



# BROADBAND DEVELOPMENT GRANT APPLICATION

## Guiding Principles of the Wyoming Broadband Development Grant Program:

- Address the need for reliable and affordable internet for all citizens
- Provide reliable and redundant internet infrastructure that enables businesses to compete and serve their customers
- Ensure a fair and competitive environment for all providers without excessive government oversight
- Establish a framework of collaboration and cooperation among stakeholders and public entities
- Provide opportunities for both individual investment and financial support when appropriate
- Secure anchor tenants and promote private investment to supplement available public funds
- Promote private investment and identify opportunities for expansion of broadband services
- Pursue opportunities for additional local, tribal, state and federal resources

**Rules** Administrative procedures governing the Broadband Development Grant Program are available through the Wyoming Business Council (WBC) or by clicking [this link](#).

**Eligibility** Must have an approved Pre-application before proceeding with this application.

Unserved areas are eligible to apply for grant funding. “Unserved area”, as established by rule by the WBC, means an area in which there exists no fixed terrestrial broadband service, or in which the maximum fixed terrestrial broadband speed available:

- a. To residential customers is twenty-five (25) megabits per second download and three (3) megabit per second upload;
- b. To a business corridor within a municipality:
  - i. With a population of less than two thousand (2,000), is twenty-five (25) megabits per second download and three (3) megabits per second upload;
  - ii. With a population of two thousand (2,000) or more, is fifty (50) megabits per second download and five (5) megabits per second upload.
- c. To a business corridor in an unincorporated area of a county, is twenty-five (25) megabits per second download and three (3) megabits per second upload.

**Notifications** At least thirty (30) days prior to the first day of the funding period for which applications may be submitted, the WBC will publish on its official website the specific criteria and any quantitative weighting scheme or scoring system the WBC will use to evaluate or rank applications.

**Applicants** For funding, a public/private partnership includes:

- a. A business entity authorized to be formed under title 17 of the Wyoming statutes, or the laws of another state that are the functional equivalent, which is authorized to transact business in this state and has experience installing broadband infrastructure and providing broadband services in rural areas; and
- b. A government entity specified in the following:
  - i. A city, town or county or joint powers board in the state of Wyoming; or
  - ii. A tribal government of either the Northern Arapaho or Eastern Shoshone tribes of the Wind River Indian Reservation.

If no eligible business entity responds to the request for proposal (a provider that currently provides or has begun construction or undertaken permitting or other significant steps toward construction to provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application) a proposal meeting the requirements specified, the governmental entity may apply individually or jointly with any other governmental entity in Wyoming.

**Funds** This grant will fund no more than fifty percent (50%) of the total cost of a project.

A grant match of at least ten percent (10%) of the project cost is required by the governmental entity or governmental entities submitting the application. The WBC may reduce the minimum local governmental match based upon the merits of the project.

Grant funds from other state or federal grant programs may be used to meet the fifty percent (50%) minimum matching requirement, but will not be used to provide the minimum match

required of governmental entities under this subsection unless the WBC determines the governmental entity is unable to otherwise provide the match.

No single project will exceed five million dollars (\$5,000,000.00) in funding.

**Due Date**

Applications are accepted at any time and will be put on the next WBC Board agenda, once all requirements of the application have been satisfied.

**Review**

An application will be reviewed by WBC Staff to determine eligibility and completeness. An application determined to be incomplete will be provided an explanation of the findings in writing within fifteen (15) working days of its receipt, where practical.

Complete applications will be forwarded with a recommendation to the Broadband Advisory Council and WBC Board for review. WBC Staff will publish statewide notice of WBC and/or Advisory Board meetings at which Broadband Development Program applications will be discussed.

The WBC will prioritize proposed grants it recommends to the Board. The score is not intended to be the only basis for a final recommendation by the WBC or award decision by the WBC Board. The final recommendation and award decision on grant proposals will be at the discretion of the WBC Board and the Governor or his designee.

The WBC will consider each application, allow for comments from the public, the applicant, WBC Staff and will refer the application to the Board with a recommendation.

