



CALIFORNIA PUBLIC UTILITIES COMMISSION

California Advanced Services Fund RDOF Kicker Fund Grant Application Manual

November 2021

Introduction

On January 14, 2021, the California Public Utilities Commission (the “Commission”) approved Decision (D.) 21-01-003 to establish a process to use the California Advanced Services Fund (CASF) to leverage up to \$2 billion in Federal Communications Commission (FCC) funding in the Rural Digital Opportunity Fund (RDOF) Phase 1 auction. CASF leveraging or kicker funds will be awarded to RDOF auction winners in the amount of 10% to 20% of the Auction 904 reserve price for a given census block. This decision also authorizes assistance to RDOF auction winners in meeting RDOF financing and letter of credit requirements.

CASF RDOF Kicker funds are available at two levels (Level 1 and Level 2). Projects receiving Level 1 support will be eligible for CASF kicker funds equal to 10% of the RDOF reserve price¹ for each census block receiving those funds (also referred to as 10% kicker funding). To be eligible for a Level 2 award, a project must qualify to receive Level 1 support and satisfy additional Level 2 criteria. Projects receiving Level 2 awards will be provided up to an additional 10% of the RDOF reserve price in kicker funding for eligible census block groups, yielding a total of up to 20% kicker funding for the Level 1 and Level 2 awards combined.

The CASF RDOF Kicker Program also includes assistance with the required letter of credit for potential recipients. This assistance includes a letter from the Commission that confirms the availability of state funding to satisfy the letter of credit requirement by the RDOF program. Staff may also execute a Memorandum of Understanding with the Financing Agency to facilitate collaboration.

This application manual establishes the guidelines for applying for CASF leveraging or “kicker” funds (RDOF Kicker Funds) to leverage federal RDOF funding. The application will serve as a supplement to a CASF Infrastructure Grant and the applicant (also known as “requestor”) must submit all required items found in D.18-12-018, to apply for a CASF Infrastructure grant.

¹ The maximum RDOF subsidy a winning bidder could receive is the reserve price. The reserve price is defined as the initial level of support, or subsidy, the FCC will offer in the reverse auction for RDOF funding. *See In the Matter of Rural Digital Opportunity Fund; Connect America Fund*, Report and Order, WC Docket Nos. 19-126, 10-90, FCC 20-5 (rel. Feb 7, 2020) at para. 23 (RDOF Report and Order), available at <https://fcc.gov/document/fcc-launches-20-billion-rural-digital-opportunity-fund-0>

For more information about the RDOF Kicker Fund, refer to Decision 21-01-003 ([Rulemaking 20-08-021](#)), and the CASF RDOF Kicker Fund webpage at (<https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-advanced-services-fund/rdof-kicker-funding>), or email to CASF_Application_Questions@cpuc.ca.gov.

Applying for a RDOF Kicker Fund Grant

Proposed projects must meet the performance requirements in the Decision implementing the kicker (Decision 21-01-003), particularly Appendix A, Section 5 “Reporting and Accountability” requirements.

An eligible applicant is defined as a RDOF Phase I (Auction 904) award recipient that may meet the following criteria:

- An entity with, or having applied for, a Certificate of Public Convenience and Necessity (CPCN) that qualifies as a “telephone corporation” as defined under Public Utilities (Pub. Util.) Code section 234 and has obtained an Eligible Telecommunications Carrier (ETC) designation and is eligible to receive federal high cost and/or low-income support.

Kicker funds are available at two levels (Level 1 and Level 2) at 10 percent each for a maximum of 20 percent. The projects must meet the Kicker requirements, including the deployment requirement of gigabit-capable infrastructure² to all project locations. Kicker requests that cannot demonstrate that they will deploy gigabit-capable infrastructure to all locations will be denied.

For Level 1 Support:

- Provision of open access³ for RDOF-funded infrastructure in all census blocks receiving kicker funding
- Use of Commission’s Tribal Consultation Policy
- Provision of California LifeLine, in addition to federal Lifeline, to eligible households in the RDOF project footprint for the duration of the RDOF funding (10 years)

² Network infrastructure that has been demonstrated to reliably provide 1,000 megabit per second (Mbps) connections to locations in a designated deployment.

