

# Virginia Telecommunication Initiative (VATI)

2023 PROGRAM GUIDELINES  
AND CRITERIA



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## Background

The digital divide – the lack of universal broadband coverage – is not only a technology issue; it is essential infrastructure for modern community and economic development. Broadband availability promotes sustainability and growth of communities by providing; access to health care, particularly through the introduction of telemedicine, which improves the local workforce, provides increased educational opportunities through distance learning, and encourages an entrepreneurial economy where new and existing home-based and small businesses are able to compete globally.

Disconnected communities continue to struggle to retain existing businesses due to slow, sporadic, or limited broadband services. Since the vast majority of businesses rely on the internet to perform business functions such as; online banking, e-commerce transactions (i.e. sales and online payment processing), market development (i.e. online ads, websites, bulk-email, etc.), customer service through online chat or emails and internal/external communication, broadband connectivity is vital to the performance of businesses of all sizes. Broadband is a necessity in the twenty-first century economy.

Additional guidance and questions regarding project development or about the VATI, guidelines and criteria should be directed to:

**VATI email address**

[vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov)

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Please refer questions regarding your application submittal through CAMS to:

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## **Summary of Changes to the 2023 VATI Guidelines and Criteria**

### **Definition of Broadband**

Broadband is the transmission of wide bandwidth data over a high speed internet connection. For the purposes of VATI and other programs dependent on the VATI definition of broadband, the speeds at which internet service is considered broadband, is access to speeds at or above 100 megabits per second (Mbps) download and 20 Mbps upload.

### **Eligible Applicants**

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, public broadband authorities may apply directly for VATI funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available state general funds in FY2023. Applications submitted without a private sector co-applicant will be evaluated alongside other applications. DHCD reserves the right to update this guidance upon final adoption of the state budget by the General Assembly and Governor.

### **Infrastructure Investments and Jobs Act Funding**

Pending final action regarding the allocation of Infrastructure Investments and Job Act (IIJA) funds, all applicants to the VATI grant making process will be considered for funding under both the state general fund budget, as well as IIJA funding directed to be managed and awarded through the VATI grant making process. DHCD reserves the right to determine the source of funds through which awards are made. Applications, solicited project structure, and evaluation of projects will primarily be reviewed using FY23 VATI guidelines, although IIJA legislation and subsequent National Telecommunication and Information Association (NTIA) guidance may be taken into account in certain instances (recognizing that VATI and IIJA guidance may diverge at times). All applications will be scored using the FY23 VATI scoring criteria. Awarded projects sourced from state general funds will be governed and administered via FY23 VATI guidelines. Awarded projects sourced from IIJA funds will be governed and administered via IIJA and subsequent NTIA guidance. Awarded projects sourced from IIJA funds may be required to provide additional project and expenditure reports pursuant to NTIA reporting requirements.

To account for the forthcoming rule adoption process of NTIA when administering IIJA funds, DHCD reserves the right to update the guidelines accordingly in response to federal rules issuance and changes. Applicants are encouraged to contact DHCD staff prior to submitting an application to ensure the application is in compliance with all available funding source guidance.

### **Eligible Areas**

DHCD will award funding to applicants to provide last-mile services, including middle-mile networks, equipment, or other investments required to deliver last-mile service to unserved areas of the Commonwealth. Unserved areas are defined as having broadband speeds below 100

Megabits per second (Mbps) download and 20 Megabits (Mbps) upload. Areas lacking 25 Megabits per second download and 3 Megabits per second upload speeds will be given significant priority in application scoring.

- For a **wireline project**, a proposed project area is considered eligible if 20 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

In some cases, applicants may seek to include locations that do not have access to broadband because of special construction costs associated with extending broadband infrastructure to a location. In instances where concentrated pockets of locations do not have access to broadband, due to special construction costs, VATI is better designed for extending broadband infrastructure to these locations. The Line Extension Customer Assistance Program (LECAP) is intended to cover costs to extend service to scattered locations across the locality, not address long drop issues in concentrated pockets of a locality. For more information, please contact DHCD staff to discuss the scope of projects prior to application.

### **Previously Funded Areas**

Federally and state funded areas with existing agreements to build service to, or are currently served with, access to internet at speeds less than 100/20 mbps are eligible for funding under the VATI program. Federally funded areas with service obligations at or over 100/20 mbps will not be considered for funds managed and awarded through the VATI grant making process.