Under extraordinary circumstances, the WBC may recommend a waiver of rule requirements if the WBC determines the waiver is consistent with the purpose of the Program.

The WBC may, at its expense, hire a qualified third party to verify project cost estimates, technological viability of the project and assist in the determination in cases of dispute between applicant and existing broadband service providers as to whether or not businesses and residences in the proposed project area are unserved.

**Submissions**

**Applicants will submit one (1) copy of the completed application to the WBC Regional Director, three (3) original complete applications, and one (1) electronic copy of the completed application to the Broadband Manager in Cheyenne.**

Applications must be submitted on 8 1/2 X 11" format. Applications must be submitted in 3 ring binders with attachments clearly labeled or tabbed. Regional contact information is located on following page:

**Schedule a Consultation with WBC Regional Director and Broadband Manager**

The WBC Regional Director and the Broadband Manager must be consulted during the application process and be provided sufficient opportunity to provide written review and recommend adjustments to the application and business plan. The review will state any early concerns the Regional Director may have. Early consultations with the Regional Director will allow the applicant to begin addressing those concerns before the application is submitted. The Regional Director will provide a review, summary and recommendation to WBC staff and board.

**A draft copy of the application must be submitted to the Regional Director and the Broadband Manager two weeks prior to the application deadline or the application will be considered incomplete.** Along with the application, the Regional Director needs to review the following:

- A Business Plan, complete with 24-month financial projections, must be turned in with the application.

**THIS IS A REQUIREMENT OF SUBMISSION. IF YOU DO NOT PROVIDE A COPY OF A COMPLETE DRAFT APPLICATION, INCLUDING ALL ASSOCIATED DOCUMENTATION, TO YOUR REGIONAL DIRECTOR AND THE BROADBAND MANAGER AND OBTAIN THEIR SIGNATURE, YOUR APPLICATION WILL NOT BE COMPLETE AND WILL NOT BE ACCEPTED.**

The Regional Director and Broadband Manager's comments about the project (if applicable) may be included in the application. The Regional Director and Broadband Manager's signatures are required on the checklist at the end of this application and the checklist with the signature should be included in the hard copy submission to the Broadband Manager.

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| Converse, Niobrara, Platte and Natrona Counties   | Big Horn, Hot Springs, Park, and Washakie Counties  | Campbell, Crook, Sheridan, Johnson, and Weston Counties   |
|---|---|---|
| <p><b>Kim Rightmer</b><br/>                     East Central Regional Director<br/>                     2435 King Blvd, Box 1<br/>                     Casper, WY 82604</p> <p>Tel: 307.577.6012<br/>                     Cell: 307.287.2309<br/> <a href="mailto:kim.rightmer@wyo.gov">kim.rightmer@wyo.gov</a></p>  | <p><b>Amy Quick</b><br/>                     Northwest Regional Director<br/>                     1508 Stampede Avenue<br/>                     Cody, WY 82414</p> <p>Cell: 307.421.0140<br/> <a href="mailto:amy.quick@wyo.gov">amy.quick@wyo.gov</a></p>  | <p><b>Brandi Harlow</b><br/>                     Northeast Regional Director<br/>                     PO Box 706<br/>                     Wright, WY 82732</p> <p>Cell: 307.689.1320<br/> <a href="mailto:brandi.harlow@wyo.gov">brandi.harlow@wyo.gov</a></p>  |
| Lincoln, Sublette, Teton and Uinta Counties   | Fremont and Sweetwater Counties   | Albany, Goshen, Laramie, and Carbon Counties  |
| <p><b>Elaina Zempel</b><br/>                     Southwest Regional Director<br/>                     520 Topaz, Suite 110-A<br/>                     Kemmerer, WY 83101</p> <p>Tel: 307.877.2203<br/>                     Cell: 307.723.1510<br/> <a href="mailto:elaina.zempel@wyo.gov">elaina.zempel@wyo.gov</a></p>   | <p><b>Rebecca Eusek</b><br/>                     South Central Region Director<br/>                     1400 Dewar Drive, Ste 208A<br/>                     Rock Springs, WY 82901</p> <p>Tel: 307.382.3163<br/>                     Cell: 307.389.0867<br/> <a href="mailto:rebecca.eusek@wyo.gov">rebecca.eusek@wyo.gov</a></p> | <p><b>Heather Tupper</b><br/>                     Southeast Regional Director<br/>                     214 West 15th Street<br/>                     Cheyenne, WY 82002</p> <p>Tel: 307.777.2804<br/>                     Fax: 307.777.2838<br/>                     Cell: 307.772.1265<br/> <a href="mailto:heather.tupper@wyo.gov">heather.tupper@wyo.gov</a></p> |
| <p><b>Send 3 hard copies and 1 electronic copy of the completed application to:</b></p> <p>Russ Elliott, Broadband Manager<br/>                     Broadband Enhancement<br/>                     Wyoming Business Council<br/>                     214 W. 15th Street<br/>                     Cheyenne, WY 82002<br/>                     Phone: 307.777.6430<br/>                     Fax: 307.777.2838<br/>                     Cell: 307.214.3549<br/> <a href="mailto:russ.elliott@wyo.gov">russ.elliott@wyo.gov</a></p> |   |   |

