



CALIFORNIA PUBLIC UTILITIES COMMISSION

CONSUMER PROTECTION AND ENFORCEMENT DIVISION

Access For All Program

Local Access Fund Administrator (LAFA)

Application

V 1.3

Filing Instructions

Completed applications must be submitted to the CPUC Consumer Protection and Enforcement Division (CPED) via email: tncaccess@cpuc.ca.gov. Please use "LAFA Application" in the email subject line.

Completed applications must be received no later than 5:00 p.m. (Pacific Time) on April 1, 2023.

For questions related to the application process, please refer to the Program Overview & Requirements for Access Fund Administrators (AFAs), which can be downloaded [here](#).

Agency Information

| MPO/RTPA/CTC INFORMATION |
|------------------------------|
| Entity Name |
| Address |
| City & Zip Code |
| Contact Person (Prepared by) |
| Title/Role |
| Phone Number |
| Email |

| ELIGIBILITY |
|--|
| Entity Type MPO <input type="checkbox"/> MPO & RTPA <input type="checkbox"/> RTPA <input type="checkbox"/> Transportation Commission <input type="checkbox"/> |
| County or Counties Covered |
| Program Model Grant <input type="checkbox"/> Reimbursement <input type="checkbox"/> Both <input type="checkbox"/> |

Certification

MPO/RTPA/CTC INFORMATION

Entity Name

The California Public Utilities Commission (CPUC) has adopted the following requirements for the Access for All Program. As a condition of the award of Access for All Funds, the MPO/RTPA/CTC must comply with these requirements.

A. General

1. The MPO/RTPA/CTC agrees to abide by the current Access for All Program Overview & Requirements for Access Fund Administrators (AFAs)¹ and applicable legal requirements.²

B. Project Administration

1. No more than 15% of the total allocated funds may be used by the corresponding LAFA to cover costs of administering the program.
2. Access Fees collected in one county must stay in that county. As such, if an MPO representing multiple counties is selected as a LAFA, it shall ensure county-level expenditures do not exceed county-level fund balances.³
3. The LAFA shall develop and maintain a webpage to include at minimum but not limited to the following information: information on SB1376; Access Provider Application Process; link to CPUC's Access for All Program website; and a list of approved Access Providers (updated regularly).
4. LAFAs must make a good faith effort to reach out to the local disability community to get their input starting during the planning process of the LAFA's local program. The Commission acknowledges that LAFAs know their local market best, including its constituents and the relevant stakeholders, and encourages the LAFAs to consult with them to inform the development and implementation of the local Access Fund-funded WAV programs.
5. The LAFA shall screen applications based on the eligibility requirements outlined in the "Eligibility Requirements for Access Providers" and "TNCs as Access Providers" sections of the Access for All Program Overview & Requirements.
6. The LAFA shall establish a process for Access Provider solicitation.
7. The LAFA shall select and contract with Access Providers beginning July 1, 2022 (cycle 1), and continuing on July 1 every subsequent year to receive Access Fund moneys based on criteria adopted by the Commission and outlined in the "Application/Proposal Requirements for Access Providers" and "Competitive Selection of Access Providers" of the Access for All Program Overview & Requirements.

¹ Available for download at www.cpuc.ca.gov/tncaccessadmin.

² See Appendix A for applicable laws, codes, and rules that apply.

³ California Public Utilities Code [§5440.5 \(a\)\(1\)\(D\)](#).

