

2022 Virginia Telecommunication Initiative (VATI) Program Guidelines and Criteria



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Background

The digital divide – the lack of universal broadband coverage – is not only a technology issue; it is essential infrastructure for modern community and economic development. Broadband availability promotes sustainability and growth of communities by providing access to health care, particularly through the introduction of telemedicine, which improves the local workforce, provides increased educational opportunities through distance learning, and encourages an entrepreneurial economy where new and existing home-based and small businesses are able to compete globally.

Disconnected communities continue to struggle to retain existing businesses due to slow, sporadic, or limited broadband services. Since the vast majority of businesses rely on the internet to perform business functions such as online banking, e-commerce transactions (i.e. sales and online payment processing), market development (i.e. online ads, websites, bulk-email, etc.), customer service through online chat or emails and internal/external communication, broadband connectivity is vital to the performance of businesses of all sizes. Broadband is a necessity in the twenty-first century economy.

Additional guidance and questions regarding project development or about the VATI, guidelines and criteria should be directed to:

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Summary of Proposed Changes to the 2022 VATI Guidelines and Criteria

Eligible Applicants Overview

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, the Fiscal Year 2022 round of the Virginia Telecommunication Initiative (VATI) will implement a one-year pilot program in which public broadband authorities may apply directly for VATI funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available VATI funds in FY2022. Applications submitted without a private sector co-applicant will be evaluated alongside other applications.

Eligible Areas

- For a **wireline project**, a proposed project area is considered eligible if 10 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

Applicants are strongly encouraged to include passings in application areas that have special construction costs (see definitions for more detail) for low to moderate income residents, as these locations will become increasingly more difficult to connect outside of the VATI application process. These passings include properties where the location has an extended setback from the public right of way beyond the maximum distance between a network access point and the home or business allowed by the co-applicant.

Federal Funding

Rural Digital Opportunity Fund

Areas with service by satellite providers are not considered served under VATI definitions. Therefore, Rural Digital Opportunity Fund (RDOF) areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in VATI applications.

On December 7, the Federal Communications Commission announced preliminary results of the Phase 1 RDOF auction. To a far greater extent than previous Federal Communication Commission (FCC) auctions, RDOF delivered lower than anticipated level of funding to internet service providers, presenting challenges in their ability to deliver services. To accelerate broadband access in RDOF awarded areas, passings in those areas may be included in VATI application to cover a portion of the infrastructure needed to reach RDOF awarded areas. All RDOF passings included in a VATI application that is awarded funding must be provided access to broadband service within the VATI contractual period. RDOF passings may not exceed VATI passings in the application.

DHCD reserves the right to waive this requirement on a case-by-case basis in instances where this may be impractical in an application. For example, in some localities RDOF locations may outnumber remaining unserved passings that are eligible for VATI. The internet service provider co-applicant must provide a detailed explanation if RDOF passings exceed VATI passings in the application.

Combining RDOF with VATI

Due to the timing of the release of the final 2022 VATI guidelines and the FCC issuing the Phase I RDOF final long-form results, areas preliminarily awarded RDOF, regardless of bidder, are eligible to be included in a VATI application. RDOF awardees who are not the VATI co-applicant may challenge an application that includes all, or portions of their final RDOF awarded area. If the challenge is determined to be credible, the applicant will be required to remove the area(s) that overlap from their application. The challenging RDOF awardee must commit to providing broadband access in the challenge area(s) within 3 years of the announcement of FY 2022 VATI awards and will be required to enter into a Memorandum of Understanding (MOU) with the VATI applicant committing to construct the removed area(s). Please note; if DHCD determines that a challenge is credible on the basis of a final RDOF award and the RDOF awardee has committed to constructing the challenges area and later defaults, they are prohibited from submitting future VATI applications for that challenged area, unless a unit of local government applicant formally expresses intent in partnering with the defaultee on a future VATI application(s) in that area.

RDOF areas that are not included in the long-form results are considered unserved and fully eligible for VATI funding. If RDOF areas awarded to an internet service provider other than the VATI applicant are included in a VATI application, but not challenged by the RDOF awardee, those will be considered as unserved and scored as such.

If awarded funding, the co-applicant internet service provider must enter into an agreement with DHCD to provide broadband access to an equal number of passings outside of the VATI area, ahead of their RDOF milestone for completion percentage within 3 years of the announcement of the FY2022 VATI awards. Extensions may be considered for these accelerated RDOF areas that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Example Scenario

If an internet service provider (ISP) won 1000 RDOF locations, and had to complete 400 of those by year 3, if 200 RDOF passings are accelerated due to VATI funding, the awarded ISP must have completed 600 passings by year three, barring any agreed contract extensions related to extenuating circumstances.

Leveraging RDOF in achieving Universal Coverage

If RDOF areas are included in a VATI application and that application achieves universal coverage in the county, or counties, each RDOF passing included in that VATI application will be awarded $\frac{1}{2}$ of the scoring value of a VATI passing. If multiple applications are submitted with different co-applicants and those applications cumulatively reach universal coverage, RDOF locations included in those applications will be awarded at $\frac{1}{2}$ the scoring value of a VATI passing. If RDOF is included in a VATI application and does not achieve universal coverage in a county, or counties but is part of a universal plan, each passing in the application will be awarded $\frac{1}{4}$ of the scoring value of one VATI passing. RDOF may not be included in a VATI application if it does not achieve universal coverage or is not part of a universal plan. RDOF passing valuations also apply to businesses and community anchor institutions in RDOF awarded areas in the VATI application.

To account for the potential of supplemental action by the Federal Communications Commission in regards to the results of Phase I RDOF auction, DHCD reserves the right to update the guidelines accordingly in response to federal rules changes.

Project Financing

Local Government expenditures incurred after June 17, 2020, one year prior to the application open date, are eligible to be included in the application as match funds. Incurred expenses must be related to the proposed VATI project and meet VATI criteria. DHCD staff reserves the right to make administrative determinations on the validity of matching funds and accept a proportion of the funds when necessary.

Demonstrated local government support through contribution of Local Fiscal Recovery Funds delivered to local governments through the American Rescue Plan is strongly encouraged. Local Fiscal Recovery Funds contributed to a VATI application are considered match funds.