**SECTION I: COVER SHEET**

**1. PROJECT TITLE:**

**2. APPLICANT INFORMATION:**

**PUBLIC/PRIVATE PARTNERSHIP**

Co-Applicant (Business):  
Representative Name:  
Mailing Address:

Co-Applicant (City, town, County, JPB, Tribe):  
Responsible Elected Official Name:  
Mailing Address:

**GOVERNMENT APPLICATION** *(no eligible business entity responded)*

Applicant (City, town, County, JPB, Tribe):  
Responsible Elected Official Name:  
Mailing Address:

Co-Applicant (City, town, County, JPB, Tribe):  
Responsible Elected Official Name:  
Mailing Address:

**3. PROJECT REPORTING CONTACT**

Local Contact:  
Position:  
Mailing Address:  
Phone:  
E-mail:

**4. PROJECT ADMINISTRATION CONTACT**

Organization Name:  
 Contact Person:  
 Mailing Address:  
 Phone:  
 E-mail:

**5. TYPE OF PROJECT** *(Briefly describe applicable project type)*

| <u>Infrastructure Type</u>                              | <u>Brief Description</u> |
|---|--------------------------|
| <input type="checkbox"/> Acquisition of Infrastructure  |                          |
| <input type="checkbox"/> Deployment of Infrastructure   |                          |
| <input type="checkbox"/> Installation of Infrastructure |                          |

**6. PROJECT COSTS** *(Indicate minimum necessary total public infrastructure costs)*

|                                    |  |
|------------------------------------|--|
| a. Amount requested                |  |
| b. Government match (at least 10%) |  |
| c. Other match (at least 40%)      |  |
| TOTAL Project Cost (a + b + c)     |  |

**SECTION II: PROJECT INFORMATION**

**1. SUMMARY OF THE PROJECT.**

**2. LOCATION OF THE PROJECT AND MAP.** Attach a map of the project area, depicting households and businesses in the project area and differentiating between those which will have access to the new broadband services.

**3. BROADBAND INFRASTRUCTURE.** The kind and amount of broadband infrastructure to be deployed for the project, including initial speeds to be achieved and initial price of the service to be provided.

**4. APPLICANT’S EXPERIENCE.** Provide evidence demonstrating the applicant’s experience and ability in building, operating and managing broadband service networks. Attach a resume with Principals of the project and experience.

**5. UNSERVED NATURE.** Attach evidence (the Pre-application) regarding the unserved nature of the area where the project is to be located, which may include but is not limited to:

- a. Any broadband provider’s response about their plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
- b. Data from Form 477 from the Federal Communications Commission;
- c. Data from the state of Wyoming’s data inventory and mapping.

|   |  |
|---|--|
| a. Number of households passed  |  |
| b. Number of businesses passed  |  |
| c. % of households passed in relation to total households in area that will have access or upgrades to broadband service as a result of the project |  |



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**6. PRE-APPLICATION.** Attach the approved pre-application.

