

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of Broadband Development and Connectivity**

**Granting Unserved Municipalities Broadband Opportunities
(GUMBO) (LAC 4:XXI.Chapters 1-7)**

The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity proposes to amend LAC 4:XXI.Chapters 1-7 as authorized by R.S. 51:2370-2370.16, relative to the administration of the Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program by the Office of Broadband Development and Connectivity, in response to Acts 288 and 760 of the 2022 Regular Legislative Session.

Acts 288 and 760 of the 2022 Regular Legislative Session made several substantive changes to the GUMBO grant program. Broadband internet access has become a critical piece of infrastructure, relied upon to ignite economic growth and competitiveness, contribute to improved outcomes in healthcare, enhance agricultural output, and advance the educational experience of our children. Failure to connect the unconnected, and any further delay in constructing broadband infrastructure to serve those residents without it, would continue the substantial risk of hardship currently faced by hundreds of thousands of residents throughout the state. Further, these amendments allow for the alignment of administrative rules with the newly passed legislation in a timely manner, affords the Office of Broadband Development and Connectivity the opportunity to implement program changes and solicit applications, and provides potential GUMBO grant program applicants with guidance and requirements necessary for participation in the program ahead of the normal rulemaking process timeline. This Emergency Rule will be effective upon signature, February 20, 2023 and will remain in effect for 180 days.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 1. Program Summary

§101. Background and Authorization

A. ...

B. The Louisiana Office of Broadband Development and Connectivity, as authorized by R.S. 51:1361-51:1365.3 and 51:2370.1-2370.16, provides grants to providers of broadband services to facilitate the deployment of broadband service to unserved areas of the state. The Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program funds eligible projects, through a competitive grant application process, in economically distressed parishes throughout the state.

C. The application materials, program guidelines, and criteria set forth in this Part govern the GUMBO grant program and have been developed based on the enacting legislation for the program, Act 477 of the 2021 Regular Legislative Session, and amending legislation for the program, Acts 288 and 760 of the 2022 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 49:

§103. Definitions

Broadband Service—deployed internet access service with a minimum of 100 Mbps download and 20 Mbps upload transmission speeds (100:20 Mbps).

* * *

Internet Service Provider—any entity, public or private, providing internet service to at least one location in the state.

* * *

Unserved—notwithstanding any other provision of law, any federal funding awarded to or allocated by the state for broadband deployment shall not be used, directly or indirectly, to deploy broadband infrastructure to provide broadband internet service in any area of the state where broadband internet service of at least 100:20 Mbps is available from at least one internet service provider.

Unserved Area—a designated geographic area that is presently without access to broadband service offered by a wireline or fixed wireless provider. Areas included in an application where a provider has been designated to receive funds through other state or federally funded programs designated specifically for broadband deployment shall be considered served if such funding is intended to result in the initiation of activity related to the construction of broadband infrastructure in such area within 24 months of the expiration of the 60-day period related to such application established pursuant to R.S. 51:2370.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 49:

§105. Non-Applicability of other Procurement Law

A. In accordance with R.S. 51:2370.14(C), grants solicited and awarded pursuant to the GUMBO grant program shall not be subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq., or the public bid law, R.S. 38:2181 et seq.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 49:

Chapter 2. Mapping Areas for Broadband Service and Project Area Eligibility Requirements

§201. Mapping Requirements on Internet Service Providers

A. Internet service providers (ISPs) shall submit information to the office to assist in compiling a statewide parish by parish broadband map identifying the locations and capability of broadband service in the state. ISPs shall submit to the office on or before fifteen days following the expiration of the date required for submission to the federal government, broadband deployment information containing the same information and in the same format the information is submitted to the Federal Communications Commission, in a manner specified by the office. In no instance shall an entity be required to provide any data beyond that which it is

required to provide to the Federal Communications Commission.

B. Any broadband availability data provided in accordance with this emergency rule shall strictly be used for the purpose of identifying served, underserved, and unserved areas to aid in the administration of the GUMBO program, and for no other purpose whatsoever.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§202. Penalty for Lack of Compliance

A. Any ISP that does not comply with the requirements of this emergency rule or submits inaccurate information may be ineligible to participate in, or receive any funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and the following calendar year.

B. Any location in the state purportedly served by an ISP that does not comply with the requirements of this Section may be deemed to have internet access service of less than 25 megabits per second for download and 3 megabits per second for upload.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§203. Mapping and Project Area Protest Process

A. Any ISP submitting broadband development data to the office as required by this emergency rule may review the proposed draft of the state broadband map and submit any necessary corrective data to the office prior to the final publication or utilization of the state broadband map for any state-administered grant program designated for broadband infrastructure in the state.

B. Any entity submitting broadband data to the office as required by this emergency rule may challenge any area submitted by another entity. Any individuals, civic groups, or local governments may also challenge submitted areas.

C. All submitted mapped areas shall be publicly available on the office's website for a period of at least 60 days prior to final map publication and utilization. During the 60-day period, any interested party may submit comments to the director concerning any submitted area.

D. The protest process, official decisions, and provider appeals shall be conducted in accordance with R.S. 51:2370.4(C) and 2370.5, as well as this Chapter.

E. An individual, civic group, local government, or provider of broadband service may submit a protest of any area on the grounds that the area is unserved or served, or whether the area has a serviceable location or not. Additionally, one may protest if the construction of broadband infrastructure will begin within 24 months as described in §206 of the GUMBO rules and defined within the GUMBO grant program. Comments and protests shall be submitted in writing through the office's website, and all protests shall be accompanied by all relevant supporting documentation and shall be considered by the office in connection with the review of the application or project area. The protesting party bears the burden of proof.

F. Protests shall contain all relevant supporting documentation, including, but not limited to, the following:

1. a signed and notarized affidavit affirming the protest and attached information are true;

2. current Federal Communications Commission (FCC) Form 477 or equivalent;

3. minimum/maximum speeds available in the area;

4. number of serviceable locations within the area, including the speeds serviceable locations are able to receive;

5. street level data of customers receiving service within the area;

6. point shapefiles that show each passing in the challenged area, designated by a singular mapped point, in the protested area containing attribute data showing the addresses of each point;

7. polygon shapefiles delineating the general challenged area(s);

8. through the use of the area map submitted by the applicant, a map indicating where the protested serviceable locations are within the area;

9. heat maps indicating received signal strength indicator (RSSI) in the challenged area.

G. The office reserves the right to initiate contact with a protesting party to seek clarification of a protest, the data contained therein, or to request additional information.