³ Open access applies to either or both of two types: (1) last-mile open access or (2) middle-mile open access. A provider of open access infrastructure offers non-discriminatory access to any interested provider on reasonable and equal terms, wherever technically feasible.

- Application for Nearby Areas to expand service as described in D.21-01-003, Appendix A, Section 10.⁴

For Level 2 Support:

- All Level 1 participation requirements
- Provision of low-income or affordable broadband plans for low-income consumers served by RDOF-funded infrastructure, for the 10-year duration of RDOF funding
- One or both of the following:
 - Offering Indefeasible Rights of Use at no cost for fiber for all California Tribes located within 40-miles of RDOF-funded last-mile or middle-mile routes
 - Designation as a Carrier of Last Resort (COLR) in the service provider’s RDOF-funded areas

Application Checklist and Requirements

RDOF award recipients that request Kicker funds for an RDOF-supported project and did not submit a May 4 application (from the 2020 application cycle) with census blocks overlapping or adjacent to RDOF project must submit CASF applications to serve CASF-eligible households that were not RDOF eligible, provided that the households are in census blocks near the RDOF locations. Nearby census blocks are defined as being adjacent to, or in a logical path leading to, census blocks with RDOF awards. Therefore, a Kicker fund application must be accompanied by either:

- A) A May 4 Application with at least one overlapping census block, or
- B) A New CASF application for areas nearby

Attachments in this Manual provide the RDOF Kicker Grant application documents that must be properly completed. The CASF Infrastructure grant application for nearby areas should also be submitted but might be reviewed by Staff later than the kicker application.

Applicants must provide the information below, as required; the kicker fund application checklist (Attachment A) should be used to ensure all items are included in the submission:

- Item 1 – Name and Details of Applicant
- Item 2 – Entity CPCN Information in California

⁴ A Kicker fund application must be accompanied by either a May 4 Application with at least one overlapping census block, or a new CASF application for areas nearby. Applicants that have already applied on May 4 need to revise their applications to identify the RDOF and CASF census blocks with associated costs separated and clearly defined.

- Item 3 – RDOF California Award Information (FCC Public Notice)
- Item 4 – Project and Budget Information
- Item 5 – Supporting Documentation Information Sheet, Affidavit, Attestation, and Consent Form
- Item 6 – Project Summary

Item 1– Application Contact Information

The applicant must provide the following information, as necessary:

- Key Contact Information (Name, Title, Address, Email Address, and Phone number)

Item 2– Application Entity Information

The applicant must provide the following information, as necessary:

- Information Sheet (Attachment A to this document) with a Certificate of Good Standing issued by the Secretary of State **(.pdf)**

Item 3– RDOF California Award Information

The applicant must provide the following information:

- Post-Auction FCC Public Notice **(.pdf)** containing census blocks groups, locations, and support amount won in the auction
- Census block groups **(.csv or .xlsx)**

Item 4 – Project and Budget Information (replaces CASF Infrastructure Grant Application Item 8)

The applicant must clearly identify costs related to the deployment of RDOF locations and costs related to the deployment of CASF locations **(.xlsx)**. The applicant must provide:

- Identification of expense categories; direct and or indirect expenses;
- Identification of direct expenses; equipment/materials, labor/construction wages and permitting/CEQA review;
- Identification of individual cost elements and their cost amount. The applicant must identify all the equipment to be funded by category, (buildings, towers and poles, network and access equipment, operating equipment, customer premise equipment, materials), and the type of equipment (new building, prefabricated building, rehab of existing building, new towers or poles, modification towers and poles, broadband switching equipment, cable, etc.);
- Middle-mile costs shall be identified separately from last-mile costs.

Item 5 - Supporting Documentation

A letter (.pdf) must be included with additional supporting information such as maps, census blocks, and justification for the extra funding that includes a breakdown of costs, i.e., equipment and labor costs that were not covered by RDOF.