**7. BENEFIT.** List the significant community institutions and industries that will benefit from the project.

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**8. COMMUNITY SUPPORT.** Attach evidence of community support for the project. (i.e. support letters, signatures on a petition, etc.)

**9. BUSINESS PLAN.** Attach a Business Plan, complete with 24-month financial projections.

**10. FUNDING AND IN-KIND CONTRIBUTIONS.** Sources of funding or in-kind contributions for the project that will supplement any funding received through the broadband development sub-account, including an examination of any federal grants available to the project. The application will differentiate committed funding and funding which is pending. The application will identify the amount of funding for the project to be provided by each governmental entity and by any business entity participating in the project. Funding provided by any other state source will be specifically identified.

**Have any other Federal, State or Private sources been pursued for this project?** (Check all that apply and fill in Additional Funding Table)

- a.  **Federal Grants** (*USDA, EDA, Etc.*)
- b.  **Other State Sources** (*Specify*)
- c.  **Private Donations or Foundation Grants** (*Specify*)
- d.  **Commercial Financing** (*Specify Bank*)
- e.  **Other:**

**11. ADDITIONAL FUNDING TABLE** *(Please describe any successful, unsuccessful and pending awards.)*

| Funding Description | Amount | Awarded | Denied | Pending | Anticipated Decision Date | Further Explanation |
|---------------------|--------|---------|--------|---------|---------------------------|---------------------|
|                     |        |         |        |         |                           |                     |
|                     |        |         |        |         |                           |                     |
|                     |        |         |        |         |                           |                     |
|                     |        |         |        |         |                           |                     |
|                     |        |         |        |         |                           |                     |

**12. BROADBAND SERVICE PROVIDER NOTIFICATION.**

- a. Evidence that no later than six (6) weeks before submission of the application the applicant contacted, in writing, all entities who are listed with the WBC as providing broadband service in the proposed project area to ask for each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
- b. Attach the broadband service providers' written responses, if any, to the inquiry made about their plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
- c. For public entities that do not submit a public/private partnership application, any broadband service provider's response that if the project were scaled differently, the provider would offer to enter into a public/private partnership application with the entity.

**13. GOVERNMENT ONLY APPLICATION.** If the application is not submitted jointly with a business entity, attach an account of the request for proposals issued by the governmental entity applying and responses to the request, if any.

**14. FUNDING DENIAL.** What are the repercussions if funding is denied?

**15. OWNERSHIP.** Describe what the ownership structure will look like (who, what, how).

**16. TIMELINE.** Describe a realistic project timeline. If the project is to be phased, provide a separate timeline for future phases. **DO NOT EXPEND FUNDS BEFORE CONTRACT HAS BEEN FINALIZED.**

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**17. OTHER.** Any other authorizations, permits, funding, or activities necessary prior to the commencement of the project, including right of way.

**18. LEASE AGREEMENT,** if applicable. Attach any lease agreement associated with this project. Final draft or executed copy only.

**SECTION III: PUBLIC HEARING PROCEDURES AND RESOLUTION OF SUPPORT**

An applicant is required to inform and educate the public and business community to the greatest extent possible about the proposed project (including, but not limited to the economic development opportunity, possible funding sources and alternative solutions) utilizing a variety of techniques and media. The applicant must make readily available to the public access to the application and associated materials, exclusive of business plans or business financial information. An applicant shall actively solicit citizen input that can be submitted via writing, electronically or in person at a public hearing. Notice must include the process for submitting comments.

The eligible applicant must make available to the public access to the application and associated materials, exclusive of business plans or business financial information.

An applicant will actively solicit citizen input which can be submitted via writing, electronic communication or in person at a public hearing. A **minimum of one public hearing** is required before submission of an application. For the purposes of this program, **seven (7) days** is the minimum period for notification of a hearing date.