In some cases, recipients of federal or state funds were awarded funding to provide service at less than 100/20 mbps, but provide service over this threshold. In instances where the network infrastructure in the previously funded area under this scenario has been constructed, an internet service provider must submit a challenge on the basis of actual serviceability in the previously funded area. In instances where network infrastructure has not been constructed in the previously funded area, a challenger may provide speed test data from existing service territories in Virginia to be considered as that provider's capability to provide service over the 100/20 mbps threshold. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. In instances where possible, DHCD encourages local governments to explore partnerships with internet service providers which received the previous state or federal award to upgrade coverage in these areas; however, no scoring preference will be assigned to local governments partnering with the state or federally awarded internet service provider during application evaluation.

### **Multiple Applications**

Units of local government may submit multiple applications with different service providers and may include project areas that cross jurisdictional boundaries. No more than one last-mile internet service provider may be included in an application. Units of local government must submit an application with each last mile internet service provider. Service providers may submit an application with more than one unit of local government.

## **Challenge Process**

Planned service to a proposed project area is eligible for the purpose of a challenge if state or federal funds have been awarded and the provider has committed to providing service to the areas using these state or federal funds. Federally and state funded areas with existing agreements to build service to, or are currently served with, access to internet at speeds less than 100/20 mbps are eligible for funding under the VATI program. Federally funded areas with service obligations at or over 100/20 mbps will not be considered for funds managed and awarded through the VATI grant making process, unless otherwise outlined in these guidelines and criteria.

In some cases, recipients of federal or state funds were awarded funding to provide service at less than 100/20 mbps, but provide service over this threshold. In instances where the network infrastructure in the previously funded areas under this scenario has been constructed, an internet service provider must submit a challenge on the basis of actual serviceability in the previously funded area. In instances where network infrastructure has not been constructed in the previously funded area, a challenger must provide speed test data from existing service territories in Virginia to be considered as that provider's capability to provide service over the 100/20 mbps threshold. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. DHCD reserves the right to request verified speed tests at times of peak network usage and street level data of customers receiving service within the proposed project area in federally awarded areas to ensure serviceability.

Challengers must demonstrate that more than 20% for wireline projects, or 25% for wireless projects, of serviceable units in the project area have access to speeds above 100/20 mbps as of the date of the application or that the application is ineligible as a result of committed state or federal funding subject to the conditions described above.

DHCD will review all applicable challenge and rebuttal information to determine if a challenge is credible. DHCD reserves the right to request verified speed tests at times of peak network usage on all or portion(s) of the challenged area. If verified speed tests are requested by DHCD, the challenger will have 10 days to respond with documentation requested by DHCD. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. DHCD reserves the right to re-scope any credibly challenged VATI application and fund the remaining portion(s) of the application. DHCD shall notify the applicant and challenger in writing if a challenge is credible no later than December 8, 2022. Upon notification of challenge determination, applicants will have 10 days to submit rescope materials, which include: an updated map of the application area reflecting removal of the challenged area(s), point and polygon shapefiles of the updated application area, the Funding Sources Table, the VATI Passings Form, the RDOF Passings Form (if applicable), and the Derivation of Costs.

## **Organizational and Management Capabilities**

DHCD reserves the right to request verified speed tests distributed throughout a service area at times of peak network usage from a co-applicant's existing network to verify a co-applicant's capability to provide broadband service at speeds at or above 100/20 mbps. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests.

Funds managed and awarded through the VATI grant making process may be requested to cover administrative costs please see the table below regarding allowable administrative expenses.