H. Should a protest be validated, the office shall work with an ISP to amend a submitted map area. The office shall revise the statewide map in accordance with amended submissions.

I. Protest and appeal decisions provided by the director and the Commissioner of Administration shall be provided in writing to the protesting party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§204. Penalties upon Protest Resolution

A. Upon protest resolution, at its sole discretion, the office may impose a penalty to the losing ISP or party of \$1,000 per misrepresented location and may also declare the losing party ineligible to participate in, or receive any funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of protest initiation and the following calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§205. Broadband Availability Map Maintenance

A. Every six months, within 15 days of when ISPs submit updated information to the Federal Communications Commission, ISPs shall submit the same information to the office to assist in maintaining the statewide parish by parish broadband map identifying the locations and capability of broadband service in the state. ISPs shall submit to the office on or before 15 days following the expiration of the date required for submission to the federal government, broadband deployment information containing the same information and in the same format the information is submitted to the Federal Communications Commission, in a manner specified by the office. In no instance shall an entity be required to provide any data beyond that which it is

required to provide to the Federal Communications Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§206. Eligible and Ineligible Project Areas (Formerly §201)

A. Eligible areas for the GUMBO grant program are areas without deployed internet access service providing reliable transmission speeds of at least 100:20 Mbps through wireline or fixed wireless technology, and which qualify as an unserved area as defined in this Part. The office, at its sole discretion, may determine an applicable standard of what, whether a technology, network design, or transmission speed delivered, is considered “reliable.” This standard may be adjusted for each succeeding grant round, as technology improves and reliable measurable techniques and reporting advances. This standard may also be applied to any singular location, area, or geographic boundary, as established by the office. These areas are the focus of broadband expansion under this grant program. Technology such as digital subscriber line is considered “unreliable”, and areas serviced solely by this technology are considered eligible for GUMBO program funding.

B.1. Ineligible areas for the program are areas that already have reliable internet access service available to them at transmission speeds of at least 100:20 Mbps through wireline or fixed wireless technology. In addition, areas, inclusive of any singular location where a provider has been fully authorized to receive funding through Universal Service, Connect America Phase II, Rural Digital Opportunity Fund, or other public funds shall be considered served and therefore ineligible for the GUMBO grant program if such funding is intended to result in the initiation of activity related to construction of wireline broadband infrastructure in the area within 24 months from the expiration of the grant application period. In order to designate areas as ineligible and subject to exclusion, providers shall submit to the office individual addresses not less than 60 days prior to the beginning date of the application period. Such individual addresses shall be submitted in shapefile and table format, and shall be inclusive of longitudinal and latitudinal coordinates, specific to each individual address. Should such an address be assigned a specific geolocator number or other specific identifier by the federal government prior to submission to the office, relative to federal broadband availability mapping efforts, such identifier shall be included with each address. Such addresses shall also be denoted by individual points within the shapefile. Any location or area of the state, subject to a Rural Digital Opportunity Fund award, in which the provider receiving the award has proposed to provide broadband internet access service through a technology other than a wireline technology, may be eligible for the GUMBO grant program.

2. A provider with firm plans to privately fund broadband deployment within 20 months from the expiration of the grant application period may qualify the area for protection by submitting to the office, within 30 days of the close of the application period, a listing of the individual addresses comprising the privately-funded project areas meeting this requirement. Such individual addresses shall be

submitted in shapefile and table format, and shall be inclusive of longitudinal and latitudinal coordinates, specific to each individual address. Should such an address be assigned a specific geolocator number or other specific identifier by the federal government prior to submission to the office, relative to federal broadband availability mapping efforts, such identifier shall be included with each address. Such addresses shall also be denoted by individual points within the shapefile. A provider seeking to qualify the area for protection shall provide the office with evidence of plans to deploy within 20 months, which shall include detailed project plans, schedules, detailed budgets, or executive affidavits. Providers that block competitive bidding for GUMBO grant program funding through credible evidence of intent to build, as evaluated and determined at the office’s sole discretion, shall be required to sign a commitment with penalties for failure to execute. Such penalties may be determined and imposed at the office’s sole discretion. The office may also, at its sole discretion, grant an extension of the 20-month period.

3. A provider seeking to privately fund broadband deployment shall construct and provide deployable and reliable broadband service within the 20-month period to at least 80 percent of the designated locations. The office may, at its sole discretion, grant an extension of the 20-month period. Such a provider shall furnish to the office a bond to guarantee the faithful performance of work, in an amount equal to the cost of proposed construction and deployment. If such a provider fails to perform in any material manner, as determined by the office at its sole discretion, and the performance bond becomes due, the provider shall become ineligible for any state-administered grant program designated for broadband development efforts, for a time period to be determined by the office.

4. A local governing authority, to include a parish or municipal governance board comprised of publicly elected members, but not to include school district governance boards, may submit, in writing, an official resolution to the office objecting to any provider that has received, at the time of the passage of the resolution, a letter grade rating of “D” or “F”, or any subsequently equivalent rating, from the Better Business Bureau. At the request of the local governing authority, such a provider shall be ineligible to bid or place an application, solely or in partnership with any other provider, to deploy broadband services within the jurisdictional boundary of the local governing authority through the GUMBO grant program. Any such resolution shall be duly passed and submitted to and received by the office prior to the date of the opening of any associated grant application period. A local governing authority shall not be limited as to the number of resolutions it may pass, nor the number of providers to which it may object. Any such objection shall be applicable for one grant application period, only, and a local governing authority reserves the right to submit additional resolutions, in the future, specific to any succeeding grant application period.

5. Failure on the part of a provider to submit a relevant project area for ineligibility and exclusion shall result in those areas being eligible for GUMBO grant funding for the applicable grant application period. However, a provider with existing wireline technology facilities in the area, or a provider that intends to deploy reliable broadband service within either 24 months of the close of the application period as a result of receiving public

funds specifically for broadband deployment, or 20 months of the close of the application period as a result of plans to privately fund deployment, upon submitting evidence to the office, shall be able to utilize the protest process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 49:

§207. Resources for Identification of Project Areas (Formerly §203)

A. Applicants can apply for funding to serve individual addresses as set forth in Chapter 3, Applications of this Part.

B.1. The office shall secure broadband availability mapping information and data from any entity, public or private, providing internet access service to at least one location, within the jurisdiction of the state, to assist the office in compiling a statewide parish-by-parish broadband availability map identifying the locations, technologies, and reliable transmission speed capabilities of broadband service in the state. At the request of the office, any such entity shall submit to the office, on or before the fifteenth day following the expiration of the date required for submission of broadband availability and deployment information to the federal government, any such broadband availability and deployment information. Such information shall be submitted to the office and shall contain the same information and be provided in the same format as it was submitted to the Federal Communications Commission, or any other federal entity, in a manner specified by the office. Specific to this requirement, in no instance shall an entity be required to provide any data or information beyond that which it is required to provide to the Federal Communications Commission or any other federal entity.