Pending state allocation of State Fiscal Recovery Funds through the American Rescue Plan, DHCD reserves the right to determine the source of funds through which awards are made. Non state general fund awards such as this can fund VATI applications and are subject to the rules of the funding source.

Challenge Process

If an incumbent provider serves one side of a roadway, but will not connect the other side, that unserved side of the road is eligible for VATI funding. In these instances, the applicant must prove the incumbent provider will not connect the unserved side of the roadway.

To streamline the challenge process, challengers must provide point and polygon shapefile(s) as defined in this document. In addition, wireless challengers are required to include shapefiles of heat maps indicating received signal strength indicator (RSSI) measures in the challenged area.

Organizational and Management Capabilities

To better define project area(s), all applicants are required to provide point and polygon shapefile(s) as defined in the definitions section of this document. In addition, wireless co-applicants are required to include shapefiles of heat maps indicating projected received signal strength indicator (RSSI) measures in the application area accounting for terrain and peak vegetation. *Note: Point and polygon shapefiles submitted with VATI applications are subject to the Freedom of Information Act and will not be provided FOIA exemption. RSSI measures in the project area(s) are eligible for Freedom of Information Act exemption.*

Definitions

The following definitions were added:

Adjacent- adjoining parcels sharing a roadway, private or public, other than highways or expressways as a common boundary

Point Shapefiles – shapefiles that show each proposed passing in the application area as a singular mapped point, in the application or challenged area containing attribute data showing the addresses of each point.

Polygon Shapefiles - shapefiles delineating the general project area(s).

RSSI - Received Signal Strength Indicator, or RSSI, is an estimated measure of power level that a wireless client device is receiving from an access point or router. See Appendix B for more information.

Special construction costs - one-time fees above normal service connection fees required to provide broadband access to a premise (i.e. service connection drop fee for serviceable units beyond the ISPs set standard length or require nonstandard equipment)

Evaluation Criteria

Category	2021 Points	2022 Points
Project Description and Need	120	85
Project Readiness	60	40
Budget and Cost Appropriateness	70	135
Commonwealth Priorities	50	40
Total	300	300

New and adjusted evaluation criteria include the following:

- Project Description and Need
 - Combine scoring of business and community anchor institution passing to a single, up-to 10-point section in the Project Description and Need category. *Note: Passings of significant impact are still included under Commonwealth Priorities.*
 - Scoring criteria on universal broadband coverage moved from Commonwealth Priorities category to the Project Description and Need category.
 - Reduced scoring cap on percent of project area that serves areas with less than 10/1 speeds
 - Reduced scoring cap on maximum speeds available in the project area
 - Removed the scoring of project overlap. *Note: This does not eliminate overlap allowance of project areas with existing networks.*
- Project Readiness
 - Increased scoring cap of the project management plan
- Project Budget and Cost Appropriateness
 - Moved the scoring of percent of project funded by matching funds from the Project Readiness category to the Project Budget and Cost Appropriateness category.
 - Moved the scoring of passings from Project Description and Need to the Budget and Cost Appropriateness category
 - *Note: Wireline and wireless applications are evaluated against projects of the same technology type in terms of state requested funding per passing.*

Program Description

Administered by the Virginia Department of Housing and Community Development (DHCD), the Virginia Telecommunication Initiative (VATI) enhances the sustainability and growth of communities throughout the Commonwealth by preparing those communities to build, utilize, and capitalize on telecommunications infrastructure. Consistent with the enabling budget language, DHCD will award up to \$49,725,000 in Fiscal Year (FY) 2022 to eligible applicants to provide last-mile services to unserved areas of the Commonwealth. DHCD reserves the right to award any amount to eligible grantees, depending entirely on the quality and quantity of applications received.

The primary objective of VATI is to provide financial assistance to supplement construction costs by private sector broadband service providers, in partnership with local units of government, to extend service to areas that presently are unserved by any broadband provider.

Freedom of Information Act (FOIA)

Pursuant to Section 2.2-3705.6-32 of the Code of Virginia, DHCD has the legal authority with the following information contained in a public record and is exempt from the mandatory disclosure provisions of the Virginia Freedom of Information Act (FOIA): “information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.” Applicants wishing to receive FOIA exemption must submit a written request to DHCD and follow the FOIA policy, found on page 21. *Note: Point and polygon shapefiles submitted with VATI applications are subject to the Freedom of Information Act and will not be provided FOIA exemption. RSSI measures in the project area(s) are eligible for Freedom of Information Act exemption.*

Eligible Applicants

Applications must be submitted by a unit of government (Towns, Cities, Counties, Economic Development Authorities/Industrial Development Authorities, Planning District Commissions, School Divisions, etc.) with a private sector internet service provider as a co-applicant. Eligible projects must be owned and operated by the private sector co-applicant. Publicly owned networks are eligible for the program when partnered with a private sector co-applicant, so long as the private sector applicant is serving as the customer-facing internet service provider.

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, the Fiscal Year 2022 round of VATI will implement a one-year pilot program in which public broadband authorities may apply directly for Virginia Telecommunications Initiative funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available VATI funds in FY2022. Applications submitted without a private sector co-applicant will be evaluated alongside other applications and thus are not guaranteed an award for any pilot projects.

Selection Process

Awardees will be selected through a competitive application process. Application questions will be focused on the applicant's broadband needs as well as information related to ready-to-construct project(s) needing financial assistance to supplement construction costs. The applicant must demonstrate a readiness to proceed with an awarded project in a timely manner by the required deadline.

Any modifications made to an awarded project will be subject to the VATI challenge process detailed on page 10 if a new project area has been added.