<b>Total Award</b>	<b>Allowable Request for Administration</b>
<\$1 million	\$50,000
>\$1 million, <\$5 million	\$100,000
>\$5 million, <\$10 million	\$200,000
>\$10 million	\$300,000

**Evaluation Criteria**

<b>Category</b>	<b>2022 Points</b>	<b>2023 Points</b>
Project Description and Need	85	75
Project Readiness	40	40
Budget and Cost Appropriateness	135	135
Commonwealth Priorities	40	50
<b>Total</b>	<b>300</b>	<b>300</b>

New and adjusted evaluation questions include the following:

- **Project Description and Need**
  - Shifted scoring emphasis on businesses and community anchor institutions in the project area under the Passings of Significant Impact criteria in Commonwealth Priorities
- **Project Readiness**
  - Applicants are encouraged to extensively discuss, where applicable, easements relating to railroad crossings, federally-owned lands and parks, and mobile home parks.
  - Applicants are encouraged to describe efforts to keep the public informed of project progress and the broadband adoption plan.
- **Budget and Cost Appropriateness**
  - Applicants wishing to have prior expended funds considered as matching funds must complete a Prior Expended Match Form.

- **Commonwealth Priorities**

- Applicants are encouraged to describe digital equity efforts to ensure low to moderate income households in the proposed project area will have affordable access to speeds at or above 100/20 mbps, include information regarding the internet service provider's participation in the Affordable Connectivity Program.
- Applicants are encouraged to describe the co-applicant's efforts to mitigate supply chain constraints, including labor shortages and order-to-delivery delays on telecommunications materials required to construct broadband networks.
- The applicant's and co-applicant's efforts to promote broadband adoption, including, but not limited to: telehealth, smart farming, e-entrepreneurship, and distance learning.

## **Program Description**

Administered by the Virginia Department of Housing and Community Development (DHCD), the Virginia Telecommunication Initiative (VATI) enhances the sustainability and growth of communities throughout the Commonwealth by preparing those communities to build, utilize, and capitalize on telecommunications infrastructure. Consistent with the enabling budget language, DHCD will award funding to eligible applicants to provide last-mile services to unserved areas of the Commonwealth. DHCD reserves the right to award any amount to eligible grantees, depending entirely on the quality and quantity of applications received.

The primary objective of the VATI grant making process is to provide financial assistance to supplement construction costs by private sector broadband service providers, in partnership with local units of government, to extend service to areas that presently are unserved by any broadband provider.

## **Definition of Broadband**

Broadband is the transmission of wide bandwidth data over a high speed internet connection. For the purposes of VATI and other programs dependent on the VATI definition of broadband, the speeds at which internet service is considered broadband, is access to speeds at or above 100 megabits per second (Mbps) download and 20 Mbps upload.

## **Freedom of Information Act (FOIA)**

Pursuant to Section 2.2-3705.6-32 of the Code of Virginia, DHCD has the legal authority with the following information contained in a public record and is exempt from the mandatory disclosure provisions of the Virginia Freedom of Information Act (FOIA): “information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.” Applicants wishing to receive FOIA exemption must submit a written request to DHCD and follow the FOIA policy, found on page 21. *Note: Point and polygon shapefiles submitted with VATI applications are subject to the Freedom of Information Act and will not be provided FOIA exemption. RSSI measures in the project area(s) are eligible for Freedom of Information Act exemption.*

## **Eligible Applicants**

Applications must be submitted by a unit of government (Towns, Cities, Counties, Economic Development Authorities/Industrial Development Authorities, Planning District Commissions, School Divisions, etc.) with a private sector internet service provider as a co-applicant. Eligible projects must be owned and operated by the private sector co-applicant. Publicly owned networks are eligible for the program when partnered with a private sector co-applicant, so long as the private sector applicant is serving as the customer-facing internet service provider.

Notwithstanding program requirements that applications include a private-sector internet service provider as the co-applicant, public broadband authorities may apply directly for VATI funds without investment from the private sector. Such awards, in sum, shall not exceed 10 percent of total available state general funds in FY2023. Applications submitted without a private sector co-applicant will be evaluated alongside other applications. DHCD reserves the right to update this guidance upon final adoption of the state budget by the General Assembly and Governor.

## **Selection Process**

Awardees will be selected through a competitive application process. Application questions will be focused on the applicant's broadband needs as well as information related to ready-to-construct project(s) needing financial assistance to supplement construction costs. The applicant must demonstrate a readiness to proceed with an awarded project in a timely manner by the required deadline and must provide access to broadband speeds at or above 100 Megabits per second (Mbps) download and 20 Megabits (Mbps) upload. DHCD reserves the right to revoke an award due to a material misrepresentation.