Attachment A – Application Checklist

An applicant must complete the Kicker Fund Application Checklist Form (an Excel spreadsheet, available [here](#)) and attach it to each project proposal.

Attachment B – Information Sheet to be submitted by Applicants Requesting Kicker Funding

See Attachment B to this document.

Attachment C, D – Affidavit and Attestation

Applicants must submit a Notarized Affidavit (see Attachment C to this document), under penalty of perjury, that to the best of their knowledge all the statements and representations made in the application information submitted is true and correct. Applicants must also submit the Notarized Attestation (see Attachment D to this document) stating that the grantee:

Level 1

- Is not receiving funding for expenses that are, or will be, paid for by federal funding (i.e. no duplicative funding will occur)
- Will build a Gigabit-capable network infrastructure to each individual eligible location in a designated deployment
- Will submit a CASF application for nearby CASF-only eligible households
- Will provide Last-mile Open Access or Middle-Mile Open Access
- Will participate in California LifeLine program

Level 2

- Will provide Affordable or Low-Income Broadband Plan for the 10-year duration of RDOF funding
- Will provide Indefeasible Rights of Use (IRUs)⁵ at no cost for fibers for all California Tribes located within 40-miles of RDOF-funded infrastructure and/or
- Is designated, or has filed to be designated, as a Carrier of Last Resort (COLR) provider in the project area

⁵ Long term leases (30 or more years) for unrestricted access to at least two fiber strands at the nearest point of interconnect to every Tribe within 40 miles of the project area. A point of interconnect must be available or constructed at a point on the fiber route which is convenient and possible for Tribal connection.

Item 6 –Kicker Project Summary (replaces CASF Infrastructure Grant Application Item 1)

Project Summary/Summaries (to be distributed publicly) A Project Summary, which Communications Division Staff will post on the CASF webpage. It must include the following information:

1. Company/Applicant's name
2. CPCN/U-Number or WIR or pending CPCN/WIR application number
3. Contact person
4. Project title
5. Named project location(s) (Community/County)
6. Amount of RDOF kicker funding requested. Amount must identify the RDOF Kicker funding level (Level 1 or Level 2) and funding requested
7. Map of the proposed project area
8. The number of RDOF locations and CASF locations by census block
9. A description of the major infrastructure to be deployed: miles of planned fiber, Central Offices used, number of remote terminals/fiber huts/wireless towers to be built, and if an IRU is used
10. Estimated breakdown of aerial and underground installation
11. Description of proposed broadband project plan for which CASF funding is being requested, including the type of technology to be provided in the proposed service areas:
 1. The project description will provide enough construction detail to enable a preliminary indication of the need for a California Environmental Quality Act (CEQA) review and if proposed project areas contain any environmentally sensitive areas. For example, when trenching is required, the applicant will state and describe the manner in which the site is to be restored, post-trenching.
 2. Identification of the leveraging of existing available facilities (e.g., interconnection in lieu of overbuilding existing facilities of another provider).

Submission and Timelines

Applications for Kicker funds are due on May 3, 2021. On May 3, 2021, CPUC Executive Director Rachel Peterson granted the extension of RDOF Kicker Fund applications to June 3, 2021, which also allows applicants that have already submitted applications to update or change their applications. D.21-03-006 did not specify a schedule for RDOF kicker and RDOF adjacent applications. Applicants should email CASF_Application_Questions@cpuc.ca.gov to request a secure application link. Applicants will be sent instructions to upload their required application items securely. Applicants must also mail a hard copy with all application items included to the Public Advocates Office at the CPUC.

Posting of Applications During Review Period

Once applications are received, the Commission will post a list of all pending applications and notices of amendments to pending applications on the CASF webpage in the Kicker funding section. The Commission already has a CASF distribution list of interested parties and will continue to notify the distribution list of any Kicker applications. The Commission will serve applications and any amendments to an application for project funding to those on the service list and post on the CASF webpage at least 30 days before publishing the corresponding draft resolution.

