

ATTACHMENT B FORM 5620 FILING INSTRUCTIONS

This attachment provides instructions for the identified selected bidders to complete and file materials for the rural broadband experiments post-selection review process using FCC Form 5620.

I. APPLICATION PREPARATION

The identified bidders are reminded that they must submit certain information by specific deadlines, discussed in greater detail below. Failure to meet any of these deadlines or provide the requisite information to enable the Bureau to fully and thoroughly conduct its post-selection review will result in default, with those bidders no longer under consideration for rural broadband experiments support.

A. Logging On

To submit attachments for the post-selection review process using the electronic FCC Form 5620, the identified bidder should open its web browser and navigate to either <http://auctions.fcc.gov/> or <http://auctions2.fcc.gov/>. Once on the FCC Auction System page, the bidder must log in using the same applicant FCC Registration Number (FRN) and password that was used in creating and filing the applicant's FCC Form 5610 application. On the "My Auctions" page, select the link titled "Click here to file FCC Form 5620" under the Rural Broadband Experiments section. This produces the Auction Application Manager page. Select the link titled "Auction 501" under Create New Form 5620 Application. Only an entity that has been identified as a provisionally selected bidder in this Public Notice will be able to create a submit attachments for the post-selection review process.

B. Application Filing Instructions

The FCC Auction System will prefill certain categories of information from the identified bidder's FCC Form 5610 application into its FCC Form 5620. Information will prefill in the following sections of each bidder's Form 5620: Applicant Information, Agreements and Ownership. Bidders should be aware, however, that the bidder is solely responsible for ensuring that all information contained in a submitted application is accurate, updated and complete.

Please note that while certain categories of information are prefilled, any attachments that an applicant may have submitted with the Form 5610 **WILL NOT** be carried over to the Form 5620. For example, if an entity indicated on its Form 5610 that it has an indirect ownership interest and uploaded an attachment describing that interest, the information regarding the indirect ownership interest will be prefilled but the attachment describing that interest **WILL NOT** be attached. Therefore, the bidder must attach the indirect ownership description to the Form 5620 in order for the FCC Auction System to accept the submission.

Because certain information is prefilled into the FCC Form 5620, the identified bidders should ensure the accuracy of this information and make any minor modifications or updates as necessary. Minor modifications include correcting typographical errors and supplying non-material information that was inadvertently omitted or was not available at the time the FCC Form 5610 was submitted. If an applicant makes a major modification to the prefilled information, however, it will no longer be considered for rural broadband experiment support. Major modifications include, but are not limited to, any changes in the ownership of the applicant that constitute an assignment or transfer of control, any changes in the identity of the applicant, or any changes in the required certifications.

1. Applicant Information Section

Each provisionally selected bidder should carefully review its applicant information, including its name, address, legal classification and contact information, which will have been prefilled from its Form 5610.

This information should be reviewed carefully to confirm that it is complete and accurate. If there have been any changes to the information or corrections are needed, make the appropriate changes and verify the information before continuing to the next section.

2. Agreements Section

In the Agreements section, the agreement information that was provided on the provisionally selected bidder's FCC Form 5610 will be prefilled into its FCC Form 5620. Any updates or changes should be made to ensure that the bidder's agreement information remains complete and accurate.

3. Ownership Information Section

Similarly, the ownership disclosure information that was provided on the identified bidder's FCC Form 5610 will be prefilled into its FCC Form 5620. Any minor modifications should be made to ensure that the bidder's ownership information remains complete and accurate. As mentioned above, any attachments submitted in connection with the ownership disclosures on the FCC Form 5610 will not be carried over automatically to the FCC Form 5620, and must be uploaded again before submitting the FCC Form 5620.

4. Summary Section

The Summary screens summarize information that applicants have provided in previous screens, offering an overview of an applicant's FCC Form 5620 to help locate specific information. These screens will appear prior to the "Certify and Submit" screens, in order to permit the applicant to review all the information entered in previous screens and to provide an opportunity to check for certain inconsistencies or omissions in the information within the FCC Form 5620.

The first *Summary* screen, the *Summary Overview* screen, lists the first four series of screens in the application and provides a **VIEW/EDIT** button to access each one.

- Clicking **VIEW/EDIT** for Applicant Information produces a *Detail for Applicant Information* screen showing the information entered for each data entry field. To change any data item, the applicant should click the **Edit** icon for the relevant data field.
- Clicking **VIEW/EDIT** for Agreements takes the applicant to the *Agreements* screen discussed above in the Agreements section.
- Clicking **VIEW/EDIT** for Ownership takes the applicant to the *View/Edit Ownership Disclosure Information* screen discussed above in the Ownership section.