Technical Assistance

DHCD staff is available to provide technical assistance on the development of an application and during the challenge process to units of local government, internet service providers, grant writers, consultants, and all other VATI stakeholders. Please reach out to DHCD staff and consult the broadband toolkit available at www.commonwealthconnect.virginia.gov/broadband-toolkit prior to engaging a private consultant. *DHCD staff strongly recommends engagement of technical assistance throughout project development.*

Universal Coverage

Governor Northam has set a goal for universal broadband coverage throughout the Commonwealth by 2028. To that end, DHCD encourages applicants to ensure all projects either achieve, or are part of a plan to achieve universal broadband for the locality or region. Localities can find resources for developing a universal broadband plan on the Commonwealth Connect website at www.commonwealthconnect.virginia.gov/broadband-toolkit. *DHCD recognizes that due to the nature of wireless projects having an inherent potential of overlap it is strongly encouraged that applicants contact DHCD staff for assistance.* Applicants are discouraged from submitting projects that focus on pockets of density while not including nearby unserved, less dense areas. This tactic, also known as cherry picking, hurts the economics of serving the remaining areas in your community and will ultimately make it more difficult and costly to get all Virginians access to broadband coverage.

Eligible Areas

DHCD will award funding to applicants to provide last-mile services, including middle-mile networks, equipment, or other investments required to deliver last-mile service to unserved areas of the Commonwealth. Unserved areas are defined as having broadband speeds below 25 Megabits per second (Mbps) download and 3 Megabits (Mbps) upload. Areas lacking 10 Megabits per second download and 1 Megabits per second upload speeds will be given significant priority in application scoring.

- For a **wireline project**, a proposed project area is considered eligible if 10 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

Applicants are strongly encouraged to include passings in application areas that have special construction costs (see definitions for more detail) for low to moderate income residents, as these locations will become increasingly more difficult to connect outside of the VATI application process. These passings include properties where the location has an extended setback from the public right of way beyond the maximum distance between a network access point and the home or business allowed by the co-applicant.

Federal Funding

Applicants must do their due diligence to determine if their proposed VATI project area has in whole or in part been awarded federal broadband funds. These programs include, but are not limited to, Connect America Funds II (CAFII), Reconnect, Community Connect, Alternative Connect America Cost Model¹ (ACAM), and the Rural Digital Opportunity Fund (RDOF). Areas with service by satellite providers are not considered served under VATI definitions. Therefore, RDOF areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in the VATI application. In the event the VATI co-applicant has been awarded federal broadband funds, they cannot use those funds as matching

¹ Established by the 2016 Rate-of-Return Reform Order, the Alternative Connect America Cost Model (ACAM) delivers funding to provide federally identified locations with broadband access. Deployment speed requirements associated with ACAM funding range, depending on an area's population density, from 4 mbps download and 1 mbps, up to the highest required deployment speed of 25 mbps download and 3 mbps upload. To ensure Virginians have access to high-quality broadband that meets the demands of the 21st century, ACAM-funded connections that do not meet broadband speeds, defined as 25 Mbps download and 3 Mbps upload, are eligible to be included in VATI application areas.

funds. However, they are encouraged to leverage their federal award and apply for VATI funding to extend service to areas beyond those that were awarded federal funds or to accelerate construction of federal awards.

Rural Digital Opportunity Fund

Areas with service by satellite providers are not considered served under VATI definitions. Therefore, Rural Digital Opportunity Fund (RDOF) areas preliminarily awarded to satellite internet service providers will not be considered as overlap and are allowed to be included in VATI applications.

On December 7, the Federal Communications Commission announced preliminary results of the Phase 1 RDOF auction. To a far greater extent than previous Federal Communication Commission (FCC) auctions, RDOF delivered lower than anticipated level of funding to internet service providers, presenting challenges in their ability to deliver services. To accelerate broadband access in RDOF awarded areas, passings in those areas may be included in VATI application to cover a portion of the infrastructure needed to reach RDOF awarded areas. All RDOF passings included in a VATI application that is awarded funding must be provided access to broadband service within the VATI contractual period. RDOF passings may not exceed VATI passings in the application. DHCD reserves the right to waive this requirement on a case-by-case basis in instances where this may be impractical in an application. For example, in some localities RDOF locations may outnumber remaining unserved passings that are eligible for VATI. The internet service provider co-applicant must provide a detailed explanation if RDOF passings exceed VATI passings in the application.

Combining RDOF with VATI

Due to the timing of the release of the final 2022 VATI guidelines and the FCC issuing the Phase I RDOF final long-form results, areas preliminarily awarded RDOF, regardless of bidder, are eligible to be included in a VATI application. RDOF awardees who are not the VATI co-applicant may challenge an application that includes all, or portions of their final RDOF awarded area. If the challenge is determined to be credible, the applicant will be required to remove the area(s) that overlap from their application. The challenging RDOF awardee must commit to providing broadband access in the challenge area(s) within 3 years of the announcement of FY 2022 VATI awards and will be required to enter into a Memorandum of Understanding (MOU) with the VATI applicant committing to construct the removed area(s). Please note; if DHCD determines that a challenge is credible on the basis of a final RDOF award and the RDOF awardee has committed to constructing the challenges area and later defaults, they are prohibited from submitting future VATI applications for that challenged area, unless a unit of local government applicant formally expresses intent in partnering with the defaulter on a future VATI application(s) in that area.

RDOF areas that are not included in the long-form results are considered unserved and fully eligible for VATI funding. If RDOF areas awarded to an internet service provider other than the

VATI applicant are included in a VATI application, but not challenged by the RDOF awardee, those will be considered as unserved and scored as such.

If awarded funding, the co-applicant internet service provider must enter into an agreement with DHCD to provide broadband access to an equal number of passings outside of the VATI area, ahead of their RDOF milestone for completion percentage within 3 years of the announcement of the FY2022 VATI awards. Extensions may be considered for these accelerated RDOF areas that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Example Scenario

If an internet service provider(ISP) won 1000 RDOF locations, and had to complete 400 of those by year 3, if 200 RDOF passings are accelerated due to VATI funding, the awarded ISP must have completed 600 passings by year three, barring any agreed contract extensions related to extenuating circumstances.

Leveraging RDOF in achieving Universal Coverage

If RDOF areas are included in a VATI application and that application achieves universal coverage in the county, or counties, each RDOF passing included in that VATI application will be awarded $\frac{1}{2}$ of the scoring value of a VATI passing. If multiple applications are submitted with different co-applicants and those applications cumulatively reach universal coverage, RDOF locations included in those applications will be awarded at $\frac{1}{2}$ the scoring value of a VATI passing. If RDOF is included in a VATI application and does not achieve universal coverage in a county, or counties but is part of a universal plan, each passing in the application will be awarded $\frac{1}{4}$ of the scoring value of one VATI passing. RDOF may not be included in a VATI application if it does not achieve universal coverage or is not part of a universal plan. RDOF passing valuations also apply to businesses and community anchor institutions in RDOF awarded areas in the VATI application.