Payee Data Record

Upon an application's approval, the grantee will receive an email from the Commission requesting the grantee to complete and submit a State of California [Payee Data Record \(FORM STD204\)](#).

Performance

All tasks and performances specified under the terms of any award shall be completed on or before the completion of the project. The kicker fund reimbursement requests are expected within the first 3 years of the RDOF award. In the event that the grantee fails to complete the RDOF project, in accordance with the terms of approval ordered by the Commission, the grantee will be required to reimburse some or all of the funds that it has received.

Semi-Annual and Completion Reporting

Grantees are required to file progress reports for the Kicker-funded areas on a bi-annual basis. Progress reports are due on March 1 and September 1 of each year. In the event either date falls on a weekend or holiday, the reports are due the following business day. Progress reports shall contain the following:

- Description of project accomplishments during this period.
- Identification of project milestones and the percent complete to date. If the percent completed is different from the estimated target milestones from the CASF application, it is necessary to provide a narrative description explaining what occurred.
- Major construction milestones (including a reporting on all CEQA mitigation implementation and monitoring activities, if CEQA review was required), date of completion of each task/milestone as well as problems/issues encountered, and actions taken to resolve these issues/problems during construction (including CEQA compliance, if applicable).

- Description of any challenges or issues and any risks faced during this past quarter in achieving planned progress on the project, including environmental compliance, and permitting challenges if applicable.
- Description of significant project milestones or accomplishments planned for next quarter.
- Subscribership information to date.
- Certification that each progress report is true and correct, under penalty of perjury.

Grantees also must submit completion reports prior to receiving the final payment. These reports shall contain the following:

- Comparison of approved versus actual costs of construction.
- Description of the project, including any changes in the project construction and alignment, if applicable.
- Milestones and completion dates for each milestone.
- Final date of completion of the project, problems/issues encountered since last semi-annual report and actions taken to resolve these issues/problems during construction (and comprehensive reporting on CEQA mitigation compliance, if applicable).
- Speed test data for the Census Block, including:
 - Test results for download and upload speeds;
 - Samples at dispersed locations in the project area; number of tests will vary based on project;
 - An attestation that all households within the project area are offered service at minimum speeds of 1 Gbps download and 1 Gbps upload;
 - A screenshot of results of CalSPEED speed tests, which can be accessed at <http://calspeed.org/index.html>;
 - Maps of the areas covered;
 - The geographic location of all households that are served. This information will be provided in a plain-text, comma-separated values (CSV) file, that contains geo-located street address information, including latitude and longitude coordinates;
 - Documentation of advertisements, billing inserts and marketing information, by speed tier and prices;
 - Projected subscribers versus actual subscribers, as of the date of the completion report;
 - Identification of the number of served households in the project area that have broadband availability at or above the aforementioned minimum speeds;
 - A copy of the FCC Form 477 data submitted directly to the Commission.

Open Access Reporting

For the serviceable life of the open access infrastructure, the CASF grant recipient must provide, in its confidential annual report to the Commission, a detailing of the number of interconnection requests and executed service agreements. The confidential annual report, due to the Commission on March 1, must include date of request, requesting party, location of requested interconnection, service requested, outcome of request, pricing, tariffs (if applicable), and terms and conditions. This requirement also applies to the state-federal leveraging grants authorized by the Commission in D.21-01-003.

Submission of the Completion Report and Payment Request

The Completion Report and Payment Request can be emailed to:

CASF_Infrastructure_Grant_Administrator@cpuc.ca.gov.

Payment Requests and Disbursement of Funds

Requests for payments may be submitted as the project is progressively deployed. Staff will release the kicker funds payment upon satisfactory submission of a funding recipient's first report to CASF Staff.

Subsequent payments will be calculated according to milestones set by D.18-12-018, Appendix 1, Section 14: Payments.