The public hearing must be held a **minimum of fourteen (14) days** prior to the deadline for submission of an application under this program.

To inform the public and gather information, the public notice will at a minimum:

- a. Contain a concise description of the proposed project facility;
- b. Ensure that comments are actively solicited, and time will be set-aside to take testimony from citizens who may feel that the proposed project might compete with an existing business or governmental organization;
- c. Be published in a newspaper of general circulation within the boundaries of the applicant or as approved by the WBC Staff. If a newspaper of general circulation is not available, public notice may be posted no fewer than seven (7) days in prominent locations in the community such as Post Office, grocery stores, etc.
- d. Notify the WBC Regional Director and Broadband Manager fourteen (14) days prior to the hearing, so they have the opportunity to attend.

An application must be accompanied by:

- a description of the applicant’s public engagement process,
- written comments received by the applicant,
- evidence of the public hearing notification,
- minutes from the Public Hearing with any oral testimony

**Resolution:**

An application must be accompanied by a description of the applicant’s public engagement process, written comments received by the applicant, evidence of the public hearing notification and minutes from the public hearing.

## SECTION IV: CHALLENGE PROCESS

1. Within three (3) business days of the submission of the application, WBC Staff will publish on its official website the proposed geographic broadband service area and the proposed broadband service speeds for each application submitted. An existing broadband service provider may, within thirty (30) days of publication of the information, submit in writing to the WBC a challenge to an application. A challenge will contain information demonstrating that:
  - a. The provider currently provides or has begun construction or undertaken permitting or other significant steps toward construction to provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application; or
  - b. The provider commits to complete construction of broadband infrastructure and provide broadband service comparable to that in the proposed project at speeds equal to or greater than the speeds proposed in the application and with other capabilities and project size comparable to the project proposed in the application no later than eighteen (18) months after the funding determinations are to be made for the application submitted.
2. The WBC will evaluate the information submitted in a provider's challenge under this section, and is prohibited from funding a project if the WBC determines the provider is currently providing broadband service or the provider's commitment to provide broadband service that meets the requirements of subsection (a) of this section in the proposed project area is credible.
3. If the WBC denies funding to an applicant as a result of a broadband service provider's challenge, and the broadband service provider does not fulfill the provider's commitment to provide broadband service in the project area, the WBC is prohibited from denying funding to an applicant as a result of a challenge by the same broadband service provider for the following two (2) fiscal years, unless the WBC determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control.

## SECTION V: FUNDING DETERMINATIONS AND LIMITATIONS

1. Upon request of the WBC, the Advisory Council may provide advice and recommendations on applications received.
2. In evaluating applications and providing funding, the WBC will give highest priority to applications which the WBC determines are public/private partnerships.
3. In evaluating applications and entering into agreements to provide funding, the WBC will give priority to applications that meet one (1) or more of the following criteria, with additional priority given for meeting multiple criteria:
  - a. Offer new or substantially upgraded broadband service to important community institutions and businesses;
  - b. Serve economically distressed areas of the state, as measured by indices of unemployment, poverty or population loss that are significantly greater than the statewide average;
  - c. Include a component to actively promote the adoption of the newly available broadband services in the community;
  - d. Provide evidence of strong support for the project from citizens, government, businesses and institutions in the community;
  - e. Provide access to broadband service to a greater number of unserved households and businesses;
  - f. Provide comparability to service offered in urban areas, both in speed and pricing by reference to standards published by the Federal Communications Commission;

- g. Provide access to very high-speed broadband service to business districts or other business areas and are likely to secure economic benefits for the surrounding locality; or
  - h. Leverage greater amounts of funding for the project from other private and public sources.
4. The WBC will endeavor to award grants to qualified applicants in geographically diverse regions of the state
5. Funding under this article to a public/private partnership will not require of the partnering business entity:
- a. An open access network;
  - b. Rates, terms and conditions that differ from those the provider offers in its other service areas;
  - c. Rate regulation; or
  - d. Time constraints to build which are not technologically feasible.

