

# Attachment D

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Communications Division  
Broadband Regional Initiatives**

**RESOLUTION T-17785  
April 27, 2023**

**RESOLUTION**

**RESOLUTION T-17785: Approves up to \$1,000,000 in Local Agency Technical Assistance Grant Funding for one broadband planning application submitted during the August 2022 Application Cycle that would serve Santa Barbara County.**

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**I. SUMMARY**

This Resolution approves Local Agency Technical Assistance grant funding in the amount of up to \$1,000,000 for one broadband planning grant award applications from Santa Barbara County as listed in Table 1 and described in Appendix B.

The grant application approved in this resolution is:

**Table 1: Summary of Grant Funding**

<b>Applicant</b>	<b>Project Name</b>	<b>Project Location</b>	<b>Unserviced Households in County<sup>1</sup></b>	<b>Awarded Amount</b>
County of Santa Barbara	<i>Santa Barbara County Connectivity Preparation Project</i>	Santa Barbara County	10,868	\$1,000,000
			<b>Total Awards</b>	<b>\$1,000,000</b>

**II. BACKGROUND**

As part of the Budget Act of 2021 and Senate Bill (SB) 156 (Stats. 2021, Chap. 84 and 112), the legislature provided, among other things, \$50 million to facilitate completion of the statewide broadband middle-mile network and last mile projects, the formation

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<sup>1</sup> Estimated based on California End of Year 2020 Residential Broadband Deployment using Federal Funding Account eligibility. Proposed projects will not serve all households in these counties. See, e.g., dashboard available at <https://public.tableau.com/app/profile/cpuc/viz/EOY2020BB4ALL-Deployment/ByHousehold>.

of municipal entities and agreements for financing broadband infrastructure and to fund projects, distribute grants, or fund support costs associated with these projects, among other allowable uses.

On February 25, 2022, the Commission issued Decision (D.) 22-02-026 and authorized a total of \$50 million in funds for the Local Agency Technical Assistance (LATA) grant program.<sup>2</sup> In D.22-02-026, the Commission established rules under which technical assistance grants are available to eligible local agencies for reimbursable work products. The Commission also included guidelines for Communications Division (CD) staff to consider submitted applications and to review and approve applications that meet criteria for Ministerial Review.<sup>3</sup> These criteria include:

- A. Applicant requests a grant not exceeding \$500,000 per local agency per fiscal year.
- B. The Commission has not received a separate application for Local Agency Technical Assistance from an agency with a jurisdiction overlapping that of the subject application during the current application period or within the prior year unless such application(s) was denied.
- C. The application meets all the other requirements of a Local Agency Technical Assistance grant included in Sections 4, 5, 6, and 7 of these Rules.<sup>4</sup>

The Guidelines also state: "[a]pplications that satisfy general Application Requirements (Section 6) but do not meet the Ministerial Review funding criteria may only be approved by the Commission via resolution."<sup>5</sup> Additionally, CD staff have the discretion to request an application be considered through resolution.<sup>6</sup>

### **III. APPLICATION SUMMARIES, DISCUSSION, AND RECOMMENDATIONS**

The Commission assigned staff the task of reviewing and approving applications that meet all the criteria for Ministerial Review. Applications that do not meet the Ministerial

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<sup>2</sup> Pub. Util. Code section 281, subdivision (b)(5)(A) specifies activities including but not limited to "[p]roviding technical assistance to local governments and providers" to facilitate deployment of high-quality advanced communications services to all Californians.

<sup>3</sup> D.22-02-026, attachment 1, Section 8.

(<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M454/K876/454876393.PDF>)

<sup>4</sup> Id at pp. 7- 8.

<sup>5</sup> Id at pp. 7-9.