2. Any entity that does not comply with this submission requirement or submits inaccurate information, may be ineligible to participate in, or receive any funding from, any state-administered grant program designated for broadband infrastructure deployment in the state in the calendar year of noncompliance and through the following calendar year.

a. Any location in the state purportedly served by any entity providing internet access service to at least one location in the state, that does not comply with this submission requirement, may be considered to have internet access service of less than 100:20 Mbps.

3. Any broadband availability mapping data and information, submitted as part of this mapping submission requirement, shall be used solely for the purpose of identifying served, underserved, and unserved locations and areas to aid in the administration of the GUMBO grant program and for no additional purpose.

4. Any entity submitting broadband availability mapping data and information, submitted as part of this mapping submission requirement, may be afforded the opportunity to review a proposed draft of the state broadband map prior to publication or utilization of the map for any state-administered grant application period or program designated for broadband infrastructure deployment in the state, and submit any necessary corrective data and information to the office. In conjunction with this review, the office shall provide for a challenge period and process to allow any such entity to challenge any location or area

deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in the state that overlaps with the challenging entity's verified service territory.

5. The office may contract with a private entity, third-party consultant, state agency, or any combination thereof, to develop and maintain the state broadband availability map. Any contract entered into by the office with any private entity, third-party consultant, state agency, or any combination thereof, for such purpose shall include a confidentiality agreement prohibiting the disclosure of any broadband availability mapping data and information. During the development and maintenance of the state broadband availability map, in no instance shall a regional planning district or commission of the state have access to provider-identifying broadband availability mapping data and information submitted as part of this mapping submission requirement.

6. Broadband availability mapping data and information submitted as part of this mapping submission requirement shall be exempt from the public records law and shall be considered confidential, proprietary, and a trade secret of the entity providing such information. The Office, as well as any private entity, third-party consultant, or state agency retained or employed in the development or maintenance of the map, specific to provider-identifying information, shall keep such information strictly confidential and shall not disclose such information, or cause or permit to be disclosed such information, to any third person, private entity, or public body as defined in R.S. 44:1 and shall take all actions reasonably necessary to ensure that such information remains strictly confidential and is not disclosed to or seen, used, or obtained by any third person, private entity, or public body as defined in R.S. 44:1.

7. This broadband availability mapping data and information submission requirement shall be subject to the termination provisions provided for in R.S. 51:2370.3.

C. The office advises potential applicants to consider mapping tools and other resources located within the office's website as a starting point for identifying project areas.

NOTE: Mapping tools and other resources can be found on the website of the office, at connect.la.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1505 (June 2022), amended LR 49:

Chapter 3. Applications **§303. Applications with Multiple Providers or Project Areas**

A. 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 unserved location or area.

B. ...

C. Units of local government may endorse multiple applications with different service providers and may include project areas that cross jurisdictional boundaries.

1. Units of local government that provide letters of support, matching funds, or in-kind contributions to any application should provide the same, on a percentage basis relative to matching funds and in-kind contributions, to all applications proposing the use of like technologies in identical unserved areas with access provided to the exact

number of prospective broadband recipients within its jurisdiction. Should multiple applications propose to serve unserved areas within its jurisdiction and include the use of unlike technologies, differing unserved areas, or a non-analogous number of prospective broadband recipients to be served, as compared against other applications, a local government may use reasonable judgement and reserve the right to determine its level of support, to include letters of support, matching funds, or in-kind contributions, on an application-by-application basis. A unit of local government that provides differing levels of support, to include letters of support, matching funds, or in-kind contributions, to differing applicants proposing one or more projects within its jurisdiction shall provide an explanation to the office, at the office's request, as to why the local government's differing levels of support do not present an unreasonable or undue preference or advantage to itself or to any provider of broadband service. If, in the opinion of the office, differing levels of support by a unit of local government for differing applications presents an undue or unreasonable preference or advantage to itself or to any provider of broadband service, the office may disqualify from grant funding consideration any application or project area within the jurisdiction of the unit of local government.

D. An applicant may apply for one contiguous project area or multiple non-contiguous project areas

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 49:

§305. Application Requirements

A. As set forth in greater detail in §§307-315 of this Chapter, each application shall include these components:

1. ...
2. project area and locations to be served;
3. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 49:

§307. Application Information, Statement of Qualifications, and Partnerships

A. Every application shall include:

1. the identity of the applicant and its qualifications and experience with the deployment of broadband; in addition, the applicant shall include the following:

a. ...

b. a history of the number of households and consumers, by year of service, to which the applicant has provided broadband internet access, as well as the current number of households to which broadband internet access (at least 100:20 Mbps) is offered;

1.c. - 2.

3. the identity of any partners or affiliates, if the applicant is proposing a project for which the applicant affirms that a formalized agreement or letter of support exists between the provider and one or more unaffiliated partners where the partner is one of the following:

a. a separate provider or potential provider of broadband service, requiring a formalized agreement; or

b. a nonprofit or not-for-profit, or a for-profit subsidiary of either, and the applicant is:

i. - ii. ...

iii. the recipient of a letter of support. A parish, municipality, or school board, or any instrumentality thereof, may qualify as a nonprofit for the purposes of this section. Letters of support by a parish, municipality, or school board, or any instrumentality thereof, supporting an application shall be in the form of an official and duly passed resolution by the governing board and shall be submitted as part of an application. A letter of support does not require a formalized agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1506 (June 2022), amended LR 49:

§309. Project Area(s) and Locations to be Served

A. Every application shall include the following.

1. Mapping and Descriptions

a. Data and information relating to areas proposed to be served is required in order to confirm that the project is serving eligible areas, to accurately score the application; and track progress and completion of the project if awarded. If documentation is deemed insufficient, the office reserves the right to request additional supporting documentation. If the proposed project would result in the provision of broadband service to areas that are not eligible for funding, those ineligible areas shall be identified in the application along with the eligible areas. An applicant is allowed to propose construction of broadband infrastructure to GUMBO-ineligible locations if the proposed project includes GUMBO-eligible locations, and the applicant reports this intention. An applicant may not use any GUMBO grant funding to build to these ineligible locations. Broadband infrastructure deployment to ineligible areas must result as a natural byproduct of broadband infrastructure deployment to eligible areas, and an applicant is not allowed to use any GUMBO grant funding for deployment to ineligible areas. Any potential grant awardee proposing to build broadband infrastructure to GUMBO-ineligible areas will be subjected to additional and rigorous auditing and control standards to ensure compliance with all applicable state and federal law. In no instance shall the number of ineligible locations proposed exceed 25 percent of the number of GUMBO-eligible locations contained within an application.

