



## **New NY Broadband Program: Instructions for Non-Binding Submission of Statements-of-Interest to Address Connect America Fund-Eligible Territories**

The New York State Broadband Program Office (BPO),<sup>1</sup> pursuant to its goal of supporting statewide broadband access, hereby invites non-binding, preliminary statements-of-interest proposing to leverage Connect America Fund support in combination with grant funding from the New NY Broadband Program, to address eligible Unserved areas of New York State. The BPO may utilize these proposals to structure a future funding round of the New NY Broadband Program as well as to inform the Federal Communications Commission (FCC) of the level of interest in connection with the BPO's ongoing efforts to obtain federal support for New York State broadband deployment projects.

### **I. Background**

The Connect America Fund (CAF) is a federal Universal Service Fund (USF) program that supports the deployment of broadband in unserved and underserved<sup>2</sup> areas at speeds of 10/1 Mbps (download/upload).<sup>3</sup> In August 2015, a national telecommunications carrier declined approximately \$28.4 million in annual funding, over six years within New York State. This funding was offered to provide service 78,245 eligible locations. The FCC is currently reviewing alternatives to re-auction this unclaimed funding, as well as other USF funds. The BPO is actively evaluating opportunities to provide partners seeking to offer broadband service to the remaining<sup>4</sup> CAF-eligible New York State territories with access to both the New NY Broadband Program and CAF funding. Thus, in parallel to its launch of Phase 2 of the New NY Broadband Program, the BPO is launching a simultaneous solicitation of interest to potentially address these territories.

### **II. Contents of Proposal**

To allow Respondents to develop preliminary proposals, the BPO has published a list of the New York State CAF-eligible Census Blocks, which represents the FCC's Preliminary List of CAF Phase II Auction-Eligible Census Blocks, along with Verified Unit Counts, on its website.<sup>5</sup> This list is titled "CAF-Eligible Census Blocks".

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<sup>1</sup> The BPO is a division of the New York State Urban Development Corporation, *dba* Empire State Development (ESD)

<sup>2</sup> As defined by the FCC

<sup>3</sup> The BPO refers specifically to the territories to be addressed in the upcoming CAF Phase II Auction. Information on the CAF program is available on the FCC's website: <https://www.fcc.gov/general/connect-america-fund-caf>.

<sup>4</sup> The FCC subsequently announced that areas currently served at Internet speeds of 10/1 Mbps (download/upload), or better, are no longer eligible for CAF funding. Those territories were included among the Census Blocks eligible for Phase 2, and are not the subject of this process.

<sup>5</sup> <http://nysbroadband.ny.gov/>



Non-binding statements-of-interest to address these areas with additional support from the New NY Broadband Program should include the following key elements:

**A. List of Census Blocks to be Addressed**

A list of the Census Blocks in Microsoft Excel format that your project would address, marked by 15-digit Census Block ID number. Projects may only reference the areas identified by the BPO, on the attached spreadsheet.

**B. Project Description**

Please provide a brief description of your contemplated project. This description should identify the technology to be utilized and proposed Internet speeds to be offered. Consistent with the Program’s goals:

- i. Projects should deliver minimum Internet download speeds of 100 Mbps, but cannot offer download speeds below 25 Mbps;
- ii. Projects must address all Units<sup>6</sup> in the Census Blocks.

**C. Project Budget**

Respondents should provide two versions of an estimated project budget, clearly identifying project costs both with and without CAF support:

- i. The first budget should be labelled “Project Budget with CAF Support” and must clearly identify the following:
  - Total Project Cost
  - Total Requested New York State Investment
  - Requested New York State Investment on a Per-Unit basis, based on the BPO’s Verified Unit Count for each Census Block to be addressed
  - Total Applicant Co-Investment

Respondents should assume that they will receive an amount of CAF support for each CAF-eligible Census Block equal to the corresponding amount of Illustrative Annual Model Support provided in the FCC’s Preliminary List of CAF Phase II Auction Eligible Census Blocks, available here:

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<sup>6</sup> “Units,” include Housing Units (as defined by the U.S. Census Bureau), Commercial Properties, Libraries, NYS Educational Opportunity Centers and other facilities identified in the New NY Broadband Program Phase 2 Request for Proposal Guidelines, available here: <http://nysbroadband.ny.gov/new-ny-broadband-program/phase-2>



[https://transition.fcc.gov/wcb/Prelim\\_Phase\\_II\\_Auction\\_Eligible\\_CBs\\_081016.zip](https://transition.fcc.gov/wcb/Prelim_Phase_II_Auction_Eligible_CBs_081016.zip)

- ii. The second budget should be labelled “Project Budget without CAF Support” and contain all of the elements set forth above, but reflect any changes resulting from the applicant’s inability to access CAF funding. This Budget should also include a brief narrative statement describing the changes.

**D. New NY Broadband Program Eligibility Requirements**

Respondents and proposed projects must conform to all eligibility requirements set forth in the New NY Broadband Program Phase 2 Request for Proposal Guidelines (“Phase 2 RFP Guidelines”), *see Sections III & IV*, which can be downloaded from the BPO’s website. Respondents should submit a statement affirming that they can meet these requirements.

**E. Additional Comments and Recommendations**

To the extent that a Respondent believes the BPO should consider structural changes to the Phase 2 RFP Guidelines relative to proposals to address CAF territories, please provide such comments and recommendations.

**III. Submission of Proposals**

The BPO must receive Statements-of-Interest no later than **4:30 P.M. (EST), on September 30, 2016**. Respondents should mail electronic versions of such documents, on disk or flash drive, to the following address:

**Empire State Development  
Broadband Program Office  
Attn: Alison Bates  
625 Broadway, 8th Floor  
Albany, NY 12245**

**Re: New NY Broadband Program – CAF Proposals**

Please note that neither ESD, through the BPO or otherwise, nor the State of New York, will be liable for any costs incurred by any respondent pertaining to the preparation and submittal of any Statements-of-Interest. Further, any content that is proprietary and/or confidential must be clearly marked as such in the response. Failure to mark content as proprietary and/or confidential may result in its disclosure in the event a response is the subject of a Freedom of Information request under Public Officers Law Section 87. In any event, ESD will determine, in its sole discretion, appropriate disclosure in response to any Freedom of Information Law request. All materials submitted by a respondent shall become the property of ESD and may or may not be returned to the respondent, at the sole discretion of ESD.



ESD may issue announcements amending these instructions in response to questions. Any revisions to these instructions will be posted on the BPO's website.

ESD reserves the right to modify, cancel, or extend the term of this solicitation for Statements-of-Interest at any time, at ESD's sole discretion. ESD may also communicate with any and all third-parties, on the subject of this solicitation for Statements-of-Interest or otherwise, during the pendency of this solicitation and/or following the receipt and consideration of Statements-of-Interest. This may be through email exchanges, phone discussions, meetings, demonstrations, and/or correspondence, and may be with an individual respondent, a subset of respondents, or all respondents. As Statements-of-Interest are reviewed, ESD reserves the right to send follow-up clarification questions to respondents of further interest, or, at ESD's discretion, to invite any respondents to make demonstrations at the BPO's office – located at 625 Broadway, 8th Floor, Albany, NY 12245.