Clicking on the CHECK ERRORS button initiates an automated check of the application. If the automated check encounters certain inconsistencies or omissions in information within the FCC Form 5620 that must be corrected before submitting the application, the inconsistency or omission will be listed in an Error box at the top of the screen. To correct one of these errors, click its corresponding EDIT button. In addition, if the automated check encounters certain apparent inconsistencies or omissions that might render the application incomplete or deficient if the application is submitted with current information, the apparent error will be listed in a Warning box. To revise the information related to the apparent inconsistency or omission, click its corresponding EDIT button.

II. POST-SELECTION REVIEW PROCESS: REQUIRED INFORMATION AND DEADLINES

Following the review outlined above and prior to certifying and submitting the FCC Form 5620, the identified bidders should navigate to the "Attachments" link to upload the required attachments for the post-selection review process. We outline the requirements for these attachments below, as well as the deadlines for bidders to submit these materials.

A. Technical and Financial Review

The identified bidders are required to provide the most recent three consecutive years of audited financial statements, including balance sheets, net income, and cash flow, in order to enable a thorough financial review.¹ Bidders must provide this required information in an attachment to the FCC Form 5620 using the attachment type “Audited Financial Statements.”

The identified bidders also are required to submit a description of the technology and system design that would be used to deliver voice and broadband service meeting the requisite speeds to all locations in the funded census blocks, including a network diagram, which must be certified by a professional engineer.² Selected bidders are required to deliver the required minimum speeds to all locations within the funded census blocks.³ As part of that description, bidders should identify the network components that will need to be deployed, the type of technology that will be deployed, and the type of spectrum (e.g., 700 MHz, Cellular, Broadband PCS, AWS, fixed wireless bands, etc.) to be used with the technology, if applicable. Bidders should explain how the use of this particular technology will allow them to meet the service obligations for the particular rural broadband experiments category for which they are seeking support. Bidders must provide this required information in an attachment to the FCC Form 5620 using the attachment type “Technology Description.”

Finally, the identified bidders proposing to use wireless technologies are required to provide a description of spectrum access in the areas for which the applicant seeks support.⁴ This should include whether the bidder currently holds a license for or leases the spectrum or otherwise has contracted for access to the spectrum consistent with Commission rules. The description should identify the license applicable to the spectrum to be accessed and must include the type of service (e.g., AWS, 700 MHz, BRS, PCS, or pertinent microwave frequency bands), the particular frequency bands, and the call sign. If the licensee is a different party than the bidder, the licensee name and the relationship between the bidder and the licensee that provides the applicant with the required access should be described. If the bidder is leasing spectrum, the lease number should be provided along with the license information. Bidders must provide this required information in an attachment to the FCC Form 5620 using the attachment type “Spectrum Description.”

¹ See *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8787-88, para. 54 (2014) (*Rural Broadband Experiments Order*).

² *Id.*

³ Under the Commission’s rules, recipients of support are required annually to provide the results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology (together, the Bureaus). 47 C.F.R. § 54.313(a)(11). The Bureaus recently sought comment to further develop the record on a proposed methodology for high-cost recipients to measure and report speed and latency performance to fixed locations. The Bureaus have proposed that recipients be required to perform tests for a specified number of customers at least once an hour during peak period over a four-week period, with 95% of the observations at or above the required minimum speed. See *Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology Seek Comment on Proposed Methodology for Connect America High-Cost Universal Service Support Recipients to Measure and Report Speed and Latency Performance to Fixed Locations*, WC Docket No. 10-90, Public Notice, DA 14-1499 (rel. Oct. 16, 2014).

⁴ *Rural Broadband Experiments Order*, 29 FCC Rcd at 8787-88, para. 54. Selected bidders should include as part of this description an exhibit specifying the frequency band, required bandwidth, channelization plan, applicable licensed geographical area and any required frequency coordination exhibits or applicable Commission Rules. If a selected bidder is proposing to use unlicensed bands, it should provide the frequency bands, required bandwidth and exhibits in meeting all the pertinent Commission requirements in deploying such spectrum in addition to demonstrating that the deployment of applicable network is not constrained by unlicensed band interference.