b. Data and information included shall be relevant to the proposed project area and include the number of prospective broadband recipients that will be served and have access to broadband as a result of the project. For the proposed area to be served, the total cost per prospective broadband recipient must be provided, as well as the GUMBO cost per prospective broadband recipient.

c. The office reserves the right to request any additional data and technical information the office deems necessary.

d. Additionally, applicants may also submit applications for areas where transmission speeds are advertised as reliably meeting or exceeding 100:20 Mbps, if indisputable data is available to establish, to the satisfaction of the office, at its sole discretion, that delivered transmission speeds are reliably less than 100:20 Mbps.

Such data should be statistically significant and fully support the application. In no instance should such data provide conflicting data points. Technology such as digital subscriber line is deemed unreliable to meet or exceed 100:20 Mbps and therefore ineligible for GUMBO program funding.

e. Data Submission Requirements

i. Address-Level Data—data shall be submitted at the address level. The acceptable submission formats are GIS shapefile, kml file, Excel file, or csv file. If submitting in GIS shapefile (which must be composed of the collection of .shp, .shx, .dbf, and .prj files) or kml file format, one point should represent one address and must have a defined projection/coordinate system of either unprojected Geographic latitude/longitude WGS84 EPSG 4326 coordinate system or projected Louisiana State Plan Zone N/S (NAD83) coordinate system. If submitting in Excel or csv file format, one record should represent one address and must include attributes/column data for the latitude and longitude coordinates representing the address. The latitude and longitude coordinates must be in decimal degrees (DD) and at a minimum precision of 8 and scale of 6 (8,6). Regardless of the type of submission file, the submission must also include the full street address represented by the point/record as attributes/column data. The street portion of the address may be concatenated into a single attribute/data column or parsed into separate attribute/data columns. The address city, state, and ZIP code must be parsed into separate attribute/data columns. Refer to the table below for the suggested structure of the attributes/data columns.

Attribute/Column Name	Description
Address ID	Unique identifier of data record.
Address Number*	Address Number: Whole numbers 0 to 999999. Example: "1600" in "1600 Pennsylvania Avenue"
Street Pre-Direction*	Street Name Pre-Directional: a word preceding the Street Name element that indicates the direction taken by the road. Note, values are conditional as not every address contains a directional. Example: "South" in "South Congress Avenue" or "NW" in "NW 1st St"
Street Name*	Official name of the street. The street name is a minimum requirement. Example: "Main" in "N Main St"
Street Suffix*	Street Name Suffix: a word or phrase that follows the Street Name element and identifies a type of thoroughfare in a complete street name. Note, values are conditional as not every address contains a street suffix.
Street Post-Direction*	Street Name Post Directional: a word following the Street Name element that indicates the direction taken by the road. Note, values are conditional as not every address contains a directional. Example: "North" in "Elm Avenue North"

Attribute/Column Name	Description
Unit*	A group or suite of rooms within a building that are under common ownership or tenancy, typically having a common primary entrance. Example: "Apt 1"
Urbanization**	Raw area/sector (used mostly in territories)
City	City where address is located.
State	State where address is located. Example: "VA" or "Virginia"
Zip5	Five-digit ZIP Code of an address, as given by USPS. Example: "92562" or "04616"
Zip4**	Four-digit ZIP+4 extension. Example: "92562-3860" or "04616-4410"

NOTE: * Indicates values that may be concatenated into a single attribute/data column.
** If not applicable or is unknown, exclude the attribute/data column or leave blank/<Null>

f. Additional Data Sets

i. To assist in clarifying or providing for a greater level of detail regarding the areas and locations to be served by a proposed project, additional data sets may be provided within the application. These data sets should serve as supporting information to the required data listed above and should not be submitted as an alternative. This information will be evaluated as supporting information, only.

Examples of additional data include, but are not limited to:

- Scrubbed data (no raw data) from citizen survey results or demand aggregation results, with speed tests. This data must identify the areas that have less than 100:20 service.
- Affidavits from citizens or other individuals certifying one or more of the following:
 - o they are not able to receive broadband service; or
 - o the only available service is cellular or satellite; or
 - o the only broadband service available by the existing providers is less than 100:20 service.

2. - 2.a. ...

3. Attestation of Project Area Eligibility

a. Applicants are required to sign the statement of attestation to attest to the office that the project area identified within the application is eligible as of the close of the applicable application period, as defined by Louisiana Revised Statutes 51:2370.1 through 2370.16 and this Part, to the best of their knowledge. The attestation statement and signature shall be included as part of the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1507 (June 2022), amended LR 49:

§311. Technical Report

A. ...

B. Reporting requirements for all deployments:

1. - 2. ...

3. if the applicant is claiming a partnership, the applicant must provide a brief narrative explaining the partnership or affiliation. For applications where a nonprofit or not-for-profit partner provides only matching financial support, that information can be documented in the budget section within the relevant application. The applicant must also provide evidence of a formalized agreement, when applicable, as required in §307 of this Part;

4. - 6. ...

C. Reporting requirements for wired infrastructure deployment:

1. ...
2. explanation of existing networks and equipment to be used for the project, if applicable;
 - a. - b. ...
3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a point of presence or fiber hut (fiber), the applicant must include:
 - a. ...
 - b. the distance from the specific site infrastructure to the end user(s) and the expected broadband speed that will be effectively and reliably delivered;
4. ...