## **Infrastructure Investments and Jobs Act Funding**

Pending final action regarding the allocation of Infrastructure Investments and Job Act (IIJA) funds, all applicants to the VATI grant making process will be considered for funding under both the state general fund budget, as well as IIJA funding directed to be managed and awarded through the VATI grant making process. DHCD reserves the right to determine the source of funds through which awards are made. Applications, solicited project structure, and evaluation of projects will primarily be reviewed using FY23 VATI guidelines, although IIJA legislation and subsequent National Telecommunication and Information Association (NTIA) guidance may be taken into account in certain instances (recognizing that VATI and IIJA guidance may diverge at times). All applications will be scored using the FY23 VATI scoring criteria. Awarded projects sourced from state general funds will be governed and administered via FY23 VATI guidelines. Awarded projects sourced from IIJA funds will be governed and administered via IIJA and subsequent NTIA guidance. Awarded projects sourced from IIJA funds may be required to provide additional project and expenditure reports pursuant to NTIA reporting requirements.

To account for the forthcoming rule adoption process of NTIA when administering IIJA funds, DHCD reserves the right to update the guidelines accordingly in response to federal rules issuance and changes. Applicants are encouraged to contact DHCD staff prior to submitting an application to ensure the application is in compliance with all available funding source guidance.

## Technical Assistance

DHCD staff is available to provide technical assistance on the development of an application and during the challenge process to units of local government, internet service providers, grant writers, consultants, and all other VATI stakeholders. Please reach out to DHCD staff and consult the broadband toolkit available at [www.commonwealthconnect.virginia.gov/broadband-toolkit](http://www.commonwealthconnect.virginia.gov/broadband-toolkit) prior to engaging a private consultant. *DHCD staff strongly recommends engagement of technical assistance throughout project development.*

## Universal Coverage

DHCD encourages applicants to ensure all projects either achieve, or are part of a plan to achieve universal broadband for the locality or region. Localities can find resources for developing a universal broadband plan on the Commonwealth Connect website at [www.commonwealthconnect.virginia.gov/broadband-toolkit](http://www.commonwealthconnect.virginia.gov/broadband-toolkit). *DHCD recognizes that due to the nature of wireless projects having an inherent potential of overlap it is strongly encouraged that applicants contact DHCD staff for assistance.* Applicants are discouraged from submitting projects that focus on pockets of density while not including nearby unserved, less dense areas. This tactic, also known as cherry picking, hurts the economics of serving the remaining areas in your community and will ultimately make it more difficult and costly to get all Virginians access to broadband coverage.

## Eligible Areas

DHCD will award funding to applicants to provide last-mile services, including middle-mile networks, equipment, or other investments required to deliver last-mile service to unserved areas of the Commonwealth. Unserved areas are defined as having broadband speeds below 100 Megabits per second (Mbps) download and 20 Megabits (Mbps) upload. Areas lacking 25 Megabits per second download and 3 Megabits per second upload speeds will be given significant priority in application scoring.

- For a **wireline project**, a proposed project area is considered eligible if 20 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application.
- For a **wireless project**, a proposed area is considered eligible if 25 percent or fewer of serviceable units have access to service with no special construction costs from any provider as of the date of the application. Passings with RSSI below -90dbm are not eligible to be included in a VATI application.

Applicants are strongly encouraged to include passings in the proposed project areas that have special construction costs (see definitions for more detail) for low to moderate income residents, as these locations will become increasingly more difficult to connect outside of the VATI application process. These passings include properties where the location has an extended setback from the public right of way beyond the maximum distance between a network access point and the home or business allowed by the co-applicant.

In some cases, applicants may seek to include locations that do not have access to broadband because of special construction costs associated with extending broadband infrastructure to a location. In instances where concentrated pockets of locations do not have access to broadband, due to special construction costs, VATI is better designed for extending broadband infrastructure to these locations. The Line Extension Customer Assistance Program (LECAP) is intended to cover costs to extend service to scattered locations across the locality, not address long drop issues in concentrated pockets of a locality. For more information, please contact DHCD staff to discuss the scope of projects prior to application.

DHCD discourages the sole use of broadband availability maps when determining unserved areas to be included in an application. Mapping efforts, regardless of the level of detail should not replace further evaluation of broadband availability (i.e. fiber, cable, vertical assets). For best practices regarding drawing a project area, please contact DHCD staff.