<sup>6</sup> Id at p. 9

Review criteria may only be approved by the Commission via Resolution.<sup>7</sup> CD staff have the discretion to request an application be considered through resolution.<sup>8</sup>

This application received in August 2022 satisfied the general application requirements but did not meet the Ministerial Review criteria and is discussed below:

### **County of Santa Barbara Grant Award Request Exceeds \$500,000**

The County of Santa Barbara is requesting \$1,000,000 to fund an environmental impact report (EIR), high-level design (HLD) engineering, and the creation of a countywide Joint Powers Authority (JPA) to implement the County's Broadband Strategic Plan.<sup>9</sup> These three work products will assist the County in securing funding to build a last-mile fiber-to-the-home network to connect underserved and unserved locations within the county. The EIR and HLD will allow for a more expedient buildout, enabling in-need residents to access qualifying broadband speeds. The JPA will allow for a central entity to manage and support the deployment of the last-mile and middle-mile infrastructure. The proposed work will take twelve months to complete.

In August 2022, the County of Santa Barbara and Santa Barbara County Association of Governments (SBCAG) each submitted a LATA grant application. The former application was only for the EIR and HLD, while the latter was for the formation of the JPA. SBCAG is a metropolitan planning organization (MPO), which D.22-02-026 elected not to adopt as an eligible local agency for the purposes of the LATA program.<sup>10</sup> CD staff advised SBCAG that MPOs were ineligible prior to the submission of their application and would potentially require a Resolution. In addition, in September 2022 CD staff advised both the County and SBCAG that their applications were ineligible for Ministerial Review due to the geographic overlap between the two applications.<sup>11</sup> However, D.22-02-026 states that "MPOs will not be precluded from ... providing input into local agencies' grant applications and subsequent work product(s)."<sup>12</sup> Therefore, the County and SBCAG coordinated to update the County's application and include SBCAG as a contractor for the proposed three work products. In January 2023, the County updated its application to include SBCAG's JPA work product with SBCAG as a consultant, while SBCAG withdrew its application from review.

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<sup>7</sup> Id.

<sup>8</sup> Id at p. 9

<sup>9</sup> See Appendix B for additional project details.

<sup>10</sup> D.22-02-26, Attachment 1, p 5

(<https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M454/K876/454876393.PDF>)

<sup>11</sup> Id at p.8

<sup>12</sup> D.22-02-026, p. 5.

*Discussion and Recommendation.* The County of Santa Barbara's application meets all requirements for ministerial approval except that its request of \$1,000,000 exceeds the \$500,000 threshold allowed for CD staff approval and is therefore recommended to the Commission for approval.

## **VI. COMPLIANCE REQUIREMENTS**

The grantee is required to comply with all the guidelines, requirements, and conditions associated with the Local Agency Technical Assistance grant funding as specified in D.22-02-026 and this Resolution. Such compliance includes, but is not limited to those requirements listed in Appendix A.<sup>13</sup>

## **VII. SAFETY CONSIDERATIONS**

There are no adverse safety considerations identified by CD staff. The project which is planned to be implemented by the work products in this application has the potential to improve communications resiliency and redundancy.

## **VIII. COMMENTS**

In compliance with Public Utilities Code section 311, subdivision (g)(1) a Notice of Availability was e-mailed on March 24, 2023, informing all parties on the CASF Distribution List of the availability of the draft of this Resolution for public comments at the Commission's website at <http://www.cpuc.ca.gov/>. This letter also served to inform parties that the final conformed Resolution the Commission adopts will be posted and available on this same website.

## **FINDINGS**

1. In August 2022, the Communications Division received an application for Local Agency Technical Assistance grant funding from the County of Santa Barbara.
2. Based on its review, CD staff determined this application from the County of Santa Barbara County met general program eligibility for Local Agency Technical Assistance but exceed ministerial approval and thus the Commission may consider approval of the application via resolution.
3. The County of Santa Barbara's grant, if approved, would fund an environmental impact report, high-level design engineering, and the creation of a joint powers

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<sup>13</sup> See D.22-02-026, Appendix 1 for a full list of Local Agency Technical Assistance program requirements and guidelines.

authority for a last-mile fiber-to-the-home network to connect underserved and unserved locations within Santa Barbara County.

