

Broadband, Equity, Access, and Deployment Program (BEAD) Preregistration Application

Arizona Commerce Authority (ACA)

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3.

1. Applicant Profile

1.1 Organization and Applicant Information

Details		
Applicant Information		
Applicant Legal Name/Entity Name		
Mailing Address		
Website		
Applicant Contact Details (Signatory Authority -	- Director/Officer)	
First Name		
Last Name		
Title		
Phone Number(s)		
Email Address(s)		
Other Details		
Provider (Select provider ID by FCC-recognized providers in the State of Arizona)		
Federal Employer Identification Number		
Applicant's Unique Entity Identifier (UEI)		
State Tax ID Number		
FRN – 10-digit FCC Registration Number		
Broadband Provider	Traditional 🗆	Non-traditional 🗆

Details	
	Local Government 🗆
	Non-profit organization □
	Private, For-Profit organization □
	Public Private Partnership 🗆
	Tribal Organization □
Type of Service Provider:	Electric Cooperative
	Public or Private Utility
	Incumbent Local Exchange Carrier (ILEC) Service Provider □
	Non- ILEC Service Provider □
	Cooperative(other) □
	Other, please describe □
Webpage	

2. Preregistration Questions

2.1 Financial Capability

2.1.1. Certifications

Certify that you are financially qualified to meet the obligations associated with project applications.	
Certify that you will have available funds for all proposed project costs that exceed the amount of the grant.	
Certify compliance with all BEAD Program requirements, including any service milestones and reporting requirements.	
Certify that you will comply with uniform administrative requirements, cost principles (where applicable), and audit requirements to complete and operate the project.	
Certify availability of sufficient financial resources to cover proposed project costs until disbursements are authorized.	

Submit a statement signed by an executive with the authority to bind the organization to certify and guarantee that your organization has the necessary financial capacity to successfully implement the project. (Attachment 1)

2.1.2. Audited Financial Statements

If the Potential Applicant is publicly held, provide direct links to 10-K statements for the three most recent fiscal years.	Yes 🗆	No 🗆	
If the Potential Applicant is not a publicly traded company and audited during the ordinary course of business, submit audited financial statements for the three most recent fiscal years including Balance Sheet, Income Statement and Statement of Changes in Financial Position or Statement of Cash Flows and footnotes. (Attachment 2)	Yes 🗆	No 🗆	
If No, provide a narrative explaining unavailability of audited financial statements.			
If the Potential Applicant is not a publicly traded company and audited financial statements are unavailable, submit unaudited financial statements for the three most recent fiscal years with certification from a person with authority and knowledge as to their accuracy (Attachment 3).	Yes 🗆	No 🗆	
If audited financial statements are unavailable, certify that audited financial statements prepared by an independent certified public	Yes 🗆	No 🗆	

accountant from the prior fiscal year will be provided prior to receiving any subgrants.				
If Potential Applicant's financial history is less than three years, include quarterly or semi-annual statements for partial years including the current year with certification from a person with authority and knowledge as to their accuracy. (Attachment 4)	Yes 🗆		No 🗆	
2.1.3. Material Changes in Financial Condition				
Have any changes in financial conditions occurred or are projected to occur, during the three most recent completed fiscal years and during the next fiscal year which is not yet captured in financial statements for your organization?				
If yes, provide a detailed summary of any changes in financial cond projected to occur, during the three most recent completed fiscal ye not yet captured in financial statements. This includes:				
• A description of any material change, actual and projected, and in ownership or the executive management.	, accomption of any matchar change, actual and projector, and any related changes of all applicate			
 Actual and projected impacts on the Potential Applicant's organitis ability to remain engaged in the BEAD program and submit a 			apacity and	
 A detailed description of any other projected impacts, positive and negative, of the changes experienced and anticipated to be experienced in the periods ahead, including the likelihood that the circumstances of the change or impacts thereof will continue during the period of performance of the potential grant award. 				
2.1.4. Credit Rating				
Does your organization have a corporate credit rating carried out by certified credit rating agencies including but not limited to S&P Global, Moody's, and Fitch Ratings?		No 🗆		
If yes, provide a copy of latest corporate credit rating carried out by certified credit rating agencies including but not limited to S&P Global, Moody's, and Fitch Ratings. (Attachment 5)				
2.1.5. Bankruptcy/Insolvency Proceeding				
As a non-publicly held organization, has your organization had any insolvency events in the past three fiscal years?	Yes 🗆	No 🗆	NA 🗆	
If yes, provide summary information on any current and prior insolvency events within the last three fiscal years relating to the organization or any person or entity which directly or indirectly through one or more intermediaries' controls, or is controlled by, or is under common control with organization. For				

publicly held organizations, submission of bankruptcy information is not a requirement, therefore, no additional information is required for this response.