Payment Processing

The CASF Staff will review the payment requests, as compared to the grantee's approved budgets, as well as the deliverables received. Additional information may be requested regarding the report, expenses, and/or supporting documentation if needed. The Fiscal Office will review all payment voucher submissions in accordance with the State Administrative Manual (SAM); and upon satisfactory review, will schedule payment with the State Controller's Office (SCO), which is responsible for issuing and distributing the check to the Grantee. Payment will be based upon receipt and approval of the invoices submitted by the grantee showing the expenditures incurred for the approved Kicker Fund Grant.

The invoices must be supported by documentation such as cost of labor and any other expense that will be recovered by the grant.

Record Retention and Audits

Grantees must maintain files, invoices, and other related documentation for three years after final payment. Grantees shall make these records available to the Commission upon request and agree that these records are subject to audit, verification and discovery by the Commission at any time within three years of completion of the work.

In the event that the applicant or contractor fails to complete the work in accordance with the approval granted by the Commission, and as described in the contract, the grantee must reimburse some or all of the funds that it has received.

All grantees are required to sign a consent form agreeing to the terms stated in the resolution authorizing the kicker award. The agreement will provide the name of person who is managing the consulting contract and must be signed by the grantee.

ATTACHMENT A

KICKER FUND APPLICATION and CHECKLIST

This document is available on the California Advanced Services Fund's webpage by clicking [here](#).

ATTACHMENT B

Information Sheet to be submitted by Applicants Requesting for Kicker Funding

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

1 Application of:

Name of Applicant

for CASF Funding pursuant to Decision 21-01-003

(Insert the full legal name of applicant in blank above; see instruction 1; attach fictitious names, if any)

Street address:

Telephone: () Fax No.: () E-Mail:

2 Applicant is: (Check only one; see instruction 2.)	A corporation (attach good standing certificate) <input type="checkbox"/>
	A general partnership (attach good standing certificate) <input type="checkbox"/>
	A limited liability partnership (attach good standing certificate) <input type="checkbox"/>
	A limited liability company (attach good standing certificate) <input type="checkbox"/>
	A general partnership <input type="checkbox"/>
	A sole proprietor <input type="checkbox"/>
	A trust <input type="checkbox"/>
	Other (describe) <input type="checkbox"/>
	Attach name, street address, and telephone number of applicant's registered agent for service of process Attach list of the names, titles, and street addresses of all officers and directors, general partners, trustees, members, or other persons authorized to conduct the business of applicant at a similar level <i>Attach list of all affiliated entities (see instruction 2)</i>

3 Legal domicile of applicant is:	California <input type="checkbox"/>
	Other (identify): <input type="checkbox"/>
<i>(Check only one; see instruction 3.)</i>	

4 Applicant will provide service:	In specific portions only (attach description and map) <input type="checkbox"/>
<i>(Check only one; see instruction 5.)</i>	

5. Applicant will provide: broadband service only	True <input type="checkbox"/>
	Not true <input type="checkbox"/>
<i>(Check only one; see instruction 6.)</i>	

6. For the past 10 years, no affiliate,	True <input type="checkbox"/>
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officer, director, general partner, or	Not true	<input type="checkbox"/>
person owning more than 10% of applicant, or anyone acting in such a capacity whether or not formally appointed, held one of these positions with any company that filed for bankruptcy or has been found either criminally or civilly liable by a court of appropriate jurisdiction for a violation of § 17000 et seq. of the California Business and Professions Code or for any actions which involved misrepresentations to consumers, and to the best of applicant's knowledge, is not currently under investigation for similar violations. <i>(Check only one; see instruction 2.)</i>		

7. To the best of applicant's knowledge, neither	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
applicant, any affiliate, officer, director, partner, nor owner of more than 10% of applicant, or any person acting in such capacity whether or not formally appointed, has been sanctioned by the Federal Communications Commission, or any state regulatory agency for failure to comply with any regulatory statute, rule or order, or convicted by any court for any criminal activity for the past 10 years.		

8. Applicant has the required financial capability and technical	True	<input type="checkbox"/>
	Not true	<input type="checkbox"/>
expertise to build a broadband infrastructure and operate and maintain a broadband service.		