4. The scope of work of this project seems feasible, and the listed costs are within the budget ranges of comparable projects seen in environmental planning, design engineering, and the formation of a joint powers authority and CD staff recommends approval of this application.
5. A notice letter was e-mailed on March 24, 2023, informing all applicants filing for CASF funding, parties on the CASF distribution list of the availability of the draft of this Resolution for public comments at the Commissions website found here at <http://www.cpuc.ca.gov/documents/>

**THEREFORE, IT IS ORDERED that:**

1. The Local Agency Technical Assistance application for the County of Santa Barbara as described in Appendix B is approved.
2. The total approved for the Local Agency Technical Assistance grants is up to \$1,000,000 as follows:

<b>Applicant</b>	<b>Project Name</b>	<b>Project Location</b>	<b>Unserved Households in County<sup>14</sup></b>	<b>Awarded Amount</b>
County of Santa Barbara	<i>Santa Barbara County Connectivity Preparation Project</i>	Santa Barbara County	10,868	\$1,000,000
<b>Total Awards</b>				\$1,000,000

1. All awards are based on the descriptions of the projects as described herein and are predicated on commitments to provide the reimbursable work products as expressed in the grantees' application and in compliance

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<sup>14</sup> Estimated based on California End of Year 2020 Residential Broadband Deployment using Federal Funding Account eligibility. Proposed projects will not serve all households in these counties. See, e.g., dashboard available at <https://public.tableau.com/app/profile/cpuc/viz/EOY2020BB4ALL-Deployment/ByHousehold>.

with all guidelines, requirements and, conditions associated with the award, as specified in D.22-02-026, and this Resolution.

2. The grantee must comply with all guidelines, requirements and conditions associated with the Local Agency Technical Assistance program, including those in D.22-02-026 and its Attachment 1, and Appendix A to this Resolution.
3. By receiving LATA grant funding, the grantee agrees to comply with the terms, conditions and requirements of the grant and thus submits to the jurisdiction of the Commission regarding disbursement and administration of the grant.
4. The grantee must complete and execute the consent form agreeing to the conditions set forth in this Resolution within 30 calendar days from the date of the award. Failure to submit the consent form within 30 calendar days from the date of the adoption of this Resolution will deem the grant null and void.
5. If the grantee fails to complete the project in accordance with the terms outlined in D.22-02-026 and this Resolution, they must reimburse some or all the Local Agency Technical Assistance funds it has received.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on \_\_\_\_\_, the following Commissioners voting favorable thereon:

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Rachel Peterson  
Executive Director

## APPENDIX A Compliance Requirements

### A. Award Acceptance

Upon a funding application's approval, the grantee must submit the following documents:

- Consent Form: the grantee must sign and submit a Consent Form **within 30 calendar day from the date of the award**. Failure to submit the Consent Form within 30 calendar days from the date of award letter will deem the grant null and void.
- Government Agency Taxpayer ID Form: A State of California standardized form that is needed for tax purposes. The form is required in order to receive payment from the State of California, and information provided in this form will be used by the Commission to prepare Information Returns (e.g., Internal Revenue Service, Form 1099).

### B. Contractor Reporting

The grantee must comply with Pub. Util. Code section 281, subdivision (l)(1) contractor reporting requirements if they are using a licensed contractor or subcontractor to undertake a contract or subcontract in excess of twenty-five thousand dollars (\$25,000) to perform work on the project funded or financed by CASF. Licensed contractor or subcontractor means any contractor that holds a California state license through the contractor's state license board (<https://www.csfb.ca.gov/>). Please refer to the Local Agency Technical Assistance website for reporting templates and instructions.

### C. Execution and Performance

The grantee must complete the project with the 24-month timeframe. If the grantee is unable to complete the proposed project within the required 24-month timeframe, it must notify the Commission or the Director of Communications Division as soon as it becomes aware of this prospect. The Commission reserves the right to reduce or withhold payment for failure to satisfy this requirement. The grantee, after accepting the award as outlined in Section A of this Appendix, must complete all performance on the project before the termination date in accordance with the terms of approval granted by the Commission. In the event that the grantee or contractor fails to complete the work in accordance with the approval granted by the Commission, and as described in the contract, the local agency must reimburse some or all the funds that it has received.