2.1.6. Failure to Perform

Has your organization defaulted on the completion of a broadband deployment grant funded with local, state or federal funds, from January 1, 2019, up to the date of submitting preregistration application?

If yes, provide a list of grant projects where organization has defaulted on the completion of a broadband deployment grant (with an executed grant agreement) funded with local, State or Federal Funds, from January 1, 2019, up to the date of submitting the preregistration application. Upload the required details in the template provided. (Attachment 6)

Yes 🗆

No 🗆

2.1.7. Performance Security

Certify that your organization understands that if awarded a project under the BEAD program, your organization will have to provide the required performance security at the project application phase to demonstrate financial strength and capability. Potential Applicants will need to submit at least one of the following options below at the project application phase: Option 1: Commitment letter from a bank that meets the eligibility requirements set forth in 47 C.F.R. § 54.804(c)(2) showing an indicative amount for the letter of credit (LOC) equal to 25% of the total expected subawards for the Potential Applicant programmatically.

2.2 Managerial Capability

2.2.1. Corporate Organizational chart(s)/Baseline Company Profile

Submit corporate organizational chart identifying the parent company and any subsidiaries or affiliates that will be performing work in Arizona and identifying the company serving as the Potential Applicant to the BEAD Program. (Attachment 7)

2.2.2. Applicant Organizational Chart

Submit organizational chart that includes all relevant personnel within the organization who are likely to have a role on a potential broadband project in Arizona. Relevant personnel should include a chief technology officer, project engineer, and contractor oversight team. (Attachment 8)

Certify that your organization employs personnel with relevant		
certifications for broadband deployment projects as mandated by state	Yes 🗆	No 🗆
and federal law and reflective of industry practices.		

Additionally, provide a narrative that describes how your organization employs personnel with relevant certifications for deployment projects as mandated by state and federal law and reflective of industry practices.

2.2.3. Resumes of Key Management Personnel

Submit one-page resumes of all relevant financial, technical, and managerial key personnel that would be involved in a BEAD broadband deployment project. All key personnel should be employees of the organization, rather than contractors. Each resume should demonstrate relevant experience with broadband projects of similar scope and scale. (Attachment 9)

Additionally, one of the key personnel must fill the role of Project Manager who will serve as the main point of contact for the project.

2.2.4. Explanation of Roles and Responsibilities

Provide a detailed narrative explaining the specific roles and responsibilities of all key personnel who will be involved in the BEAD broadband deployment projects in Arizona. This narrative should comprehensively outline the functions and tasks assigned to individuals in the financial, technical, and managerial domains.

2.2.5. Qualifications

Provide organizational qualifications detailing prior experience with broadband/telecommunications deployment projects and other projects of a comparable size and scope. Each description of project experience should include details such as the construction cost, start and completion dates of the project, any teaming partners and the use of contractors and subcontractors, and the value that the Potential Applicants contributed to the project. Potential Applicants should also indicate the network types that they have deployed or operated in the past (Fiber-to-the-Premise (FTTP), Hybrid Fiber-Coaxial (HFC), Coaxial, Copper/DSL, Fixed Wireless, Mobile Wireless, etc.).

2.2.6. Organizational Readiness

Provide a narrative highlighting organizational readiness, including emphasizing any relevant experience or successful track record in managing similar projects and showcasing the team's ability to handle the complexities and challenges that may arise during the proposed broadband project.

2.2.7. Managerial Readiness

Provide a narrative describing readiness to manage a broadband network. This includes providing a comprehensive overview of the experience and qualifications of key management personnel, as well as highlighting any recent and upcoming organizational changes, such as mergers and acquisitions. Additionally, outline relevant organizational policies that contribute to readiness in effectively managing a broadband network.

2.3 Technical Capability

2.3.1. Certifications Certify that your organization has the technical qualifications to complete and operate BEAD projects and is capable of carrying out any BEAD funded activities competently, including the use of a skilled and credentialed workforce.	
Certify that any employed personnel will have relevant certifications for deployment projects as mandated by local, state and federal law and reflective of industry best practices.	
Certify that your organization and workforce deployed on projects remain current on all required credentials and licenses for the duration of the project period.	