## **Previously Funded Areas**

Applicants must do their due diligence to determine if their proposed VATI project area has in whole or in part been awarded state or federal broadband funds. These programs include, but are not limited to, the Virginia Telecommunication Initiative, Tobacco Region Revitalization Commission Awards, [Connect America Funds II \(CAFII\)](#), [United States Department of Agriculture \(USDA\) Reconnect](#), [USDA Community Connect](#), [Alternative Connect America Cost Model \(ACAM\)](#), and the [Rural Digital Opportunity Fund \(RDOF\)](#).

Federally and state funded areas with existing agreements to build service to, or are currently served with, access to internet at speeds less than 100/20 mbps are eligible for funding under the VATI program. Federally funded areas with service obligations at or over 100/20 mbps will not be considered for funds managed and awarded through the VATI grant making process.

In some cases, recipients of federal or state funds were awarded funding to provide service at less than 100/20 mbps, but provide service over this threshold. In instances where the network infrastructure in the previously funded area under this scenario has been constructed, an internet service provider must submit a challenge on the basis of actual serviceability in the previously funded area. In instances where network infrastructure has not been constructed in the previously funded area, a challenger may provide speed test data from existing service territories in Virginia to be considered as that provider's capability to provide service over the 100/20 mbps threshold. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. In instances where possible, DHCD encourages local governments to explore partnerships with internet service providers which received the previous state or federal award to upgrade coverage in these areas; however, no scoring preference will be assigned to local governments partnering with the state or federally awarded internet service provider during application evaluation.

In the event the VATI co-applicant has been awarded federal broadband funds, they cannot use those funds as matching funds. However, they are encouraged to leverage their federal award and apply for VATI funding to extend service to areas beyond those that were awarded federal funds or to accelerate construction of federal awards made through RDOF.

## *Rural Digital Opportunity Fund*

On December 7, 2021, the Federal Communications Commission (FCC) announced preliminary results of the Phase 1 RDOF auction. To a far greater extent than previous FCC auctions, RDOF delivered lower than anticipated level of funding to internet service providers, presenting challenges in their ability to deliver services. To accelerate broadband access in RDOF awarded areas, passings in those areas may be included in VATI application to cover a portion of the infrastructure needed to reach RDOF awarded areas. All RDOF passings included in a VATI application that is awarded funding must be provided access to broadband service within the VATI contractual period. RDOF passings may not exceed VATI passings in the application. DHCD reserves the right to waive this requirement on a case-by-case basis in instances where this may be impractical in an application. For example, in some localities RDOF locations may outnumber remaining unserved passings that are eligible for VATI. The internet service provider co-applicant must provide a detailed explanation if RDOF passings exceed VATI passings in the application.

### *Combining RDOF with VATI*

Due to the delay in the FCC issuing the Phase I RDOF final long-form results, areas preliminarily awarded RDOF, regardless of bidder, are eligible to be included in a VATI application. RDOF awardees who are not the VATI co-applicant may challenge an application that includes all, or portions of their final RDOF awarded area. If the challenge is determined to be credible, the applicant will be required to remove the area(s) that overlap from their application. The challenging RDOF awardee must commit to providing broadband access in the challenge area(s) within 3 years of the announcement of FY 2023 VATI awards and will be required to enter into a Memorandum of Understanding (MOU) with the VATI applicant, or locality in which the RDOF award is contained (for regional applications), committing to construct the removed area(s). This MOU must be entered into prior December 8, 2022 for the challenge to be considered and be effective upon award of the application. Please note; if DHCD determines that a challenge is credible on the basis of a final RDOF award and the RDOF awardee has committed to constructing the challenges area and later defaults, they are prohibited from submitting future VATI applications for that challenged area, unless a unit of local government applicant formally expresses intent in partnering with the defaultee on a future VATI application(s) in that area.

RDOF areas, unless those areas are challenged and an MOU has been entered into by the locality and RDOF awardee, are considered unserved and fully eligible for VATI funding. If RDOF areas awarded to an internet service provider other than the VATI applicant are included in a VATI application, but not challenged by the RDOF awardee, those will be considered as unserved and scored as such.

