with the South Carolina procurement policy. The contract amount is, and will be inclusive of staff, travel, supplies, and all other costs necessary to meet the goals of the contract.

2. Funds to be used for administrative purposes, other than the administration of the grant.

Broadband Permitting Specialists | The SCBBO intends to use the funds as part of the Initial Proposal Funding Request for supporting other state agencies to develop dedicated Broadband Permitting Personnel. We intend to fund \$100,000 per year for three years to three different state agencies – SC Department of Transportation, SC Department of Environmental Control and SC Historical Preservation – for a total of \$900,000.

3. Funds to be used to implement the Challenge Process and Subgrantee Selection Process

The SCBBO developed the Challenge Process internally and will use internal staff to complete that process; however, the SCBBO will select a variety of expert specialty contractors (to be determined) to assist with evaluation of potential subgrantees and engineering-level project review. The below costs do not overlap with those funds requested during the Initial Planning stage; however, they may represent a continuation of those costs vital to the execution of the SCBBO's BEAD grant program. These funds include:

Subrecipient Review Team | The Subrecipient Review Team, who has yet to be identified, will be contractors. Collectively, the SCBBO assumes that the Subrecipient Review Team will utilize approximately \$1,463,373 from the time the Initial Proposal is approved through approval of the SC Final Proposal. The Subrecipient Review Team will be selected in line with the South Carolina procurement policy. The contract amount is, and will be inclusive of staff, travel, supplies, and all other costs necessary to meet the goals of the contract.

Engineering Project Review Team | The Engineering Project Review Team, who has yet to be identified, will be contractors. Collectively, the SCBBO assumes that the Engineering Project Review Team will utilize approximately \$2,000,000 from the time the Initial Proposal is approved through approval of the SC Final Proposal. The Engineering Project Review Team will be selected in line with the South Carolina procurement policy. The contract amount is and will be inclusive of staff, travel, supplies, and all other costs necessary to meet the goals of the contract.

4. Eligible non-deployment uses of funding prior to approval of the Final Proposal, subject to the requirement of a plan to ensure deployment sufficient to serve all unserved and underserved areas as outlined in the NOFO, Section IV.B.8

At the time of the Initial Proposal Funding Request, the SCBBO certifies that it has a plan to meet the unserved and underserved location broadband deployment commitments, which is outlined in the Initial Proposal. It can do so for less than its total BEAD allocation and will thus have BEAD funds leftover to use for non-deployment purposes.

The SCBBO proposes that the use of these funds would be contingent upon Initial Proposal approval. These funds will cover eligible non-deployment uses identified in the BEAD NOFO, Section IV.B.7.a.iii.

The SCBBO has determined that the broadband-related workforce would be dramatically enhanced by the addition of apprentices to support South Carolina's Internet Service Providers.

Apprenticeship Stipend Program (Apprenticeship) | The SCBBO is committed to rapidly developing its broadband-related workforce which will provide salary reimbursement for the first six months of salary and benefits of a full-time employee.

Apprenticeships are designed to deploy quickly and leverage existing, employer-based training programs. Priority points shall be allocated to employers that have a formal, pre-existing training program; however, formal training programs will not be required to receive an Apprenticeship. The SCBBO expects to award approximately 150 apprenticeships statewide from a pool of \$7,000,000 BEAD dollars.

Virtual Primary Care (VPC) | Many low-income South Carolinians lack transportation as well as access to high-speed broadband. When these same residents have chronic health conditions, county governments are deploying ambulances to transport these patients to the emergency room for basic primary care.

The SCBBO plans to invest at least \$20,000,000 of its BEAD allocation to remedy these situations - one at a time - and will work with a state agency to create a Virtual Primary Care program. The program will evaluate each household and design a comprehensive intervention of devices, training, and high-speed internet with a goal to eliminate costly ambulance transport for routine primary care visits.

5. Funds to be used upon approval of the Final Proposal



As noted above, the SCBBO requests that the Assistant Secretary make the total allocation of funds to be obligated at the Initial Proposal stage of the BEAD Program due to promotion of a robust, fair, and competitive Subgrantee Selection Process by giving industry confidence in the full allocation and availability of funds.