I hereby declare under penalty of perjury under the laws of the State of California that the forgoing information, and all attachments, are true, correct, and complete to the best of my knowledge and belief after due inquiry, and that I am authorized to make this application on behalf of the applicant named above.

Signed: _____

Name (Print): _____

Title: _____

Dated: _____

Street Address:

Telephone Number:

Fax Number:

Email:

Principal Place of Business

Street Address:

City:

State:

ZIP Code:

Telephone Number:

Instructions:

1. Enter the legal name of applicant exactly as it appears on its articles or certificate of corporation or similar charter document.
2. Specify the type of applicant's organization. Applicant must provide a Good Standing Certificate which is available from the office of the Secretary of State of the State of California and should be dated of a date not more than 60 days prior to the date of filing the application. An original certificate must be attached to the manually signed copy of the application. An affiliated entity is any entity under common control with applicant. Common control exists if the same individuals or entities have the direct or indirect power to determine the action of applicant and such entity through the right to vote shares, by contract or agreement, or otherwise. Note whether any such entity is a reporting company for purposes of the Securities Exchange Act of 1934, as amended.
3. For individuals, domicile is the place of legal residence; for entities, it is the state of incorporation or organization.
4. Specify the exact area for which authority is requested, i.e., Community and County.
5. Indicate whether the applicant will be providing broadband service only.

Items 2, 6 and 7 are subject to confirmation by the Commission through the conduct of background check(s). For numbers 6 and 7, attach detailed description, if applicable.

6. Detailed information should be provided for the past 10 years, if applicable.
7. Detailed Information should be provided for the past 10 years, if applicable.
8. Attach audited balance sheet for the most recent fiscal year and an unaudited balance sheet as of the most recent fiscal quarter, a bank statement as of the month prior to the date of filing the application, or a third-party undertaking to provide the required amounts on behalf of applicant. If the balance sheet shows current liabilities in excess of current assets or negative equity, explain how applicant will be able to maintain sufficient liquidity for its first year of operations. Attach detailed summary, if applicable.

Material changes in the entries for this application, such as discontinuing operation or bankruptcy, or change of name (DBA), change of address, telephone, fax number or E-mail address should be reported by a letter to the CPUC, Director of the Communications Division, 505 Van Ness Avenue, San Francisco, CA 94102.

Attachment C. Sample Notarized Affidavit Showing Information Required from Kicker Funding Requestors

NOTARIZED AFFIDAVIT

STATE OF _____

COUNTY OF _____

My name is _____. I am _____ (Title) of _____ (Company). My personal knowledge of the facts stated herein has been derived from my employment with _____ (Company).

I swear or affirm that I have personal knowledge of the facts stated in this Kicker Request (hereinafter Kicker Funds), I am competent to testify to them, and I have the authority to make this Request on behalf of and to bind the Company.

I further swear or affirm that _____ [Name of Requestor] shall fulfill the following requirements:

1. Requestor has filed, or will timely file, with the Federal Communications Commission, all forms required by the Federal Communications Commission before spending kicker funds.
2. Requestor agrees to comply with all lawful city, county, or city and county regulations regarding the time, place, and manner of using the public rights-of-way, including but not limited to, payment of applicable encroachment, permit, and inspection fees.

3. Requestor possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public rights-of-way caused by Requestor.
4. Requestor is not in violation of any final non-appealable California Public Utilities Commission order.

I further swear or affirm that _____ [Name of Company] agrees to comply with all federal and state statutes, rules, and regulations, including, but not limited to, the following:

_____ [Name of Requestor] is a single identifiable entity that is qualified to do business in California and has verifiable assets. This entity shall accept service of process, either directly or through an agent, and submit to the jurisdiction of California courts.

I swear or affirm that all of the statements and representations made in this Request are true and correct.

Signature and title

Typed or printed name and title

SUBSCRIBED AND SWORN to before me on the ____ day of ____, 20__.

Notary Public In and For the State of _____.