Submit a statement signed by an executive with the authority to bind the organization to certify that your organization has the necessary technical capacity to successfully implement the project. (Attachment 11)

2.4 Compliance with Applicable Laws

2.4.1. Compliance with Laws Commitment

Provide an attestation confirming understanding and commitment to comply with applicable federal, state, and local laws, or disclose any past violations. (Attachment 12)

Provide an overview of previous records or compliance checks demonstrating compliance with all federal, state, and local laws for previous broadband deployment projects, including those funded by other broadband related programs in Arizona (such as ABDG)

Provide a description of established processes, procedures, or protocols in place to ensure continued compliance with applicable laws during any BEAD funded broadband deployment projects.

If your organization is unable to certify compliance with all federal, state, and local laws, provide an explanation. This explanation should offer context for any violations and demonstrate the adoption of procedures to prevent future violations.

2.4.2. Safety and Health Requirements Commitments

Provide a statement confirming your commitment towards compliance with occupational safety and health requirements, highlighting the permission for employees to create worker-led health and safety committees that management will engage with upon reasonable request.

Submit evidence of training programs or initiatives aimed at informing and ensuring that your team understands and adheres to safety and legal standards, including but not limited to all OSHA Guidelines and related items. Examples of evidence may include a description, training schedules, modules, or materials. (Attachment 13)

Provide attestation that certifies that the Potential Applicant permits workers to create worker-led health and safety committees that management will meet with upon reasonable request. (Attachment 14)

If your organization is unable to comply with occupational safety and health requirements, please provide an explanation as to why. This explanation should offer context for any past violation and demonstrate the adoption of procedures to prevent future violations. If not applicable, leave the response blank.

2.5 Operational Capability

2.5.1. Certification

Confirm that your organization possess the operational capability to complete and operate the project(s).

Submit a statement signed by an executive with the authority to bind the organization to certify your organization has the necessary operational capacity to successfully implement the project and will, if awarded a Grant for a Project, undertake to perform that work. (Attachment 15)

2.5.2. For existing providers

History of Operations

Provide details of past successful operations including the number of consecutive years you have been operating in the state of Arizona.

Certify that your organization has provided voice, broadband, and/or electric transmission or distribution service for at least two consecutive years prior to this application submission.

Yes 🗆

No 🗆

If yes, provide the above-mentioned certification attesting to the facts and specifying the number of years you have been operating. (Attachment 16)

Provide details of current subscribers for household, businesses, and Community Anchor Institutions in the state of Arizona and the state level outside of Arizona.

Provide details of any broadband deployment projects in the last two years in the state of Arizona

Provide details and submit evidence of any penalties paid by you or your affiliates, any subsidiaries, or the holding company relative to deployment projects. Additionally, include relevant details of prior criminal proceedings or civil litigation in State of Arizona and the number of times they have been a defendant.

Additionally, certify that your organization has submitted true and accurate information regarding any previous penalties within the state of Arizona related to broadband deployment projects. (Attachment 17)

Compliance with the FCC Regulations

If you have previously provided voice and/or broadband service, certify that you have filed FCC Form 477s and the Broadband DATA Act submission, as applicable and required and complied with the FCC's rules and regulations.

Yes 🗆

No 🗆

If your organization has not complied with all prerequisites and regulations, please provide an explanation for non-compliance with prerequisites and regulations put forth by the FCC.

Detail the circumstances, whether there are any related (pending or completed) enforcement actions, civil litigation, or other matters. There is no requirement for the applicant to include copies of reports or supporting schedules. If not applicable, please leave this response blank.

2.5.3. For new entrants to broadband market

If your organization is a new broadband service provider, provide details on years in existence and nature of business

Length of duration of providing broadband services, if applicable

Submit evidence sufficient to demonstrate that you have obtained, through internal or external resources, sufficient operational capabilities to deploy broadband infrastructure. (Attachment 18)

Examples of sufficient evidence of operational capabilities may include resumes of key personnel, project descriptions and narratives from contractors, subcontractors or other partners with relevant operational experience or other comparable evidence.

2.6 Ownership Information

Provide ownership information consistent with the requirements set forth in 47 CFR part 1.2112(a)(1)-(7) that mandates the full disclosure of direct and indirect ownership interests, including details of any parties with a 10% or more stake, the nature of the interest, and the inter-relationships with any FCC-regulated entities. Include the following details and upload the ownership information in the template provided (Attachment 19)

2.6.1. Potential Applicant Information

List of real party or parties with interest, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both).