D. Reporting requirements for fixed wireless deployment:

1. ...
2. explanation of existing networks and equipment to be used for this project, if applicable;
 - a. If the applicant requires assets owned by another entity, the applicant should explain how the assets will be used for this project and, if applicable, provide a copy of the agreement between the applicant and the owner; and
 - b. the number of towers or vertical assets to be used for the project, the height (in feet) of each tower or vertical asset, and whether each tower or vertical asset is existing or will be constructed. For scoring purposes, tower or vertical asset height will be converted to miles through the following equation: 1 foot of tower or vertical asset height = 1/20 mile.
3. detailed explanation of how the new or upgraded infrastructure will serve the prospective broadband recipients. In the case of the installation or upgrade of a specific site infrastructure, such as a vertical asset, the applicant must include:
 - a. - c. ...
 - d. the distance from the vertical asset to the end user(s) and the expected broadband speed that will be effectively and reliably delivered;
4. - 5. ...
6. explanation of the frequency/frequencies to be utilized for the deployment, whether the deployment will use licensed or unlicensed frequency/frequencies and technologies, as well as mitigation of line-of-sight challenges (which should correspond to the number of recipients to be served).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1508 (June 2022), amended LR 49:

§313. Project Budget, Matching Funds, Costs, and Proof of Funding Availability

A. Budget and Narrative

1. The project budget should reflect all eligible project costs. The project budget should include the minimum provider funding match of at least 25 percent, any local government funding match from a parish, municipality, and/or school board, or any instrumentality thereof, as well as in-kind contributions, and the requested GUMBO grant program funding.

2. Matching funds, and their associated sources, shall be detailed within the project budget and budget narrative. Eligible grant recipients are required to provide at least 25 percent matching funds of the total proposed project cost to participate in the GUMBO grant program. A local government, including a parish, municipality, or school board, or any instrumentality thereof, may provide matching funds for a project, in addition to the applicant. Local government matching funds are optional and not required. There is no limitation on the minimum or maximum percentage of a project's total cost that a local government may provide through a funding match. In-kind contributions to the project by a local government should also be listed in the project budget and budget narrative, if applicable.

3. ...

B. Total Project/Infrastructure Cost

1. ...

* * *

C. Total Project/Infrastructure Cost—per prospective broadband recipient.

D. GUMBO Cost—per prospective broadband recipient.

E. Proof of Funding Availability

1. Applicants must submit a signed letter of funding availability from each source of funds committed for the project. If a loan or other grant funds are pledged, a loan/grant commitment letter from each source of funds must be included.

2. Should an applicant be an awardee of Universal Service, Connect American Phase II, Rural Digital Opportunity Fund, or other public funds for the deployment of broadband service, the applicant shall attest as to whether or not the applicant's GUMBO application and associated project's buildout is dependent upon such awarded funds.

3. The applicant shall indicate whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever filed for bankruptcy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022), amended LR 49:

§315. Proposed Services, Marketing, Adoption, and Community Support

A. Every application shall include:

1. - 3. ...
4. a plan to encourage users to connect that incorporates, at a minimum, community education forums, multimedia advertising, and marketing programs; and
5. any low-income household service offerings, digital equity or literacy support, or programs or partnerships to provide these services. The applicant shall also indicate current participation in, or plans to, accept the federal Lifeline subsidy.

B. It is highly encouraged that every application should include:

1. a workforce plan prioritizing the hiring of local, Louisiana resident workers, to include a signed letter of intent with a post-secondary educational institution that is a member of the Louisiana Community and Technical College System, containing an obligation upon the applicant, and contractors or subcontractors of the applicant, to put forth a good-faith effort to hire, when possible, recent graduates of broadband-related programs. At minimum, the workforce

plan should also contain a commitment to offer wages at or above the prevailing rate and a description of the applicant’s safety and training standards; and

2. evidence of support for the project from citizens, local government, businesses, and institutions in the community. The applicant may provide letters or other correspondence from citizens, local government, businesses, and institutions in the community that supports the project. Letters of support from a parish, municipality, or school board, or any instrumentality thereof, will be deemed material for scoring purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1509 (June 2022), amended LR 49:

Chapter 4. Scoring

§401. Overview

A. The GUMBO grant program is a competitive grant program. Applications shall be scored independently as provided in this Chapter, based upon a system that awards a single point for criteria considered to be the minimum level for the provision of broadband service, with additional points awarded to criteria that exceed minimum levels.

B. Applications shall be scored independently, and applications receiving the highest score shall receive priority status for the awarding of grants. Should the final application or project area with priority status for the awarding of a grant have a request for GUMBO funding that exceeds the remaining GUMBO funds available, the final applicant with priority status shall have the option to agree to complete its proposed project in full with the remaining GUMBO funds available in that round. Should the final priority applicant decline, the office shall propose the same to the next highest scored application. This process shall continue until such time as an applicant has agreed, or all remaining applications within the current grant round have declined. Should all applicants decline the office’s offer, the remaining balance of GUMBO funding shall be added to the next succeeding round of GUMBO, subject to the guidance and restrictions of the funding source.

C. Applications are required to earn points in the three Minimal Program Outlay, Affordability, and Business and Fair Labor Practices categories to be considered eligible for GUMBO funding.

D. As a means of breaking a tie for applications receiving the same score, relative to any scoring metric or in the scoring aggregate, the office shall give priority to the application proposing the lowest GUMBO cost per prospective broadband recipient.

E. Upon the close of the application period, and throughout the evaluation and scoring phase of the program process, a blackout period shall be instituted. This blackout period shall remain in effect until the announcement of awards. During this blackout period, applicants shall not initiate contact with the office, except as otherwise provided within this part. The office reserves the right to initiate contact with an applicant to seek clarification of an application or the data and information contained therein, request additional data or information, or as necessary in response to an overlapping application or protest. An applicant may initiate contact with the office for the

purposes of amending an application due to overlapping or a protest, or to withdraw an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022), amended LR 49:

§403. Overlapping Applications or Project Areas

A. At the close of the application period, should one or more applications overlap one or more other applications; relative to one or more unserved individual addresses, the impacted applicants shall have the option and ability to resolve the overlapping individual addresses through the applicants’ own volition, discussion, and efforts. Applicants working to resolve an instance of overlapping applications, following the close of the application period, shall jointly notify the office of such efforts. An acceptable resolution and amended applications will be accepted by the office until 5 PM on the 15th day of the 30-day evaluation period. Such an acceptable resolution between impacted applicants shall not result in the addition of partners to a previously submitted application nor the expansion of an application’s project area.

B. Following 5 p.m. on the fifteenth day of the 30-day evaluation period, should one or more applications overlap one or more other applications; relative to one or more individual addresses, each application shall be scored independently. The application receiving the highest score shall proceed to grant funding consideration with its project area boundary intact. Any lower-scored application overlapping a higher-scored application shall be removed from grant funding consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1510 (June 2022). Amended LR 49:

§405. Factors Subject to Scoring

A. Minimal Program Outlay

1. Provider Matching Funds. The office shall calculate the provider’s matching funds percentage of the total/infrastructure cost of the project and award points based on matching funds. Points shall be awarded as follows.