## Section VI: Funding limitations

1. A broadband funding program is established under the WBC provide funds to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.
2. Funds may be provided for the acquisition, deployment and installation of infrastructure that supports broadband service which meets minimum speed requirements. In establishing minimum speeds, the WBC will consider speeds established by the federal communications commission as minimums necessary to be considered “advanced telecommunications capability” and speeds needed to attract businesses to Wyoming. Speeds adopted by the WBC will meet or exceed a download speed of twenty-five (25) megabits per second and an upload speed of three (3) megabits per second. For projects primarily serving business entities the minimum speed adopted by the WBC will be one (1) gigabit per second download speed and one hundred (100) megabits per second upload speed, commencing January 1, 2022.
3. The WBC will provide for funding, not less than biannually.
4. No agreement under this article may fund more than fifty percent (50%) of the total cost of a project. At least ten percent (10%) of the project cost will be matched in total by the governmental entity or governmental entities submitting the application. The WBC may reduce the minimum local governmental match based upon the merits of the project. Grant funds from other state or federal grant programs may be used to meet the fifty percent (50%) minimum matching requirement, but will not be used to provide the minimum match required of governmental entities under this subsection unless the WBC determines the governmental entity is unable to otherwise provide the match.
5. No single project will exceed five million dollars (\$5,000,000.00) in funding.
6. Funding will be provided on a reimbursement basis. The WBC Staff will review the work performed within the confines of the application and will reimburse the applicant as necessary.

## APPLICATION CHECKLIST

The Application Checklist will be utilized by the Regional Director and the Broadband Manager to assess the completeness of an application. Applicants are encouraged to make a copy of the Application Checklist for their personal use while completing an application.

- Complete Application.** All questions must be fully answered, and all required documentation included. Incomplete applications will either be tabled or sent back to the applicant for resubmittal at a different time.
- Secured Local Match.** See pages i and ii for the required match amounts.
- Map.** Attach a map of the project area, depicting households and businesses in the project area and differentiating between those which will have access to the new broadband services.
- Applicant's Experience.** Provide evidence demonstrating the applicant's experience and ability in building, operating and managing broadband service networks. Attach a resume with Principals of the project and experience.
- Unserved Nature.** Evidence regarding the unserved nature of the area where the project is to be located, which may include but is not limited to
  - a. Any broadband provider's response about their plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
  - b. Data from Form 477 from the Federal Communications Commission;
  - c. Data from the state of Wyoming's data inventory and mapping, when available.
- Pre-Application.** Attach the approved Pre-application.
- Community Support.** Attach evidence of community support for the project. (i.e. support letters, signatures on a petition, etc.)
- Business Plan.** Attach a business plan for the project, including 24-month financial projections.
- Broadband Service Provider Notification.**
  - a. Evidence that no later than six (6) weeks before submission of the application the applicant contacted, in writing, all entities who are listed with the WBC as providing broadband service in the proposed project area to ask for each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
  - b. Attach the broadband service providers' written responses, if any, to the inquiry made about their plan to upgrade broadband service in the project area to speeds that meet or exceed the speeds proposed in the application, within the time frame specified in the proposed project activities;
  - c. For public entities that do not submit a public/private partnership application, any broadband service provider's response that if the project were scaled differently, the provider would offer to enter into a public/private partnership application with the entity.

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- Government Application.** If the application is not submitted jointly with a business entity, attach an account of the request for proposals issued by the governmental entity applying and responses to the request, if any.
- OTHER.** Any other authorizations, permits, funding, or activities necessary prior to the commencement of the project, including right of way.
- Lease Agreement,** if applicable. Attach any lease agreement associated with this project. Final draft or executed copy only.

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Regional Director Signature Date

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Broadband Manager Signature Date

I acknowledge that funding may only be provided in accordance with a contract executed in conformance with W.S. 9-12-1501 through 1509 and is subject to availability and approval of distribution of funds. (Must be signed by the governing body, and any partnering business entity by a person with legal authority to bind the business entity.)

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Applicant Signature Date

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Title

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Co-Applicant Signature Date

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Title