To account for the potential of supplemental action by the Federal Communications Commission in regards to the results of Phase I RDOF auction, DHCD reserves the right to update the guidelines accordingly in response to federal rules changes.

Multiple Applications

An applicant may submit one application with multiple service providers if the applicant can demonstrate how the providers are collaborating to achieve universal coverage for the locality or region. Service providers may submit an application with more than one unit of local government. Units of local government may submit multiple applications with different service providers and may include project areas that cross-jurisdictional boundaries. Multiple applications that when combined reach universal coverage in a county or region, will be awarded maximum points for universality when scored.

An applicant may include non-contiguous service areas in a single application. If designating more than one service area in a single application, each service area must be clearly delineated, and the required data and budget information must be provided by each service area.

Project Financing

VATI funding shall not exceed 80 percent of the total project cost. Applicants should note that the program is competitive however, and that those projects that bring greater match to the application are more likely to receive higher evaluations scores.

Consistent with VATI's enabling budget language; the private co-applicant must contribute a cash match to the total project cost. If the private co-applicant match is below 10% of total project cost, applicants must provide financial details in their applications demonstrating appropriate private investment in relation to the density and scope of the project. Local Government expenditures incurred after June 17, 2020, one year prior to the application open date, are eligible to be included in the application as match funds. Incurred expenses must be related to the proposed VATI project and meet VATI criteria. DHCD staff reserves the right to make administrative determinations on the validity of matching funds and accept a proportion of the funds when necessary.

Demonstrated local government support through contribution of Local Fiscal Recovery Funds delivered to local governments through the American Rescue Plan is strongly encouraged. Local Fiscal Recovery Funds contributed to a VATI application are considered match funds.

Pending state allocation of State Fiscal Recovery Funds through the American Rescue Plan, DHCD reserves the right to determine the source of funds through which awards are made. Non state general fund awards such as this can fund VATI applications and are subject to the rules of the funding source.

VATI Notice of Application

All applicants are required to issue a VATI Notice of Application detailing their intent to apply for VATI funding no later than July 27, 2021, at 5:00 p.m. Applicants must submit a copy of the VATI Notice of Application to DHCD at: vati@dhcd.virginia.gov. The sample notice is located in Appendix A. VATI Notice of Applications will be posted on DHCD's VATI webpage no later than August 3, 2021.

Challenge Process

Prospective challengers are *strongly encouraged* to contact applicants directly and discuss the contested project area before submitting a challenge as project areas can often be re-scoped to remove overlap. Evidence of serviceability must be demonstrated by showing a reasonable number of customers within the area of claimed serviceable units.

Planned service to a proposed project area is eligible for the purpose of a challenge if state or federal funds have been awarded and the provider has committed to providing service to the

areas using these state or federal funds. Areas adjacent to state or federally funded areas may be eligible for a challenge if the challenger demonstrates existing awards will cover the adjacent area. If an incumbent provider serves one side of a roadway, but will not connect the other side, that unserved side of the road is eligible for VATI funding. In these instances, the applicant must prove the incumbent provider will not connect the unserved side of the roadway. The challenger must commit to serving the adjacent areas at speeds equal to or greater than the VATI minimum deployment speed.

DHCD will post electronic copies of all submitted applications to the agency website within five business days after the September 14, 2021 application deadline. Providers wishing to submit a challenge must provide the information required in this section no later than 5:00 p.m. on October 21, 2021. Applicants will be notified if their proposed project area is being challenged by October 28, 2021 at 5:00 p.m. and will have 15 business days from notification of a challenge to provide rebuttal information to DHCD.

Providers wishing to submit challenges on multiple applications must submit a separate challenge for each application. Challenges can be made to portions of a proposed project area without invalidating the entire project. DHCD reserves the right to invalidate a portion(s) of a proposed project area, aggregate challenges by different providers to determine the percentage of serviceable units served in a proposed project area, and invalidate insufficient challenges. Challengers must demonstrate that more than 10% for wireline projects, or 25% for wireless projects, of serviceable units in the project area have access to speeds above 25/3 mbps as of the date of the application or that the application is ineligible as a result of committed state or federal funding subject to the conditions described above.

DHCD must receive all of the information detailed below or the challenge will be deemed incomplete and invalid. Challengers must provide:

1. A signed and notarized affidavit affirming the challenge and attached information is true.
2. Current Federal Communications Commission (FCC) Form 477 or equivalent.
3. Minimum/maximum speeds available in the proposed project area.
4. Number of serviceable units within the proposed project area and provide the speeds those serviceable units are able to receive.
5. Street level data of customers receiving service within the proposed project area.
6. Point shapefiles that show each proposed passing in the challenged area, designated by a singular mapped point, in the challenged area containing attribute data showing the addresses of each point. Polygon shapefiles delineating the general challenged area(s). (Note: These files must be provided in .zip file form)
7. For wireless providers: Heat maps indicating received signal strength indicator (RSSI) in the challenged area, accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
8. Wireless providers must also note if the bandwidth is shared or dedicated in the challenged area.

9. Using the project area map submitted by the applicant, create a map indicating where the challenger's serviceable units are located in the proposed project area. Challengers are encouraged to submit additional maps and information if necessary.
10. If challenging due to planned state or federal funding, documentation detailing commitment to provide service in or adjacent to the proposed project area.

DHCD will review all applicable challenge and rebuttal information to determine if a challenge is credible. DHCD reserves the right to request verified speed tests at times of peak network usage on all or portion(s) of the challenged area. DHCD reserves the right to re-scope any credibly challenged VATI application and fund the remaining portion(s) of the application. The Department shall notify the applicant and challenger in writing if a challenge is credible no later than 5:00pm on December 3, 2021.