Provider Matching Funds (Percentage of Total/Infrastructure Cost)	Points
25 percent	42
35 percent	84
45 percent	132
55 percent	180
75 percent or more	264

NOTE: Points are awarded based upon the total percentage of matching funds provided beyond the required 25 percent, irrespective of the number of providers contributing to a single project.

2. Local Government In-Kind Contributions and Matching Funds. The office shall award points to projects receiving in-kind contributions or matching funds from a local government for eligible projects within the jurisdictional area of the local government. A local government is defined as a parish, municipality, or school board, or any instrumentality thereof. Each local government

has the option to provide in-kind contributions or matching funds to a project, and more than one local government can provide in-kind contributions or matching funds to any one project. Points shall be awarded as follows.

Local Gov't In-Kind and Matching	Points
No in-kind contribution or funding match	0
5 percent or higher	6

NOTE: Points are awarded based upon the total percentage of in-kind contributions and matching funds provided by local governments, irrespective of the number of local governments contributing to the project.

B. Affordability

1. Consumer Price. The office shall award points based upon the ultimate price of broadband service to the consumer as a result of the proposed project and shall reference the average price of all broadband service packages offering transmission speeds that meet or exceed 100:20 Mbps offered to consumers by an applicant as the result of the proposed project. Points shall be awarded as follows.

Consumer Price (Lowest Average Base Package Price)	Points
More than \$80	0
Participates in FCC's Affordable Connectivity Program	6
\$80 or cheaper	24
\$50 or cheaper	42

NOTE: An applicant that has offered broadband service to at least 1,000 consumers for a period of at least 5 consecutive years is required to offer broadband service at prices that are, at least, consistent with offers to consumers in other areas of the state.

2. Price Stability. The Office shall award points based upon the length of time the applicant commits to maintain the above consumer price. Points shall be awarded as follows.

Consumer Price Stability (Additional Length of Time in Years)	Points
4 years	24
5 years or longer	54

C. Business and Fair Labor Practices.

1. Certified Hudson and Veteran Grant Recipient. The office shall award points to projects in which the eligible grant recipient is a small business entrepreneurship certified by the Hudson Initiative (R.S. 39:2001 et seq.) or the Veteran Initiative (R.S. 39:2171 et seq.). Points shall be awarded as follows.

Certified Hudson / Vet Initiative Grant Recipient	Points
Grant recipient not certified by the Hudson and/or the Veterans Initiative	0
Grant recipient certified by the Hudson and/or the Veterans Initiative	30

2. Certified Hudson and Veteran Subcontractor. The office shall award points in which the grant recipient commits to a good faith subcontracting plan to contract with or employ contracts with a small business, entrepreneurship, or entrepreneurs, certifies by the Hudson Initiative (R.S.

39:2001 et seq.) or the Veteran Initiative (R.S. 39:2171 et seq.) to substantially participate in the performance of the project. Points shall be awarded as follows.

Certified Hudson / Vet Initiative Subcontractor	Points
0 project contracts with certified Hudson and/or Veterans Initiative businesses.	0
At least 1 project contract with certified Hudson and/or Veterans Initiative businesses.	18
At least 25 percent project contracts with certified Hudson and/or Veterans Initiative businesses.	36
At least 50 percent project contracts with certified Hudson and/or Veterans Initiative businesses.	60

D. Speed to Deployment—Leverage of Existing Infrastructure. The office shall award points based upon the applicant's ability to leverage its own or nearby or adjacent broadband service infrastructure in the proposed project area. For reference, the office will refer to the project's proposed estimated construction timeline, as measured from the award of the grant agreement to construction completion. Points shall be awarded as follows.

Construction Completion Date	Points
Longer than 12 months	0
Within 12 months	6
Within 6 months	18

E. Speed of Network and Other Technical Abilities - Broadband Speeds and Scalability. The office shall award points based upon the broadband transmission speeds and scalability of future bandwidth increases (Mbps download and upload) that will be deployed as a result of the project. If more than one set of transmission speeds are offered to consumers, scoring shall be based on the fastest transmission speeds and scalability offered. Points shall be awarded as follows.

Broadband Speeds and Scalability (Mbps Down:-Mbps Up)	Points
Less than 1000:1000	0
At least 1000:1000	6
At least 2000:2000, or scalable to 2000:2000	18

F. Local and Tribal Coordination. The office shall award points based on defined local and tribal coordination to discuss workforce development, permitting, project construction execution, and other topics. Points shall be awarded as follows.

Local and Tribal Coordination Meetings	Points
Less than quarterly meetings with the Governor's Office of Rural Development	0
Quarterly meetings with the Governor's Office of Rural Development	30

NOTE: Quarterly meetings with Governor's Office of Rural Development will be verified via meeting minutes submitted by the Governor's Office.

G. Climate Resilience. The office shall award points based on project climate resiliency for underground infrastructure. Points shall be awarded as follows.

Climate Resiliency (Technical Ability)	Points
Less than 60 percent underground construction deployment	0
60 percent underground deployment or greater	66

H. Applicant Experience. The office shall award points based upon the applicant's experience, technical ability, financial wherewithal in successfully deploying and providing broadband service, and the matching funds percentage of the total cost of the project. For experience, the office shall reference, by date of application submittal and without regard to the potential project, the number of years the applicant has provided internet services; the number of households to which the applicant currently provides broadband internet service access (at least 100:20 Mbps); the number of internet service infrastructure projects completed by the applicant, funded in part through federal or state grant programs, prior to the date of application submittal; penalties paid by the applicant, relative to internet service infrastructure projects funded in part through federal or state grant programs, prior to the date of application submittal; and whether the applicant, a subsidiary or affiliate of the applicant, or the holding company of the applicant has ever been a defendant in any federal or state criminal proceeding or civil litigation as a result of its participation in an internet service infrastructure project funded in part through federal or state grant programs, prior to the date of application submittal. Points shall be awarded as follows.

Completed Internet Projects	Points
14 or less	0
15 or more	2

I. Financial Wherewithal. The office shall reference the number of bankruptcies filed (prior to the date of application submission). Points shall be awarded as follows.

Bankruptcies	Points
1 or more	0
No prior bankruptcies	2

J. Letter of Local Government Support. The office shall award points based upon letters of support from local governments. The office shall reference letters submitted by a parish, municipality, or school board, or any instrumentality thereof. Letters of support eligible for scoring shall be in the form of officially and duly passed resolutions by the governing board, consisting of publicly elected members, of the parish, municipality, or school board, or any instrumentality thereof. Such a resolution shall be submitted with the application prior to the close of the application period. Points shall be awarded as follows.