The SCBBO proposes that the use of these funds would be contingent upon Final Proposal approval. These funds will cover \$300,000,000 eligible last-mile broadband deployment projects identified in the BEAD NOFO, Section IV.B.7.a.ii, eligible non-deployment uses identified in the BEAD NOFO, Section IV.B.7.a.iii, and the remaining funds available for the administration of the grant.

At the time of the Initial Proposal Funding Request, the SCBBO certifies that it has a plan to meet the unserved and underserved location broadband deployment commitments, which is outlined in the Initial Proposal. It can do so for less than its total BEAD allocation and will thus have BEAD funds leftover to use for non-deployment purposes.

Through a non-deployment investment in the Rural Resource Networks (RRNs) Grant Program, the SCBBO will provide the essential intrastate middle-mile foundation to improve regional internet performance, resolve cellular problem areas, and enhance statewide telecommunications resilience. The SCBBO will work to identify and prioritize existing buried fiber network segments which may be enhanced to ring or mesh topology with the addition of network segments that may be installed to close loops or improve speed or resilience.

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 (100Gb+ symmetric capability), low-latency (<10ms) fiber backbones to function.

The SCBBO has allocated an initial tranche of \$199,141,891 BEAD funding to support this initiative. In addition, while not required for non-deployment funds, the SCBBO would like to achieve a 25% match rate for this program and has set forth an estimate of \$66,380,630 in the IPFR budget to account for the match. RRN grants will be awarded through a competitive grant process that is described in the Initial Proposal.

Multiple Dwelling Unit Grant Program (MDU) | The SCBBO is committed to ensuring that the infrastructure inside MDUs can support the residential broadband needs of all residents. This MDU program is designed to cover the cost of internal network infrastructure that is required from the ISP's demarcation location to additional floors or remote parts of the facility.

The MDU program will require a 25% match from all private building owners. No BEAD match will be required for facilities that are owned or operated by non-profit organizations or public housing agencies. The MDU program will provide priority points for projects that are contracted to SC-based small businesses. MDU grants will be awarded through a competitive grant program and be funded through a pool of \$5,000,000 BEAD funds after the Final Proposal is approved.

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#### **02.14.02 Initial Proposal Funding Request Amount**

Enter the amount of the Initial Proposal Funding Request. If not requesting Initial Proposal funds, enter '\$0.00.'

\$546,535,983,.05

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**02.14.03 20 Percent of Funds Requirements**

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

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**02.15.01 Laws Related to Subgrant Competition**

- 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 must 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.

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**02.15.01.01 Laws Related to Subgrant Competition List**

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.

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**02.16.01 Requirements Compliance Certification**

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

Yes  
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**02.16.02 Subgrantee Accountability**

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 Fixed amount subaward basis with demonstrated evidence of eligible costs incurred, 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. For example, the match rate requested from the SCBBO will be reduced by 1% for each month the project goes over the project completion date listed in the application. Other clawback provisions may include drawing on the letter of credit required by all grantees. If a subgrantee fails to perform and fails to return the full forfeited amount required, the state retains the right to pursue any legal action or remedy and to the extent applicable, any costs and attorneys' fees expended or incurred in pursuing such legal remedies. This, as well as any other clawback provisions will be clearly outlined, leveraging comparable provisions included in the State's ARPA grant programs, which may include:

Compliance by Subgrantee with Laws & Regulations. In connection with this Grant, the Subgrantee, in addition to their contractors and subcontractors, agrees to comply with all statutes, laws, regulations, and orders of federal, state, county, or municipal authorities that impose any obligations or duty upon the 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 the 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 the 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 the ORS and an ISP have been met in accordance with provisions detailed in each agreement prior to any milestone payment. Simply stated, the 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, they must 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 the subgrantee shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

- 1) Breach by the 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 the ORS in its sole discretion;
- 4) Subgrantee's bankruptcy, insolvency, or the dissolution or liquidation of the 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 the 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 the subgrantee's ability to complete the Project by the Project Completion Date, in the sole discretion of the ORS.
- 10) Except as provided in a Force Majeure event, where the ORS determines that meaningful progress is not occurring, the ORS shall provide notice and if the subgrantee does not cure or remedy the matter, the ORS may terminate this agreement.

The ORS shall give the subgrantee written notice of an Event of Default, and the 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, the ORS shall have the right to terminate this Agreement immediately by written notice to the 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 the subgrantee's bankruptcy, insolvency, or the dissolution or liquidation of the subgrantee's business organization or assets, the 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.