### *Leveraging RDOF in achieving Universal Coverage*

If RDOF areas are included in a VATI application and that application achieves universal coverage in the county, or counties, each RDOF passing included in that VATI application will be awarded  $\frac{1}{2}$  of the scoring value of a VATI passing. If multiple applications are submitted with

different co-applicants and those applications cumulatively reach universal coverage, RDOF locations included in those applications will be awarded at ½ the scoring value of a VATI passing. If RDOF is included in a VATI application and does not achieve universal coverage in a county, or counties but is part of a universal plan, each passing in the application will be awarded ¼ of the scoring value of one VATI passing. RDOF may not be included in a VATI application if it does not achieve universal coverage or is not part of a universal plan. RDOF passing valuations also apply to businesses and community anchor institutions in RDOF awarded areas in the VATI application.

To account for the potential of supplemental action by the Federal Communications Commission in regards to the results of Phase I RDOF auction, DHCD reserves the right to update the guidelines accordingly in response to federal rules changes.

## **Multiple Applications**

Units of local government may submit multiple applications with different service providers and may include project areas that cross-jurisdictional boundaries. No more than one last-mile internet service provider may be included in an application. Units of local government must submit an application with each last mile internet service provider. Service providers may submit an application with more than one unit of local government. Multiple applications that reach universal coverage in a county or region when combined will be awarded maximum points for universality when scored. An applicant may include non-contiguous service areas in a single application. If designating more than one county or city in a single application, each county or city must be clearly delineated and the required data and budget information must be provided for each county and city.

## **Project Financing**

VATI funding shall not exceed 80 percent of the total project cost. Applicants should note that the program is competitive however, and that those projects that bring greater match to the application are more likely to receive higher evaluations scores.

Consistent with VATI's enabling budget language; the private co-applicant must contribute a minimum of 10% cash match to the total project cost. If the private co-applicant match is below 10% of total project cost, applicants must provide financial details in their applications demonstrating appropriate private investment in relation to the density and scope of the project. Local Government expenditures incurred after June 2, 2021, one year prior to the application open date, are eligible to be included in the application as match funds. Incurred expenses must be related to the proposed VATI project and meet VATI criteria. Expenditures incurred by internet service providers after December 13, 2021 are also eligible to be included in the application as match funds. For these match funds to be considered, the co-applicant internet service provider and local government applicant must have been unsuccessful in the FY22 round of VATI. Incurred expenses must also be directly related to the proposed VATI project and meet VATI criteria. DHCD staff reserves the right to make administrative determinations on the validity of matching funds and accept a proportion of the funds when necessary. Expenses

incurred by local governments sought to be considered as matching funds must be included and described in the Prior Expended Match Form as an application attachment.

Demonstrated local government support through contribution of Coronavirus Local Fiscal Recovery Funds (LFRF) delivered to local governments through the American Rescue Plan Act is strongly encouraged. LFRF contributed to a VATI application are considered match funds.

Pending state allocation of Infrastructure Investments and Jobs Act funds, DHCD reserves the right to determine the source of funds through which awards are made. Nonstate general fund awards such as this can fund VATI applications and are subject to the rules of the funding source.

## **VATI Notice of Application**

All applicants are required to issue a VATI Notice of Application detailing their intent to apply for VATI funding no later than July 7, 2022. Applicants must submit a copy of the VATI Notice of Application to DHCD at: [vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov). The sample notice is located in Appendix A. VATI Notice of Applications will be posted on DHCD's VATI webpage no later than July 14, 2022.

## **Challenge Process**

Prospective challengers are *strongly encouraged* to contact applicants directly and discuss the contested project area before submitting a challenge as project areas can often be re-scoped to remove overlap. Evidence of serviceability must be demonstrated by showing a reasonable number of customers within the area of claimed serviceable units.

Planned service to a proposed project area is eligible for the purpose of a challenge if state or federal funds have been awarded and the provider has committed to providing service to the areas using these state or federal funds. Federally and state funded areas with existing agreements to build service to, or are currently served with, access to internet at speeds less than 100/20 mbps are eligible for funding under the VATI program. Federally funded areas with service obligations at or over 100/20 mbps will not be considered for funds managed and awarded through the VATI grant making process, unless otherwise outlined in these guidelines and criteria.