Implementation Deadline

Applicants must demonstrate that projects will be completed within 18 months. The project timeline begins with the contract execution between the applicant and DHCD. DHCD will consider longer project timelines for larger project areas if applicants can sufficiently detail the reasoning for an extended timeline in their application. Applicants are encouraged to phase larger scale projects, and DHCD reserves the right to fund only a phase(s) of a proposed project. Extensions may be considered for awarded projects that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

Organizational and Management Capabilities

To participate in VATI, applicants and co-applicants must demonstrate suitable organizational and management capabilities. To determine whether applicants meet this criterion, applicants and private sector partner(s), must submit the following documents and/or attest to each of the following:

1. Documentation that proposed project area is unserved based on VATI criteria.
2. Private co-applicant must provide proof that they have filed an FCC Form 477 by the two most recently submitted forms prior to submission of application. If the private co-applicant has not submitted an FCC Form 477 in previous years, the co-applicant must provide reasoning for not submitting, business background, number of customers, overview of assets, or equivalent information.
3. Point shapefiles are shapefiles that show each proposed passing in the application area, designated by a singular mapped point, in the project area containing attribute data showing the addresses of each point. Polygon shapefiles delineating the general project area(s). Polygon shapefiles delineating the general project area(s). (Note: These files must be provided in .zip file form)

4. For wireless providers: Heat maps indicating projected received signal strength indicator (RSSI) in the application area accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
5. Projects must be fully-financed through a combination of the total requested VATI funds, committed matching funds from the applicants, and in-kind resources.
6. Private co-applicants must document current assets (i.e. total amount of available cash and equivalents, callable capital, in an amount no less than the proposed committed funding or a commitment letter for financing) in the amount of match funds committed for the project at the time of application. Per VATI's enabling budget language, the private co-applicant must contribute an appropriate level of match to the total project cost.
7. Applicants must be in good standing in performance of any and all existing Commonwealth of Virginia contracts and in compliance with all federal, state, and local laws.

Proposal Due Date

Proposals are to be submitted by **11:59 p.m.** on September 14, 2021. Please note that DHCD offices close at 5:00 p.m. Therefore, staff will not be available to provide CAMS technical assistance after 5:00 p.m.

Evaluation Criteria

Project Description and Need (Maximum of 85 points)

Describe the fundamentals of the project, including:

- Overview of the project area and how it was determined
- Internet speeds to be offered
- Network design
- How the project achieves universal broadband coverage in a locality, or how a project fits into a larger plan for universal broadband coverage. *Note: Applicants will only achieve maximum scoring in this section if the application reaches universal coverage in the county or counties included in the application.*

Project Readiness (Maximum of 40 points)

Describe the capacity to successfully implement the project, including:

- Additional leverage to improve the project
- Marketing activities, including digital literacy efforts, to ensure a sufficient take rate
- Description of the project management plan, including key contacts, projected timeline, and history of managing similar projects/grants

Project Budget and Cost-Appropriateness (Maximum of 135 points)

Describe the project budget, including:

- Detailed project budget, including derivation of costs and documentation of cost estimates, delineated by each service area
- Information to calculate the Cost Benefit Index score
- Number of serviceable units passed and the breakdown of those passings
- Breakdown of matching funds and in-kind resources

Commonwealth Priorities (Maximum of 40 points)

Describe how the project would reflect priorities of the Commonwealth, including:

- Passings of significant impact
- Unique partnerships involved in the project
- Digital equity efforts
- Capacity for scalability

Application Questions

Project Description and Need (85 points)

1. Describe why and how the project area(s) was selected. Describe the proposed geographic area including specific boundaries of the project area (e.g. street names, local and regional boundaries, etc.). Attach a copy of the map of your project area(s). Label map: Attachment 1 – Project Area Map.
2. List existing providers in the proposed project area and the speeds offered. Please do not include satellite. Describe your outreach efforts to identify existing providers and how this information was compiled with source(s).
3. Describe if any areas near the project have received funding from federal grant programs, including but not limited to Connect America Funds II (CAF II), ACAM, ReConnect, Community Connect, and Rural Digital Opportunity Funds (RDOF). If there have been federal funds awarded near the project area(s), provide a map showing these areas, verifying the proposed project area does not conflict with these areas. Label Map: Attachment 2 – Documentation on Federal Funding Area.
4. Describe if any blocks awarded in Rural Digital Opportunity Fund (RDOF) to the VATI co-applicant are included in the VATI application area. If awarded RDOF areas are included in the VATI application, provide a map of these areas and include information on number of passings in RDOF awarded areas within the VATI application area, and Census Block Group ID number for each block group in the project area. Label Attachment: Attachment 3 – RDOF Awarded Areas Form in VATI Area
5. Overlap: To be eligible for VATI, applicants must demonstrate that the proposed project area(s) is unserved. An unserved area is defined as an area with speeds below 25/3 mbps and with less than 25% service overlap within the project area for wireless projects and 10% for wireline projects. Describe any anticipated service overlap with current providers within the project area. Provide a detailed explanation as to how you determined the percentage overlap. Label Attachment: Attachment 4 – Documentation Unserved Area VATI Criteria.
6. Total Passings: Provide the number of total serviceable units in the project area. Applicants are encouraged to prioritize areas lacking 10 Megabits per second download and 1 Megabits per second upload speeds, as they will receive priority in application scoring. For projects with more than one service area, each service area must have delineated passing information. Label Attachment: Attachment 5 – Passings Form.