8. The LAFA shall liquidate moneys (i.e. transfer all applicable funding to Access Provider) based on generally accepted accounting principles (GAAP) to ensure funds are used in accordance with the conditions and restrictions adopted under the program. Funds shall be liquidated by June 30 each calendar year – one year from when funds are obligated to the Access Provider – starting 2022). Eighty-five percent (85%) of the total allocated funds per geographic area must be reserved for distribution to Access Providers by the corresponding LAFA.
9. The LAFA will be responsible for developing a program that best suits their needs as long as obligated funds are liquidated within one year of obligation and to maintain good record keeping of funds obligated and funds liquidated. Funds shall be obligated annually to Access Providers for expenses outlined in the Access Provider’s application either upfront or for expenses incurred with prior approval by the LAFA.
10. LAFAs shall only approve Access Provider expenses identified in the “Eligible Expenses” section of the Access for All Program Overview & Requirements.
11. The contract between the LAFA and Access Provider shall specify that in the event an Access Provider has unused funds at the end of their contract period, the Access Provider shall return all unused funds to the LAFA within 30 days of the contract expiration. All funds returned to the LAFA by Access Providers shall become unobligated funds, and must be added to the total funding available for next funding cycle.
12. In the event the LAFA is no longer interested in continuing as an administrator, the LAFA must inform CPUC Staff within 30 business days via email at tncaccess@cpuc.ca.gov and state the reason(s) for not continuing, and provide a LAFA Board Resolution withdrawing its application. The email will constitute an immediate withdrawal as a LAFA. Any Program funding held by the LAFA shall be returned to the Access Fund, including unobligated funds, administrative funds, and any accrued interest.
13. Access Funds disbursed to Access Providers must adhere to program requirements established by the CPUC. Access Funds shall only be used strictly for the purposes of expanding or enhancing WAV service. Failure to comply with the Commission’s funding requirements will result in providers not being eligible to receive future Access Funds.
14. The LAFA shall develop a process to collect the required data from Access Providers. Access Providers shall submit data within 30 days after the end of each quarter.
15. It is the responsibility of the LAFA to review quarterly performance provided by the Access Providers and to determine whether there is a pattern of non-compliance with the standards established by the Commission as set forth in the Program Requirements. In concert with the LAFA, CPUC will make the determination whether non-compliant Access Providers shall be sanctioned or disqualified from receiving future funds.
16. The selected LAFA shall start the project within 30 days upon approval of award and complete the project execution within a 24-month timeframe. Should the LAFA fail to commence work within 30 days of award, the Commission or Director of CPED, upon five (5) days written notice to the LAFA recipient, reserves the right to terminate the award. If the LAFA is unable to complete the proposed project within the required 24-month timeframe, it must notify the Commission as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment failure to satisfy this requirement.
17. The LAFA must complete all the performance on the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the LAFA fails

to complete the project or subsequently perform the responsibilities as an Administrator in accordance with the terms of approval granted by the Commission and compliance with the LAFA Program Requirements, the LAFA must reimburse some or all of the Access funds that it has received.

18. Material changes in the entries in the application, such as discontinuing operation or bankruptcy, change of address, telephone, fax number or email address must be reported within 10 business days to tncaccess@cpuc.ca.gov.
19. All documentation pertaining to this program including contracts with Access Providers, program related records such as files, invoices, and other related documentation shall be retained and made available to CPUC upon request for the duration of the program and for three (3) years from the date of final Access Provider funding liquidation. Audits of Access Providers are not required. However, it is the responsibility of the LAFA to determine whether Access Providers are eligible to receive future funding based on their performance.
20. Pursuant to Public Utilities Code 314.6, the Commission may conduct any necessary audit, quality check verification and discovery during project implementation and post-project completion. If any portion of the 15% allocated funds to LAFAs for use of administrative costs is found to be out of compliance, LAFA will be responsible for refunding any disallowed amount along with appropriate interest rates determined to be in accordance with applicable Commission decisions.
21. Once the Commission approves the resolution on one of its regular agendas, the LAFA will be required to sign a Consent Form (annually) agreeing to the terms stated in the Resolution authorizing the Access Fund award. A Board Resolution or other equivalent action is also required to demonstrate the Board's commitment and a public process. A signed Consent form and a signed Board Resolution must be received in order for CPUC staff to initiate the disbursement process of Access Funds to the LAFA. The proposed wording of the Consent Form and Board Resolution can be downloaded at www.cpuc.ca.gov/tncaccessadmin/ and must be emailed to tncaccess@cpuc.ca.gov within 15 days of Resolution approval.