Local Government Letters of Support, Numbers	Points
1 local government	1
3+ local governments	2

K. Estimated Number of Unserved Households. The office shall award points to projects based upon the estimated number of unserved households within the eligible economically distressed parish, as determined by the most recent data published by the Federal Communications Commission or the most reliable source of information

available as of the close of the application period, as determined by the office. Points shall be awarded as follows.

Number of Unserved Households	Points
499 or fewer	1
10,000 or more	2

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

L. Percentage of Total Unserved Households Served. The office shall award points to projects that will provide broadband service based upon the percentage of the total unserved households within the eligible economically distressed parish that the project will newly and directly serve. Unserved households served as a result of other, non-GUMBO federal or state grant programs shall not be used in the calculation of this criterion. The number of unserved households shall be determined using the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Points shall be awarded as follows.

Percent of Unserved Households Newly and Directly Served	Points
5 percent or less	1
50 percent or more	2

NOTE: If a contiguous project area crosses from an eligible parish into one or more eligible adjacent parishes, the project shall be deemed to be located in the parish where the greatest number of unserved households are proposed to be served.

M. Unserved Businesses Served. The office shall award points to projects that will provide broadband service to unserved businesses newly and directly served by the project located within the eligible economically distressed parish, as determined by the most recent data published by the Federal Communications Commission or the most reliable source of information available as of the close of the application period, as determined by the office. Unserved businesses served as a result of other, non-GUMBO federal or state grant programs shall not be used in the calculation of this criterion. A residential-based business shall be classified by the applicant as either a residence or a business and shall not be counted as both. Points shall be awarded as follows.

Number of Unserved Businesses	Points
5 or fewer	1
20 or more	2

N. Summary of Scored Sections. As set forth in this Section, the scored categories of GUMBO program applications or project areas shall be as follows, repeated for comprehensive clarity.

Summary	
Scored Section	Points
A-1. Minimal Program Outlay (Provider Matching Funds)	0 – 264
A-2. Minimal Program Outlay (Local Government Matching)	0 – 6
B-1. Affordability (Consumer Price)	0 – 42
B-2. Affordability (Price Stability)	0 – 54

Summary	
Scored Section	Points
C-1. Fair Labor Practices (Certified Hudson / Vet Initiative Grant Recipient)	0 – 30
C-2. Fair Labor Practices (Certified Hudson / Vet Initiative Subcontractor(s))	0 – 60
D. Speed to Deployment – Leverage of Existing Infrastructure	0 – 18
E. Speed of Network and Other Technical Abilities – Broadband Speeds and Scalability	0 – 18
F. Local and Tribal Coordination	0 – 30
G. Climate Resilience (Technical Ability)	0 – 66
H. Applicant Experience	0 – 2
I. Financial Wherewithal	0 – 2
J. Letter of Local Government Support	0 – 2
K. Estimated Number of Unserved Households	0 – 2
L. Percentage of Total Unserved Households Served	0 – 2
M. Unserved Businesses Served	0 – 2
Total Possible Points:	0 – 600

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1511 (June 2022), amended LR 49:

Chapter 5. Awards, Protests, and Grant Agreements

§501. Award Announcements

A. All GUMBO applications shall be publicly available on the office’s website for a period of at least 30 days prior to an award announcement. Following administrative review, evaluation, and scoring, as well as fulfilling the requirement that applications be publicly available for 30 days prior to award, the office may publicly announce award winners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

§503. Protests

(Formerly §501)

A. The protest process shall be conducted in accordance with R.S. 51:2370.4(C) and 2370.5, as well as this Chapter. The deadline to submit a protest shall not exceed 30 days following the announcement of awards.

B. Following an announcement of awards, any aggrieved party may submit a protest of any award. The sole basis for the submission of a protest shall be whether a location or area is served or unserved by broadband service. Also qualifying as served for the purposes of a protest are those locations or areas where construction of broadband infrastructure will begin within either 24 months as the result of public funding or 20 months as the result of private funding, respectively, as described in §201 of this part and defined within the GUMBO grant program. Protests shall be submitted in writing in a manner determined by the office, and all protests shall be accompanied by all relevant supporting documentation.

C. Protests shall contain all relevant supporting documentation, including, but not limited to, the following:

1. a signed and notarized affidavit affirming the protest and attached information are true;
2. current Federal Communications Commission (FCC) reporting;
3. maximum speeds available in the proposed project area;

4. number of serviceable locations within the protested area, including the maximum speeds those serviceable locations are able to receive, and the technology used to deliver such transmission speeds;

5. street-level data of customers receiving service within the protested area, including speed test data;

6. referencing the data submitted by the applicant, shapefiles in GIS or kml file format, with accompanying excel and/or attribute table data including individual addresses, longitudinal and latitudinal coordinates, and any specific geolocator number or other specific identifier assigned by the federal government to location, that show each protested passing in the protested area, designated by a singular mapped point;

7. if applicable, heat maps indicating received signal strength indicator (RSSI) in the challenged area.

D. Upon the close of the application period, a blackout period shall be instituted. This blackout period shall remain in effect until an announcement of awards. During this blackout period, neither a protesting party nor an applicant shall initiate contact with the office, except as provided by this section. The office reserves the right to initiate contact with a protesting party or applicant to seek clarification of an application, a protest, the data contained therein, or to request additional information.

E. Should a protest be granted in any manner, the office shall work with an awardee to amend an awarded application to reduce the number of unserved prospective broadband recipients and re-scope the awarded application. The office shall revise awarded application scores in accordance with amended data and information. Should an awarded application be amended as a result of a granted protest, it is possible that the revised score would subject such an awarded application to the removal of its priority status for an award. As a result of a granted protest and a reduction in the number of unserved prospective broadband recipients, an awardee shall also have the option to withdraw its awarded application.

F. Any applicant or protesting party receiving access to any other provider’s proprietary or confidential information, through the required processes of the grant program and as defined within R.S. 51:2370-2370.16 and this part and subject to confidential protection, shall not disclose such information to any other third party.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1514 (June 2022), amended LR 49:

§505. Grant Agreements

[Formerly §603]

A. Following the close of the protest period, the office may issue grant agreements to eligible awardees not subject to an ongoing protest. An awardee shall have 30 days, from official issuance of the grant agreement, to sign and return the agreement. If the grant agreement is not signed by the awardee and returned to the office within 30 days from official issuance of the grant agreement, the office shall reserve the right to rescind the award and proceed to official issuance of a grant agreement to the next highest scored applicant with priority status for the awarding of a grant.