My Commission expires: _____

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION

ATTACHMENT D

NOTARIZED ATTESTATION

RDOF KICKER FUND	
LEVEL 1 SUPPORT	
<input type="checkbox"/>	1) I / We _____(Requestor) is not receiving funding for expenses that are, or will be, paid for by federal funding (i.e. no duplicative funding will occur)
<input type="checkbox"/>	2) I / We _____(Requestor) will provide Open Access to Infrastructure <ul style="list-style-type: none"> • _____ Last-Mile Access, or • _____ Middle-Mile Access
<input type="checkbox"/>	3) I / We _____(Requestor) will provide California LifeLine to eligible households in the RDOF project area for the 10-year duration of RDOF funding
RDOF KICKER FUND	
LEVEL 2 SUPPORT	
<input type="checkbox"/>	4) I / We _____(Requestor) will provide Affordable or Low-Income Broadband Plan for the 10-year duration of RDOF funding
<input type="checkbox"/>	5) I / We _____(Requestor) will provide an indefeasible right of use (IRU)
<input type="checkbox"/>	6) I / We _____(Requestor) will be designated as the Carrier Of Last Resort (COLR)
<input type="checkbox"/>	7) I / We _____(Requestor), under penalty of perjury, to the best of my / our knowledge, state that all the statements and representations made in this application are true and correct.

My name is _____. I am _____(Title) of _____(Company). My personal knowledge of the facts stated herein has been derived from my employment with _____(Company).

I swear or affirm that I have personal knowledge of the facts stated in this California Advanced Services Fund Kicker Request (hereinafter Kicker Funds), I am competent to testify to them, and I have the authority to make this Request on behalf of and to bind the Company.

I further swear or affirm that _____ [Name of Requestor] shall fulfill the following requirements:

1. Requestor has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before spending kicker funds.
2. Requestor agrees to comply with all lawful city, county, or city and county regulations regarding the time, place, and manner of using the public rights-of-way, including but not limited to, payment of applicable encroachment, permit, and inspection fees.
3. Requestor possesses the financial, legal, and technical qualifications necessary to construct and operate the proposed system and promptly repair any damage to the public rights-of-way caused by Requestor.
4. Requestor is not in violation of any final non-appealable California Public Utilities Commission order.

I further swear or affirm that _____ [Name of Company] agrees to comply with all federal and state statutes, rules, and regulations, including, but not limited to, the following:

_____ [Name of Requestor] is a single identifiable entity that is qualified to do business in California and has verifiable assets. This entity shall accept service of process, either directly or through an agent, and submit to the jurisdiction of California courts.

I swear or affirm that all of the statements and representations made in this Request are true and correct.

Signed: _____
Name (Print): _____
Title: _____
Dated: _____
Street Address: _____

City / State / Zip: _____

SUBSCRIBED AND SWORN to before me on the ____ day of _____, 20__.

Notary Public In and For the State of _____

My Commission expires: _____

STATE OF CALIFORNIA GAVIN NEWSOM, *Governor*

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

ATTACHMENT E: CONSENT FORM

Name of Grantee: _____

The California Advanced Services Fund (CASF) Grantee identified above acknowledges receipt of either a Resolution or a letter from Commission Staff approving a grant under the Ministerial Review process. The Grantee agrees to comply with all grant terms, conditions, and requirements set forth in Resolution T-_____ or letter _____, as well as all CASF rules, including those in the Broadband Infrastructure Accounts Requirements, Guidelines and Application Materials. Undersigned representative of _____ [Name of Grantee] is duly authorized to execute this Consent Form on behalf of the Grantee and to bind the Grantee to the terms, conditions, and requirements set forth in California Public Utilities Commission Resolution T-_____ or the letter referenced above.

Dated this _____ day of _____, 20__.

Signature

Printed Name

Title: _____

Organization or Name of Company: _____

Business Address (include street address, suite/apt. number, city, state, and ZIP Code):

Telephone Number (include area code): (_____)_____

Email Address: _____