C. Reporting

1. The LAFA must submit the following reports to CPUC at tncaccess@cpuc.ca.gov:
 - a. Reporting of administrative costs and brief narrative description of progress of Access Provider solicitation and engagement with disability communities as outlined in CPED's Program Overview & Requirements for AFAs quarterly by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). For example, the first report shall be due November 15, 2021 for cycle 1.
 - b. A narrative description of the progress made by selected Access Providers, including any compliance or other challenges encountered; the amount of Access Funds obligated and used by Access Providers; Progress and Amount of Access Funds to Access Providers as outlined in CPED's Program Overview & Requirements by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). For example, the first report shall be due November 15, 2022 for cycle 1.
 - c. Consolidated Reports as outlined in CPED's Program Overview & Requirements for AFAs by February 15, May 15, August 15, November 15 (45 days after the end of each quarter). For example, the first reports shall be due November 15, 2022 for cycle 1.

- d. Submit a self-assessment describing their program’s progress, including its process to solicit Access Providers, including the type of Access Providers that apply for funding, the number of applicants applied and/or approved, a link to the LAFA’s website reflecting a list of approved Access Providers, and provide point of contact to be included on the CPUC website by September 30 on an annual basis. For example, the first report shall be due to the Commission September 30, 2022 for cycle 1.
- e. To the extent that any information submitted is claimed to be confidential, LAFA must provide a public redacted version, in addition to the confidential version, and comply with the confidentiality requirements in General Order 66-D including providing the requisite confidentiality declaration to CPED at tncaccess@cpuc.ca.gov.

I certify all of the above requirements will be met.

(Print Name)

(Title)

(Signature)

(Date)

ATTACHMENT A
NOTARIZED AFFIDAVIT

Name of MPO/RTPA/CTC _____

My name is _____. I am _____ [Title] of _____ [MPO/RTPA/CTC]. My personal knowledge of the facts stated herein has been derived from my employment with _____ [MPO/RTPA/CTC]

I swear or affirm that I have personal knowledge of the facts stated in this Application for the Access For All Program, I am competent to testify to them, and I have the authority to make this Application on behalf of and to bind the Company.

I further swear or affirm that _____ [MPO/RTPA/CTC] agrees to comply with all federal and state statutes, rules, and regulations covering the Access for All Program and state contractual rules and regulations if awarded funding from the Access Fund.

I further swear or affirm that I agree to comply with Rules 1.11 and 2.2 of the California Public Utilities Commission's Rules of Practice and Procedure.

I further swear or affirm, under penalty of perjury, and under Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

If _____ [MPO/RTPA/CTC] violates the TNC Access for All Program Overview & Requirements for Access Fund Administrators, it shall be subject to Public Utilities Code Sections 2108 and 2111. The Commission may impose the maximum penalties allowed under Public Utilities Code Sections 2108 and 2111 for failure to meet the program and project compliance requirements, as determined by the Commission.

Signature and title

Date

Type or print 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: _____

APPENDIX

Applicable Laws, Codes, Rules, Decisions

1. California Public Utilities Code [§ 5431.5 and § 5440.5.](#)
2. California Public Utilities Code [§ 2108](#)
3. California Public Utilities Code [§ 2111](#)
4. California Public Utilities Code [§ 314.6\(a\)](#)
5. California Public Utilities Commission's Rules of Practice and Procedures [Rules 1.1](#)
6. California Public Utilities Commission's Rules of Practice and Procedures [Rules 1.11](#)
7. California Public Utilities Commission's Rules of Practice and Procedures [Rules 2.2](#)
8. R.19-02-012 Track 1 Decision [D.19-06-033](#)
9. R.19-02-012 Track 2 Decision [D.20-03-007](#)
10. R.19-02-012 Track 3 Decision [D.21-03-005](#)
11. R.19-02-012 Track 4 Decision [D.21-11-004](#)
12. R.19-02-012 Track 5 Decision [D.23-02-024](#)