The Commission has the right to conduct any necessary audit, verification and discovery for work proposed or completed under the technical assistance for local agencies to ensure CASF funds are spent in accordance with Commission rules and with the terms of approval granted by the Commission.

D. Project Completion

Upon completion of the technical assistance and before final payment, the applicant must provide a signed completion form stating that the technical assistance work has been completed, and a copy of each reimbursable work product's final report(s), plan(s), studies, etc., produced under the scope of the contract.

E. Payment

Payment will be made directly to the local agency as the grant recipient. Local agency grantees may request partial reimbursement if they complete one or more of the approved reimbursable work products prior to completion of other reimbursable work products approved in the same grant authorization. Payment will be based upon receipt and approval of an invoice(s) submitted by the local agency showing the expenditures incurred for the reimbursable work product, along with the final reimbursable work product and the completion reporting. The invoice(s) must be supported by documentation including but not limited to the actual cost of labor and any other expense that will be recovered by the grant. Any portion of the award used to reimburse a local agency for administrative costs associated with securing or completing a reimbursable work product must be submitted with an itemized accounting of such costs demonstrating the total requested for reimbursement does not exceed 15 percent of the total authorized award.

If grantee or contractor fails to complete the work within the 24-month timeline, the grantee must notify the Commission or Director of Communications Division as soon as they become aware that they may not meet the project deadline. The Commission may withhold or reduce payment if the grantee fails to notify the Commission or Director of Communications Division.

If any portion of reimbursement is found to be out of compliance, the grantee will be responsible for refunding any disallowed amount along with appropriate interest rates determined in accordance with applicable Commission decisions.

F. Project Changes

The grantee must communicate in writing to Communications Division Director regarding any changes to the substantive terms and conditions underlying Commission approval of the grant (such as changes to a reimbursable work product contract, work plan, or budget) at least 30 days before the anticipated change. Substantive changes may require approval by either the Communications Division Director or by Commission resolution before becoming effective.

G. Record Retention

The grantee is required to maintain records such as files, invoices, and other related documents for five years after final payment. The grantee shall make these records and invoices available to the Commission upon request and agree that these records are subject to financial audit by the Commission at any time within the five years after the final payment made to a grantee.

**APPENDIX B**  
**County of Santa Barbara**  
**LATA Application Key Information**

<b>Project Title</b>	<i>Santa Barbara County Connectivity Preparation Project</i>
Project Summary	Will complete environmental impact and designs for countywide last-mile fiber network, plus create a Joint Powers Authority (JPA).
<i>Type of Local Agency</i>	County
<i>Project Location</i>	Santa Barbara County
<i>Amount Requested</i>	\$1,000,000
<i>Project Timeline</i>	Twelve months from start
<i>Reimbursable Work Product(s)</i>	<ol style="list-style-type: none"> <li>1. Environmental Impact Report (\$453,910);</li> <li>2. High-Level Design &amp; Engineering (\$222,375) for a countywide last-mile fiber-to-the-premises network with approximately 170,000 endpoints.</li> <li>3. Formation of JPA (\$323,715) to enter into contracts to fund and build a last-mile fiber network.</li> </ol>
<i><u>Impact Summary:</u> How the proposed technical assistance grant supports broadband infrastructure deployment to unserved and/or underserved households and businesses at speeds of at least 100 Mbps upload and download speeds</i>	<p>This project will complete important tasks that are necessary to the deployment of broadband infrastructure: environmental studies and design engineering. In addition, these funds will support to development of a JPA. With these work products, the County of Santa Barbara will be in a position to work with project partners to use future grant funding to build a last mile network that connects unserved and underserved households and businesses to qualifying internet speeds of 100 Mbps symmetrical.</p>