2.6.2. Stockholders Information

List of name, address, and citizenship of any party holding 10% or more of stock, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage held.

2.6.3. Limited Partners Information

In case of a limited partnership, list name, address and citizenship of each limited partner whose interest is 10% or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).

2.6.4. General Partners Information

In the case of a general partnership, list name, address and citizenship of each partner, and the share or interest participation in the partnership.

2.6.5. Limited Liability Company Information

In the case of a limited liability company, list name, address, and citizenship of each of its members whose interest in the Potential Applicant is 10% or greater.

2.6.6. Indirect Ownership Interest Information

List of all parties holding indirect ownership interests as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10% or more of the Applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50% or represents actual control, it shall be treated and reported as if it were a 100% interest.

2.6.7. FCC-Regulated Entity Information

List of any FCC-regulated entity or Potential Applicant for an FCC license, in which the Potential Applicant or any of the parties above, owns 10% or more of stock, whether voting or nonvoting, common, or preferred.

This list must include a description of each such entity's principal business and a description of each such entity's relationship to the Potential Applicant (e.g., Company A owns 10% of Company B (the Potential Applicant) and 10% of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant)

2.7 Public Funding Information

Have you or your affiliates submitted or plan to submit, or are undertaking or have committed to undertake any broadband Yes I No I deployment projects using public funds?

Upload a list of all publicly funded state and federal broadband deployment projects other than those funded through Arizona's BEAD program for which you or your affiliates have submitted or plan to apply, in addition to any publicly funded broadband deployment project that you or your affiliates are undertaking or plan to undertake. This includes detailing aspects like sources of public funding/funding agency, award date, award amount, expected end date of the project, service speed, coverage area, commitment to serve unserved/underserved areas, the amount of public funding used, consumer service costs, and matching fund requirement amount.

Upload the required details in the template provided. (Attachment 20)

Publicly funded broadband deployment projects include but are not limited to funds provided under:

- The Families First Coronavirus Response Act
- The CARES Act
- The Consolidated Appropriations Act, 2021
- The American Rescue Plan of 2021
- Any federal Universal Service Fund high-cost program (Rural Digital Opportunity Fund (RDOF) or Connect America Fund (CAF), etc.)

2.8 Fair Labor Practices and Highly Skilled Workforce

Certify your organization's compliance with federal labor and employment laws. Submit a signed certificate of compliance with federal and State labor and employment laws for the past three years by an Officer/Director-level employee of the entity (e.g., President, Chief Executive Officer, Chief Financial Officer, Treasurer, or equivalent position). It should also certify that that your organization will plan to comply with federal and state labor and employment laws for the BEAD funded projects

If a new provider, the Potential Applicant must commit to robust labor and employment standards and protections, including compliance with federal labor and employment laws for BEAD-funded Projects in the future. (Attachment 21)

Disclose any non-compliance with federal and State labor and employment laws by your organization over the past three years. This record should also describe the corrective steps taken to avoid similar incidents and ensure future compliance, if applicable

Certify that the Potential Applicant has disclosed any instances in which it has been found to have violated laws such as the Occupational Safety and Health Act, the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding three years, if applicable.

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2.9 Environmental and Historical Preservation (EHP) Compliance

2.9.1. Certifications

Certify that your organization will comply with State Historical Preservation Act (SHPA), National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 et seq.) and National Historic Preservation Act (NHPA) (54 U.S.C. §§ 300101 et seq.)	
Certify that your organization understands that NEPA analysis will be required for every project funded through the BEAD Program and agrees to provide sufficient information to allow for NEPA analysis such as a detailed project description, including applicable supporting documentation.	
Certify that your organization understands the responsibility for identifying and obtaining applicable Federal, State and Local Permits (including but not limited to any necessary permits, licenses or easements) that are required to complete any BEAD projects.	
Certify that your organization will cooperate with NTIA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of your proposed projects or other eligible activities.	
Submit a statement signed by an executive certifying the above. (Attachment 22)	

2.10 Build America and Buy America Act (BABA) Compliance

2.10.1. Certifications Certify that your organization will adhere to the definitions outlined in Section 70912 of the Build America, Buy America Act when determining whether a product qualifies as produced in the United States.