- a. Of the total number of VATI passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area. **(Up to 10 points for businesses and community anchor institutions)**
 - b. If applicable, of the total number of RDOF passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area.
 - c. If applicable, provide the number of passings that will require special construction costs, defined as a one-time fee above normal service connection fees required to provide broadband access to a premise . Describe the methodology used for these projections.
 - d. Provide the number of serviceable units in the project area that have 10/1 mbps or less. Describe the methodology used for these projections. **(up to 15 points)**
7. For wireless projects only: Please explain the ownership of the proposed wireless infrastructure. Please describe if the private co-applicant will own or lease the radio mast, tower, or other vertical structure onto which the wireless infrastructure will be installed.
 8. Speeds: Describe the internet service offerings, including download and upload speeds, to be provided after completion of the proposed project. Detail whether that speed is based on dedicated or shared bandwidth, and detail the technology that will be used. This description can be illustrated by a map or schematic diagram, as appropriate. List the private co-applicant's tiered price structure for all speed offerings in the proposed project area, including the lowest tiered speed offering at or above 25/3 mbps. **(up to 10 points)**
 9. Network Design: Provide a description of the network system design used to deliver broadband service from the network's primary internet point(s) of presence to end users, including the network components that already exist and the ones that would be added by the proposed project. Provide a detailed explanation of how this information was determined with sources. Provide information on how capacity for scalability, or expansion, of how the network can adapt to future needs. If using a technology with shared bandwidth, describe how the equipment will handle capacity during peak intervals. For wireless projects, provide a propagation map for the proposed project area with a clearly defined legend for scale of map. Label Map: Attachment 6 – Propagation Map Wireless Project.
 10. Explain how the proposed project achieves universal broadband coverage for the locality or fits into a larger plan to achieve universal broadband coverage for the locality. If applicable, explain the remaining areas of need in the locality and a brief description of the plan to achieve universal broadband coverage. **(up to 50 points)**

Project Readiness (40 points)

11. Describe the current state of project development, including but not limited to: planning, preliminary engineering, identifying easements/permits, status of MOU or MOA, and final design. Prepare a detailed project timeline or construction schedule, identifying specific tasks, staff, contractor(s) responsible, collection of data, etc., and estimated start

and completion dates. Applicants must include Memorandums of Understanding (MOUs) or Memorandums of Agreement (MOAs) between applicants (drafts are allowable).
Label Attachments: Attachment 7 – Timeline/Project Management Plan; Attachment 8 – MOU/MOA between Applicant/Co-Applicant; **(up to 20 points)**

12. Has the applicant or co-applicant received any VATI grants? If so, provide a list of these grants, with a detailed summary of the status of each.
13. Matching funds: Complete the funding sources table indicating the cash match and in-kind resources from the applicant, co-applicant, and any other partners investing in the proposed project (VATI funding cannot exceed 80 percent of total project cost). In-kind resources include, but are not limited to: grant management, acquisition of rights of way or easements, waiving permit fees, force account labor, etc. Please note that a minimum 20% match is required to be eligible for VATI, the private sector provider must provide 10% of the required match. If the private co-applicant cash match is below 10% of total project cost, applicants must provide financial details demonstrating appropriate private investment. Label Attachments: Attachment 9 - Funding Sources Table; Attachment 10 – Documentation of Match Funding;
14. Leverage: Describe any leverage being provided by the applicant, co-applicant, and partner(s) in support of the proposed project. **(up to 10 points)**
15. Marketing: Describe the broadband adoption plan.
 - a. Explain how you plan to promote customer take rate, including marketing activities, outreach plan, and other actions to reach the identified serviceable units within the project area. Provide the anticipated take rate and describe the basis for the estimate. **(up to 10 points)**
 - b. Describe any digital literacy efforts to ensure residents and businesses in the proposed project area sufficiently utilize broadband. Please list any partnering organizations for digital literacy, such as the local library or cooperative extension office.
16. Project Management: Identify key individuals who will be responsible for the management of the project and provide a brief description of their role and responsibilities for the project. Present this information in table format. Provide a brief description of the applicant and co-applicant's history and experience with managing grants and constructing broadband communication facilities. Please attach any letters of support from stakeholders. If the applicant is not a locality(s) in which the project will occur, please provide a letter of support from that locality. Attachment 11 – Letters of Support.

Project Budget and Cost Appropriateness (135 points)

17. Budget: Applicants must provide a detailed budget that outlines how the grant funds will be utilized, including an itemization of equipment, construction costs, and a justification of proposed expenses. If designating more than one service area in a single application, each service area must have delineated budget information. For wireless projects, please include delineated budget information by each tower. Expenses should be substantiated by clear cost estimates. Include copies of vendor quotes or documented cost estimates supporting the proposed budget. Label Attachments: Attachment 12 – Derivation of Costs; Attachment 13 - Documentation of Supporting Cost Estimates. **(up to 10 points)**
18. The cost benefit index comprises state cost per unit passed. Individual cost benefit scores are calculated and averaged together to create a point scale for a composite score. Provide the following:
 - a. Total VATI funding request
 - b. Number of serviceable units
 - i. **(up to 125 points)**

Commonwealth Priorities (40 points)

19. Additional points will be awarded to proposed projects that reflect Commonwealth priorities. If applicable, describe the following:
 - a. Businesses, community anchors, or other passings in the proposed project area that will have a significant impact on the locality or region because of access to broadband.
 - b. Unique partnerships involved in the proposed project. Examples include electric utilities, universities, and federal/state agencies.
 - c. Digital equity efforts to ensure low to moderate income households in the proposed project area will have affordable access to speeds at or above 25/3 mbps.

Additional Information

20. Provide any other information that the applicant desires to include. Applicants are limited to four additional attachments.

List of Required Attachments, PDF Format Required

*All Attachments **MUST** be uploaded in PDF format

1. Map(s) of project area, including proposed infrastructure.
 - Label Attachment: Attachment 1 – Project Area map
2. Documentation of Federal Funding (CAF/ACAM/USDA/RDOF, etc...) in and/or near proposed project area.
 - Label Attachment: Attachment 2 – Documentation of Federal Funding Area
3. Documentation of RDOF awarded area in VATI project area, If needed
 - Label Attachment: Attachment 3 – RDOF Awarded Areas included in VATI Application
4. Documentation that proposed project area is unserved based on VATI criteria
 - Label Attachment: Attachment 4 – Documentation Unserved Area VATI Criteria
5. Passings Form (Please use template provided)
 - Label Attachment: Attachment 5 – Passings Form
6. Propagation Map and Heat Map if Wireless Project
 - Label Attachment: Attachment 6 – Propagation Map (Wireless Projects only)
7. Timeline/Project Management Plan
 - Label Attachments: Attachment 7 – Timeline Project Management Plan
8. MOU/MOA between applicant/co-applicant (can be in draft form)
 - Label Attachment: Attachment 8 – MOU.MOA between Applicant/Co-Applicant
9. Funding Sources Table
 - Label Attachment: Attachment 9 – Funding Sources Table
10. Documentation for match funding
 - Label Attachment: Attachment 10 – Documentation of Match Funding
11. Letters of Support
 - Label Attachment: Attachment 11 - Letters of Support
12. Derivation of Cost (Project Budget)
 - Label Attachment: Attachment 12 – Derivation of Costs
13. Documentation supporting project costs (e.g. vendor quotes)
 - Label Attachment: Attachment 13 – Documentation of Supporting Cost Estimates
14. Two most recent Form 477 submitted to FCC
 - Label Attachment: Attachment 14 – Two most recent Form 477 submitted to the FCC or equivalent
15. Label Additional Attachments as:
 - Attachment 15 – XXXXXXXX
 - Attachment 16 – XXXXXXXX
 - Attachment 17 – XXXXXXXX
 - Attachment 18 – XXXXXXXX