In some cases, recipients of federal or state funds were awarded funding to provide service at less than 100/20 mbps, but provide service over this threshold. In instances where the network infrastructure in the previously funded areas under this scenario has been constructed, an internet service provider must submit a challenge on the basis of actual serviceability in the previously funded area. In instances where network infrastructure has not been constructed in the previously funded area, a challenger must provide speed test data from existing service territories in Virginia to be considered as that provider's capability to provide service over the 100/20 mbps threshold. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. DHCD reserves the right to request verified speed tests at times of peak network usage and street level data of customers receiving service within the proposed project area in federally awarded areas to ensure serviceability.

Areas adjacent to state or federally funded areas may be eligible for a challenge if the challenger demonstrates existing awards will cover the adjacent area. If an incumbent provider serves one side of a roadway, but will not connect the other side, that unserved side of the road is eligible for VATI funding. In these instances, the applicant must prove the incumbent provider will not connect the unserved side of the roadway. The challenger must commit to serving the adjacent areas at speeds equal to or greater than the VATI minimum deployment speed.

DHCD will post electronic copies of all submitted applications to the agency website within five business days after the August 25, 2022 application deadline. Providers wishing to submit a challenge must provide the information required in this section no later than October 6, 2022. Applicants will be notified if their proposed project area is being challenged by October 13, 2022 and will have 15 business days from notification of a challenge to provide rebuttal information to DHCD.

Providers wishing to submit challenges on multiple applications must submit a separate challenge for each application. Challenges can be made to portions of a proposed project area without invalidating the entire application. DHCD reserves the right to invalidate a portion(s) of a proposed project area, aggregate challenges by different providers to determine the percentage of serviceable units served in a proposed project area, and invalidate insufficient challenges.

Challengers, individually or collectively, must demonstrate that more than 20% for wireline projects, or 25% for wireless projects, of serviceable units in the project area have access to speeds above 100/20 mbps as of the date of the application or that the application is ineligible as a result of committed state or federal funding subject to the conditions described above.

DHCD must receive all of the information detailed below or the challenge will be deemed incomplete and invalid. Challengers must provide:

1. A signed and notarized affidavit affirming the challenge and attached information is true.
2. Current Federal Communications Commission (FCC) Form 477 or equivalent.
3. Minimum/maximum speeds available in the proposed project area.
4. Number of serviceable units within the proposed project area and provide the speeds those serviceable units are able to receive.
5. Street level data of customers receiving service within the proposed project area.
6. Point shapefiles that show each proposed passing in the challenged area, designated by a singular mapped point, in the challenged area containing attribute data showing the addresses of each point; **and**, Polygon shapefiles delineating the general challenged area(s). (Note: These files must be provided in .zip file form)
7. For wireless providers: Heat maps indicating received signal strength indicator (RSSI) in the challenged area, accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
8. Wireless providers must also note if the bandwidth is shared or dedicated in the challenged area.
9. Using the project area map submitted by the applicant, create a map indicating where the

challenger's serviceable units are located in the proposed project area. Challengers are encouraged to submit additional maps and information if necessary.

10. If challenging due to planned state or federal funding, documentation detailing commitment to provide service in or adjacent to the proposed project area.
11. If the challenger has not submitted service territory data meeting the requirements of the [Internet Service Provider Service Territory Data Submission Guidelines](#), the challenger must submit service territory data for the challenge to be considered.
12. If challenging an application on the basis of variable speed technologies (i.e. DSL, Fixed Wireless, etc.), challengers are required to submit verified speed tests at times of peak network usage on all or portion(s) of the challenged area. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests.

DHCD strongly encourages challengers to contact DHCD staff for technical assistance regarding the shapefile requirements prior to challenge submittal. DHCD encourages challengers to use the VATI applicant's point shapefiles, as posted on the Open Data Portal to "cut out" or "clip" addresses being challenged to create the point shapefiles to be submitted under the challenge. This practice ensures accurate representation of challenged areas within the VATI application area and allows the challenged locations shapefiles to be exact matches geographically to the VATI application shapefiles submitted.