This information must be submitted with the appropriate certification within 10 business days of release of this Public Notice.⁵ Consequently, this information must be attached to the FCC Form 5620 and submitted no later than **Friday, December 19, 2014 at 11:59p.m. EST.**

B. Letter of Credit Commitment Letter

The identified bidders must submit a written commitment letter from an acceptable bank to issue a Letter of Credit (“LOC”) for each selected project bid. The commitment letter must, at a minimum, provide the dollar amount of the LOC and the issuing bank’s agreement to follow the terms and conditions of the Commission’s model LOC.⁶ The commitment letter must be from an acceptable bank, as defined in the *Rural Broadband Experiments Order*.⁷

The LOC commitment letter must be submitted with the appropriate certification within 60 days of the release of this Public Notice.⁸ Consequently, this information must be attached to the FCC Form 5620 and submitted no later than **Tuesday, February 3, 2015 at 11:59p.m. EST.**

C. Eligible Telecommunications Carrier Designation

The identified bidders must provide appropriate documentation of their eligible telecommunications carrier (ETC) designation in each census block for which they are provisionally selected to receive support and certify that the information submitted is accurate. Appropriate documentation should include the original designation order and any relevant modifications, e.g., expansion of service area, along with any name change orders. An ETC designation attachment must be provided for each selected project bid. Any relevant information should be provided as an attachment to the FCC Form 5620 using the attachment type “ETC Designation.”

The ETC designation documentation must be submitted with the appropriate certification within 90 days of the release of this Public Notice.⁹ Consequently, this information must be attached to the FCC Form 5620 and submitted no later than **Thursday, March 5, 2015 at 11:59p.m. EST.**

D. Conditions for Funding Authorization

Once the Bureau has determined that the entity is financially and technically qualified to receive Connect America support for specific census blocks, the LOC commitment letter is sufficient, and the required documentation of ETC designation has been submitted, the Bureau will release a public notice stating that the entity is ready to be authorized for support. Within 10 business days of that public notice, the bidder is required to submit an irrevocable stand-by original LOC that has been issued and signed by the issuing bank along with the opinion letter from legal counsel that we describe below. Once the Universal Service Administrative Company (USAC) has verified the sufficiency of the LOC and the opinion letter, the Bureau will issue a public notice authorizing the entity to receive its first disbursement.

If a bidder is unable to meet all of these requirements, it must file a request for a waiver and meet the requisite standards for waiver in order to be authorized to receive support. To the extent any bidder believes it must seek a waiver, it should contact Bureau staff in advance of filing to determine the procedures for submitting such a request consistent with the Commission’s rules. Parties should file this

⁵ *Id.*

⁶ *Id.* at 8805-06, App. A.

⁷ *Id.* at 8790-91, paras. 59-61

⁸ *Id.* at 8787-88, para. 54.

⁹ *Id.*

information in the Commission's Electronic Comment Filing System (ECFS) in WC Docket No. 10-90, seeking confidential treatment to the extent they deem that necessary.

III. APPLICATION SUBMISSION

The *Certify and Submit* screen lists the certifications required of all provisionally selected bidders in the rural broadband experiments and requests that the applicant's certifying official be identified and sign the application. Once the provisionally selected bidder has attached the required post-selection review materials for each step in the process, it must certify and submit its FCC Form 5620. Bidders must certify and submit their FCC Form 5620 no later than **each** of the deadlines specified above. For example, no later than December 19, bidders must upload the required technical and financial materials and certify and submit their FCC Form 5620; no later than February 3, bidders must upload the required LOC commitment letter and certify and submit their FCC Form 5620; and no later than March 5, bidders must upload the required ETC documentation and certify and submit their FCC Form 5620. Identified bidders may file the requisite information at any time and are encouraged not to wait until the end of the day to do so, as failure to submit the information in a timely manner will constitute default.

Bidders are reminded that submission of the FCC Form 5620 constitutes a representation by the certifying official that he or she is an authorized representative of the applicant and has read the form's instructions and certifications, and that the contents of the application, its certifications and any attachments are true, complete and correct. Submission of a false certification to the Commission is grounds for denial of Connect America support for a rural broadband experiment. A change of certifying official between the FCC Form 5610 and the FCC Form 5620 is considered a major change and will not be permitted.

Once the Certify and Submit screen has been filled out, the application may be submitted by clicking on the **SUBMIT** button.

After the application has been submitted, a confirmation screen will be displayed that states the submission time and date, along with a unique file number. Applicants should print a copy of the confirmation page for their records. They may then view and print copies of their submitted applications by clicking on the **PRINT PREVIEW** button.

IV. TECHNICAL SUPPORT

For technical assistance with using FCC software, contact the FCC Technical Support Hotline at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY). The FCC Technical Support Hotline is available Monday through Friday from 8 a.m. to 6 p.m. ET. All calls to the FCC Technical Support Hotline are recorded.

For questions regarding potential waiver requests or other non-technical issues, contact Alexander Minard (Alexander.Minard@fcc.gov) or Ian Forbes (Ian.Forbes@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

Paperwork Reduction Act Approval: The FCC Form 5620 was assigned control number 3060-1200 and was approved by the Office of Management and Budget on September 18, 2014.