List of Required Attachments, Shapefiles

*All shapefiles **MUST** be functional

1. Point shapefiles that show each proposed passing in the application area as a singular mapped point containing attribute data showing the addresses of each point.
2. Polygon shapefiles delineating the general challenged area(s).
3. For wireless providers: Shapefiles displaying heat maps indicating received signal strength indicator (RSSI) in the application area accounting for terrain and vegetation.

Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy

Effective July 1, 2019

§ 2.2-3705.6:

(32) Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy

All entities requesting Freedom of Information (FOIA) exemption for information pertaining to the VATI program shall submit the request for exemption in writing detailing the documentation to vati@dhcd.virginia.gov. DHCD FOIA exemptions do not extend to local government co-applicants. Only materials submitted to DHCD directly are subject to consideration for a FOIA-exemption. Pursuant to 2.2-3705.6-32, the Department of Housing and Community Development (DHCD) will make a written determination within ten (10) days of the request as to whether FOIA-exemption will be afforded as well as the nature and scope of the protection. Upon receipt of the written determination from DHCD documents must be submitted to vati@dhcd.virginia.gov. All exempted information will be securely maintained and accessed by VATI staff only.

Grant Applications

Consistent with VATI Guidelines, DHCD will continue to make available online submitted VATI applications. DHCD respects the right of the public to access to public information about the VATI program and encourages applicants to only request a FOIA-exemption when absolutely necessary. Applications submitted through CAMS must only include information that is open to the public. Applicants may request to submit supplementary information to the application that includes a FOIA-exemption, pursuant to “§ 2.2-3705.6” for information related to a grant application that may make the application more competitive. FOIA-exemption requests must be sent directly to vati@dchd.virginia.gov, and the applicant must indicate for which VATI application the information corresponds. Applicants wishing to submit multiple FOIA exemption requests for multiple VATI applications must do so individually in separate requests.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Challenge Applications

Prospective challengers are strongly encouraged to contact applicants directly and discuss the contested project area before submitting a challenge. Many issues can be resolved without a formal challenge process.

Entities wishing to request FOIA exemption on information related to a VATI application challenge must submit any requested information directly to vati@dhcd.virginia.gov. Incumbents with information such as existing street level data in a proposed project area are required to submit a challenge. Challengers wishing to request exemption for multiple challenges must do so individually, in separate requests. Applicants who have received a challenge will be notified and may request FOIA exemption, pursuant to “§ 2.2-3705.6-3” of the Code of Virginia for information pertaining to their rebuttal.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Grant Monitoring

Projects awarded VATI funds currently work with DHCD to monitor the completion and success of those projects. Entities wishing to request FOIA exemption on information relevant to evaluating the success of awarded projects, including take rate, must submit any requested information directly to vati@dhcd.virginia.gov

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary*

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

Definitions

Adjacent – adjoining parcels sharing a roadway, private or public, other than highways or expressways as a common boundary

Business – An organization or entity that provides goods or services in order to generate profit. Businesses based in residential homes can count if they are a registered business (BPOL, LLC, etc.).

Community Anchor - schools, libraries, medical and health care providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low-income, unemployed, and the aged.

Digital Subscriber Line (DSL) – A technology for bringing high-bandwidth information to homes and small businesses over ordinary copper telephone lines.

Eligible Project Costs – Expenses eligible for reimbursement under the VATI grant.

Fiber-to-the-Home (FTTH) – A network that delivers internet service over optical fiber directly to an end-user home, business, or other Unit.

Fixed Wireless – Wireless devices or systems that are situated in fixed locations.

Hybrid Fiber Coaxial (HFC) – A broadband network combining optical fiber and coaxial cable.

Last-Mile – Components of a network that provide broadband service to end-user premises or devices through an intermediate point of aggregation (e.g. remote terminal, fiber node, wireless tower, or other equivalent access point).

Leverage-Non-match cash or non-match in-kind resources committed to a proposed project that do not qualify as match (i.e. federally funded projects like CAFII, A-CAM, etc.) or being used as match (i.e. volunteer labor, engineering or design, etc.).

Middle-Mile – Network components that provide broadband service from one or more centralized facilities (e.g. the central office, the cable head-end, the wireless switching station, or other equivalent centralized facilities) to an Internet point of presence.

Non-Residential Passing – Places of worship, federal, state, or local facilities or other potential customers that are neither a residence, business, or a community anchor institution (as defined above).

Passing – any structure that can receive service. Multi-unit structures may be counted as more than 1 passing, provided individual connections and accounts are planned at that structure.

Peak Interval - Weekdays from 7:00 p.m. – 11:00 p.m. local time.

Point Shapefiles – shapefiles that show each proposed passing as a singular mapped point, in the application or challenged area, containing attribute data showing the addresses of each point.

Polygon Shapefiles - shapefiles delineating the general project area(s).

RSSI - Received Signal Strength Indicator, or RSSI, is an estimated measure of power level that a wireless client device is receiving from an access point or router. See Appendix B for more information.

Service Area – Refers to the geographic territory in which an applicant has proposed to provide service.

Serviceable Units – Properties that are eligible for broadband service without additional special construction costs from the property owner/subscriber.