Certify that all iron, steel, manufactured products (including, but not limited to, fiber- optic communication facilities), and construction materials used in the project or eligible activities will be produced in the United States, unless a <u>waiver</u> is granted.	
Certify that your organization will not use BEAD funding to purchase or support covered communications equipment or services, as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).	
Certify that your organization will comply with the Infrastructure Act which explicitly prohibits subgrantees from using BEAD funding to purchase or support fiber-optic cable and optical transmission equipment manufactured in the People's Republic of China unless a waiver is granted by the Assistant Secretary.	
Submit a statement signed by an executive certifying the above. (Attachment 23)	
Provide detailed plans outlining your approach to remaining compliant with BABA requirinclude details of any waivers, if applicable	rements and

2.11 Cybersecurity Compliance and Supply Chain Risk Management Compliance

2.11.1. Cybersecurity Risk Management Compliance			
Identify if your organization intends to provide the cybersecurity risk management plan during preregistration or during project applications	□ □ Project Application		
If provided during preregistration, upload your organization's cybersecurity risk management plan (Attachment 24)			
Confirm that a cybersecurity risk management plan is operational if your organization is already providing services prior to the grant award.	Yes □	No 🗆	
In case of not yet providing service prior to the grant award, confirm that your organization demonstrates a readiness to operationalize the cybersecurity risk management plan upon providing service after the grant award.			
Certify that your organization's cybersecurity risk management plan is/will be based on the latest available version of the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity, which is currently Version 2.0			
Certify that your organization adheres/will adhere to the standards and controls outlined in Executive Order 14028 and			

specifies the particular security and privacy controls being implemented.				
Confirm that the cybersecurity risk management plan will be subject to periodic reevaluation and updating, as well as changes in response to significant events.				
Confirm that the most updated plan will be provided prior to signing the grant agreement and if any substantive changes are made to the plan, a new version will be submitted within 30 days				
2.11.2. Supply Chain Risk Management Compliance				
Identify if your organization intends to provide the supply chain risk management plan during preregistration or during project applications	□ Preregistration	□ Project Application		
If provided during preregistration, upload your organization's supply chain risk management plan. (Attachment 25)				
Confirm that a supply chain risk management plan is operational if your organization is already providing service prior to the grant award.	Yes □	No 🗆		
In case of not yet providing service, confirm your organization demonstrates a readiness to operationalize the supply chain risk management plan upon providing service after the grant is awarded.				
Certify that your organization's supply chain risk management plan is/ will be based on the best practices outlined in NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry. Additionally, the supply chain risk management plan will also reference relevant guidance from NIST, such as NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and will specify the supply chain risk management controls being implemented.				
Confirm that the supply chain risk management plan will be subject to periodic reevaluation and updating, as well as appropriately revised in response to significant events.				
Confirm that the most updated plan will be provided prior to signing the grant agreement and if any substantive changes are made to the plan, a new version will be submitted within 30 days				

3. Appendix – Required Attachments

Provide the following documents as attachments as applicable to your organization. You may also include additional attachments that convey other relevant information regarding your service area, network, business model, and organization as needed to bolster or complete your application. Please refer to ACA's preregistration portal for more information.

Attachment	Purpose
Attachment 1	Financial Capacity Certification
Attachment 2	Audited Financial Statements
Attachment 3	Unaudited Financial Statements
Attachment 4	Unaudited Interim Financial Statements
Attachment 5	Credit Rating Report
Attachment 6	Failure to Perform
Attachment 7	Corporate Organizational Chart
Attachment 8	Applicant Organizational Chart
Attachment 9	Resumes of Key Management Personnel
Attachment 10	Qualifications – Project Information
Attachment 11	Technical Capability Certification
Attachment 12	Attestation for Past Compliance with Applicable Laws
Attachment 13	Training Program/Initiatives
Attachment 14	Attestation for Worker-Led Health and Safety Committees
Attachment 15	Certification on Operational Capability
Attachment 16	Certification on History of Operations
Attachment 17	Certification on Penalties Information
Attachment 18	New Entrants - Operational Capabilities
Attachment 19	Ownership Information
Attachment 20	Public Funding Project Information
Attachment 21	Certification on Compliance with Fair Labor Practices – Potential Applicant
Attachment 22	Certification on Environmental and Historical Preservation (EHP) Compliance
Attachment 23	Certification on BABA Compliance
Attachment 24	Cybersecurity Risk Management Plan
Attachment 25	Supply Chain Risk Management Plan