B. Construction start and completion dates shall be calculated for scoring, compliance, and failure to perform

purposes and evaluations, beginning with the date the grant agreement is received by the office (following successful negotiation, if any, and with proper and legal signature affixed).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1514 (June 2022), amended LR 49:

Chapter 6. Compliance

§601. Speed and Cost Compliance

[Formerly §701]

A. The office shall require that grant recipients offer download and upload speeds of at least 100:20 Mbps. Slower speeds may be offered, but speeds that meet or exceed 100:20 Mbps must be offered. Additionally, speeds that meet or exceed 100:100 Mbps are expected to be offered, except in the rare case of a prohibitive barrier such as geography, topography, or excessive cost in deploying speeds that meet or exceed 100:100 Mbps. Should an applicant propose to offer a maximum available speed of less than 100:100 Mbps, a substantiating explanation, accompanied by corroborating evidence, shall be submitted to the office as a part of the application submission.

B. Grant recipients that have offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state. Any other broadband provider shall ensure that the broadband service is priced to consumers at no more than the cost rate identified in the project application, for the duration of the five-year service agreement. In calculating cost, the recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year.

C. In calculating cost, the recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year.

D. At least annually, a grant recipient shall provide to the office evidence consistent with Federal Communications Commission attestation, or future federal equivalent, that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement.

E. For the duration of the agreement, grant recipients shall disclose any changes to data caps.

F. Grant recipients shall be required to participate in federal programs that provide low-income consumers with subsidies on broadband internet access services. Grant recipients will be required to participate in the federal Affordable Connectivity Program, or future federal or state equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), amended LR 49:

§603. Reporting

[Formerly §703]

A. Grant recipients shall submit to the office, no more than quarterly, unless otherwise required by federal statute or regulation, a report for each funded project for the duration of the agreement. The report shall include reporting requirements selected at the discretion of the office. Such

reporting requirements, once selected, shall be consistently applied to all grant recipients of any grant program round and be effective for at least one program year. Reporting may be revised from program year to program year, at the discretion of the office.

B. Grant recipients, upon request from the office, shall provide:

1. project and expenditure reports, to include but not limited to: expenditures, project status, subawards, civil rights compliance, equity indicators, community engagement efforts, geospatial data, workforce plans and practices, and information about subcontracted entities; and

2. performance reports, to include but not limited to project outputs and outcomes.

C. Grant recipients shall submit to the office an annual report for each funded project for the duration of the agreement. The report shall include, but not be limited to, the following summary of the items contained in the grant agreement and the following details:

1. the number of residential and commercial locations that have broadband access as a result of the project;

2. percentage of households in the project area who have access to broadband service;

3. percentage of subscribers in the project area to the broadband service;

4. average monthly subscription rate for residential and commercial broadband service in the project area;

5. any right-of-way fees or permit fees paid to local government, state government, railroad, private entity or person during the fulfillment of the grant awarded;

6. any delays encountered when obtaining a right-of-way permission.

D. The office, at its sole discretion and at any time, shall reserve the right to request any additional data and reporting information that the office deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), amended LR 49:

§605. Disbursement and Reimbursement

[Formerly §705]

A. The Division of Administration shall be the designated agency for receipt and disbursement of state and federal funds intended for the state for broadband expansion or allocated by the state for broadband expansion.

B. All federal grant funds received by the state for the purpose of broadband expansion shall be disbursed in accordance with the GUMBO program.

C. Funding in accordance with completion shall be distributed to a grantee once the grantee has demonstrated, to the satisfaction of the office, that a project has reached the following percentile completion thresholds, which shall be defined as a percentage of the total number of prospective broadband recipients proposed to be served by the project:

1. 10 percent;

2. 35 percent;

3. 60 percent;

4. 85 percent;

5. 100 percent.

D. The final 15 percent payment shall not be paid without an approved completion report. Invoice for final payment shall be submitted within 90 days of completion

date. All invoices are subject to audit for three years from the completion date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), LR 49:

**§607. Failure to Perform
[Formerly §707]**

A. A grant recipient shall forfeit the amount of the grant received if it fails to perform, in material respect, the obligations established in the agreement.

B. Grant recipients that fail to provide advertised connection speeds and costs shall forfeit any matching funds, up to the entire amount received through the GUMBO program.

C. The office shall use its discretion to determine the amount forfeited.

D. A grant recipient that forfeits amounts disbursed under this part is liable for up to the amount disbursed plus interest.

E. The number of subscribers that subscribe to broadband services offered by the provider in the project area shall not be a measure of performance under the agreement for the purposes of this Section.

F. A grant recipient shall not be required to forfeit the amount of the grant received if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, the failure to obtain access to private or public property or any government permits under reasonable terms, such claims that shall be evaluated to the satisfaction of the office, or such other occurrence over which the grant recipient has no control, as evaluated to the satisfaction of the office.

G. If a grant recipient fails to complete a project, in a material respect, the grant recipient, at the discretion of the office, may be required to reimburse the state the actual cost to finish the project. The actual cost to finish the project shall be determined by the office, in consultation with the grant recipient. The office shall not require a grant recipient that it deems has made a good faith effort to complete a project to reimburse the state an amount greater than the remaining GUMBO cost per prospective broadband recipient as set forth in the grant recipient's application.

H. If a grant recipient fails to perform and fails to return the full forfeited amount required, the ownership and use of the broadband infrastructure funded by the GUMBO program shall revert to the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022), amended LR 49:

**§609. State and Federal Oversight, Civil Rights
Compliance, and Other Applicable Federal Law
[Formerly §709]**

A. Grant recipients are subject to audit or review by the state and federal government.

B. Grant recipients shall not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities:

1. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d-1 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 22;

2. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. 794;

3. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 28; and

4. Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq., and the Treasury Department's implementing regulations, 31 C.F.R. part 23.

C. Grant recipients and all proposed projects must comply with all applicable federal environmental laws. Additionally, grant recipients and all proposed projects must comply with the following federal laws and regulations:

1. the 2019 National Defense Authorization Act (NDAA);

2. 2 C.F.R. Part 200; and

3. the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations 29 C.F.R. Part 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1516 (June 2022), amended LR 49:

**Chapter 7. Applicability of Amended Rule
§701. Applicability of Amended Rule**

A. Any application received through the GUMBO grant program on or following February 1, 2023, or any protest, appeal, or other filing, including any judicial filing arising from an application submitted on or following to February 1, 2023, shall be subject to Acts 288 and 760 of the 2022 Regular Legislative Session and the Notice of Intent published on February 20, 2023.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 49:

Veneeth Iyengar
Executive Director

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