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**02.16.03 Subgrantee Civil Rights and Nondiscrimination**

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

Yes  
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**02.16.04 Subgrantee Cybersecurity and Supply Chain Risk Management Compliance**

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*

- 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

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**Volume II Waivers**

Upload an attachment(s) detailing the waiver request(s) for the requirements related to Volume II. Please draft the waiver request(s) using the Waiver Request Form template.

SCBBO NTIA Line of Credit Waiver Request (EXE-12-19-2023 01-47-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

SCBBO NTIA Extremely High Cost Waiver Request-12-19-2023 01-47-EXECUTIVE OFFICE OF THE STATE OF SOUTH C-GRN-000156.pdf

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**02.17.01 Volume II Public Comment**

Describe the public comment period and provide a high-level summary of the comments received during the Volume II public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- a. The public comment period was no less than 30 days; and
- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

After a draft copy of South Carolina's Initial Proposal (Volumes 1 & 2) was published on the ORS website (<https://ors.sc.gov/broadband/investments/state/bead>), the SCBBO launched a public comment period. It began October 30 and lasted through November 30, 2023, to satisfy the NTIA required thirty-calendar day window.

Directions for submitting public comments were provided on the same ORS webpage, including linkage to an online form to receive and categorize comments on all aspects of the Initial Proposal.

Once publication was complete, the SCBBO utilized multiple social media channels as well as an email blast to all Internet Service Provider (ISPs) that have participated in any of our grant programs to inform

and invite them to make public comments. The 22-member South Carolina Broadband Advisory Council was also informed about the Initial Proposal and they were each encouraged to separately invite their stakeholders to participate in the public comment period.

After allowing the public to download and review the South Carolina initial proposal for about a week, the SCBBO developed a set of presentation materials and conducted a webinar on Wednesday Nov. 8, 2023, at 10am to walk interested parties through the document. The SCBBO team walked the audience through each of the major sections of the Initial Proposal, provided rationale for strategic decisions, and concluded with instructions on how to formally make a public comment. The complete webinar was recorded and can be viewed on the ORS website. In addition, all presentation materials were also placed in the same location.

Next, the SCBBO took advantage of a variety of public speaking opportunities to inform key stakeholders about the Initial Proposal and the opportunity to participate in public comment. The following events were very impactful:

1) SC Telecommunications and Broadband Association Conference (Nov. 15, 2023)

Audience: Rural Telephone Companies in SC, roughly 200 individuals

2) Broadband Cooperatives (Nov. 27, 2023)

Audience: Government affairs team for Electric and Telephone Cooperatives, 3 individuals

3) SC Cable and Broadband Association (Nov. 27, 2023)

Audience: Large SC cable companies (Charter and Comcast), 10 individuals

As a result of these and other efforts, specific to Volume 2, the SCBBO obtained public comment from 34 different entities including 9 Internet Service Provider, 3 Infrastructure Providers/Vendors, 4 local trade association, 1 county government, 1 Non-profit, and 8 national trade associations, 1 labor union, and 7 individuals.

In total, we received 55 discrete suggestions for different parts of Volume 2 and many of the suggestions were supported by multiple entities. Of the 55 suggestions, 24 resulted in changes to this Volume 2 submittal.

Here is a breakdown of the Vol 2 public comment impact by section:

2.4 Deployment Subgrantee Selection (6 key changes)

- Moved from countywide to zip code project areas.
- Modified Extremely High Cost Per Location (EHCPL) Threshold
- Modified Local Coordination scoring rubric
- Modified Letter of Credit requirement to reflect Nov. 1, 2023, NTIA Guidance
- Modified Professional Engineer requirements
- Included Broadband-Related workforce investment via Initial 20% allocation

2.5 Non-Deployment Subgrantee Selection (1 key change)

- Clarified Rural Resource Network Concept

2.6 Eligible Entity Implementation Activities (1 key change)

- Added provision for stakeholder input

2.12 Low-Cost Broadband Service Option (2 key changes)

- Eliminated \$50 low-cost mandate
- Modified “Useful Life” definition to be three years

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### **02.17.02 Volume II Supplemental Materials**

As an optional attachment, submit supplemental materials to the Volume II submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

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