Special construction costs - one-time fees above normal service connection fees required to provide broadband access to a premise (i.e. service connection drop fee for serviceable units beyond the ISPs set standard length or require non standard equipment)

Street Level Data – Address ranges or specific addresses from an existing provider along with the existing number of customers within those ranges. No personal information on specific customers will be requested.

Unserviced – Properties that currently have access to internet speeds below 25 Megabits per second (Mbps) download and 3 Megabits (Mbps) upload.

Appendix A-Sample VATI Application Notice

**2022 Virginia Telecommunication Initiative
SAMPLE VATI APPLICATION NOTICE FORMAT**

[Insert Date]

Tamarah Holmes, Ph.D
Director
Office of Broadband
Department of Housing and Community Development
600 East Main Street, Ste 300
Richmond, VA 23219

Dear Dr. Holmes:

I am providing this VATI Application Notice to notify the Virginia Department of Housing and Community Development of **[insert name of unit of local government] and [private provider (optional)]**'s may submit an application for the FY2022 Virginia Telecommunication Initiative (VATI).

[Name of unit of local government, organization] and [private provider (optional)] intends to submit an application for **[summary description of Project to be funded]** within approximately **[proposed Project Area(s)]**.

[Name] will be our main point of contact for the purposes of the application process, and can be reached at:

[Mailing Address]

[Phone Number]

[Email Address]

[Name of applicant government, organization and [private provider (optional)] understands that this VATI Application Notice is required in order to submit an application for the 2022 Virginia Telecommunication Initiative and that this notice is not binding on the entity represented by the undersigned, Virginia Department of Housing and Community Development.

[Type the closing]

[signature]

Type the sender's name]

[Type the sender's title]

Appendix B - Received Signal Strength Indicator

Received Signal Strength Indicator

RSSI: Received Signal Strength Indicator is an estimated measure of power level that a wireless client device is receiving from an access point or router.

At larger distances, the signal becomes weaker and the wireless data rates become slower, leading to a lower overall data throughput. RSSI is measured in decibels from 0 to -120, the closer the value to 0 the stronger the signal will be, -55 is considered the best possible signal with measures of -90 and below considered unusable signal. Indoor best practices for mixed use networks see RSSI values of -75 to -80 and for session based networks (Video Conferencing, WiFi calling, etc) -60 to -65

Below figure (1) shows an example of the RSSI distribution around a wireless site.

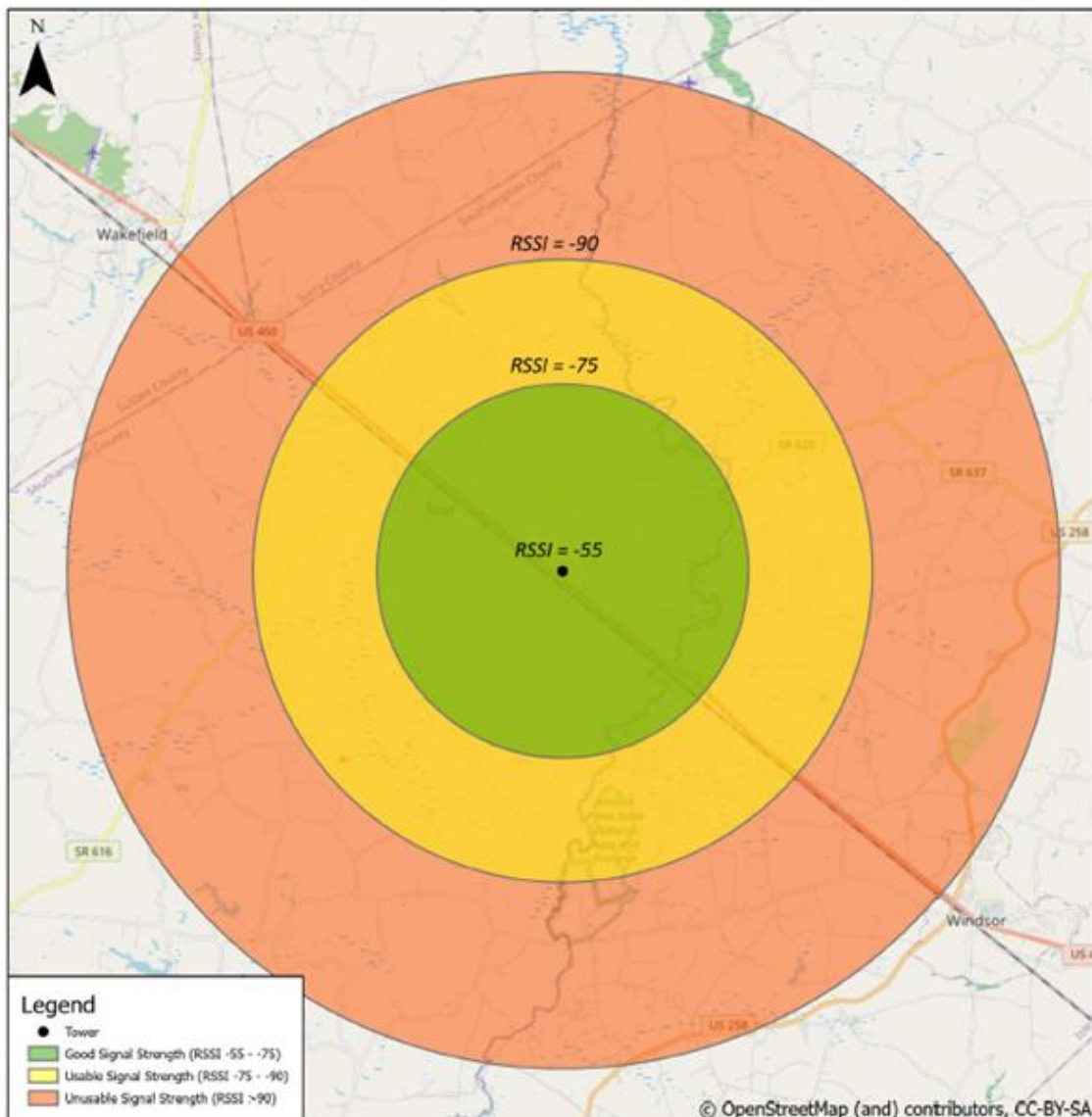


Figure (1)