DHCD will review all applicable challenge and rebuttal information to determine if a challenge is credible. DHCD reserves the right to request verified speed tests at times of peak network usage on all or portion(s) of the challenged area. If verified speed tests are requested by DHCD, the challenger will have 10 days to respond with documentation requested by DHCD. DHCD reserves the right to re-scope any credibly challenged VATI application and fund the remaining portion(s) of the application. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests. DHCD shall notify the applicant and challenger in writing if a challenge is credible no later than December 8, 2022. Upon notification of challenge determination, applicants will have 10 days to submit rescope materials, which include: an updated map of the application area reflecting removal of the challenged area(s), point and polygon shapefiles of the updated application area, the Funding Sources Table, the VATI Passings Form, the RDOF Passings Form (if applicable), and the Derivation of Costs.

Any proposals to modify a previously awarded project are subject to the VATI challenge process adopted in the most recent guidelines if a new project area has been added.

## **Implementation Deadline**

Applicants must demonstrate that projects will be completed within 18 months. The project timeline begins with the contract execution between the applicant and DHCD. DHCD will consider longer project timelines for larger project areas if applicants can sufficiently detail the

reasoning for an extended timeline in their application. Applicants are encouraged to phase larger scale projects, and DHCD reserves the right to fund only a phase(s) of a proposed project.

Extensions may be considered for awarded projects that encounter delays due to circumstances outside of the applicants' control. Contact DHCD staff for all questions regarding project scope.

## **Organizational and Management Capabilities**

To participate in VATI, applicants and co-applicants must demonstrate suitable organizational and management capabilities. To determine whether applicants meet this criterion, applicants and private sector partner(s), must submit the following documents and/or attest to each of the following:

1. Documentation that proposed project area is unserved based on VATI criteria.
2. Private co-applicant must provide proof that they have filed an FCC Form 477 by the two most recently submitted forms prior to submission of application. If the private co-applicant has not submitted an FCC Form 477 in previous years, the co-applicant must provide reasoning for not submitting, business background, number of customers, overview of assets, or equivalent information.
3. Point shapefiles are shapefiles that show each proposed passing in the application area, designated by a singular mapped point, in the project area containing attribute data showing the addresses of each point. Polygon shapefiles delineating the general project area(s). Polygon shapefiles delineating the general project area(s). (Note: These files must be provided in .zip file form)
4. For wireless providers: Heat maps indicating projected received signal strength indicator (RSSI) in the application area accounting for terrain and peak vegetation (Note: These files must be provided in .zip file form)
5. Projects must be fully-financed through a combination of the total requested funds, committed matching funds from the applicants, and in-kind resources.
6. Private co-applicants must document current assets (i.e. total amount of available cash and equivalents, callable capital, in an amount no less than the proposed committed funding or a commitment letter for financing) in the amount of match funds committed for the project at the time of application. Per VATI's enabling budget language, the private co-applicant must contribute an appropriate level of match to the total project cost.
7. Applicants must be in good standing in performance of any and all existing Commonwealth of Virginia contracts and in compliance with all federal, state, and local laws.
8. If the co-applicant has not submitted service territory data meeting the requirements of the [Internet Service Provider Service Territory Data Submission Guidelines](#), the co-applicant must submit service territory data for the application to be considered.

DHCD reserves the right to request verified speed tests distributed throughout a service territory at times of peak network usage from a co-applicant’s existing network to verify a co-applicant’s capability to provide broadband service at speeds at or above 100/20 mbps. Please see Appendix C for additional guidance on the number of speed tests required and acceptable practices for conducting speed tests.

Funds managed and awarded through the VATI grant making process may be requested to cover administrative costs please see the table below regarding allowable administrative expenses.

<b>Total Award</b>	<b>Allowable Request for Administration</b>
<\$1 million	\$50,000
>\$1 million, <\$5 million	\$100,000
>\$5 million, <\$10 million	\$200,000
>\$10 million	\$300,000

**Application Due Date**

Applications are to be submitted by **11:59 p.m.** on August 25, 2022. Please note that DHCD Offices close at 5:00 p.m. Therefore, staff will not be available to provide CAMS technical assistance after 5:00 p.m.

## Evaluation Criteria

### **Project Description and Need (Maximum of 75 points)**

Describe the fundamentals of the project, including:

- Overview of the project area and how it was determined
- Internet speeds to be offered
- Network design
- How the project achieves universal broadband coverage in a locality, or how a project fits into a larger plan for universal broadband coverage. *Note: Applicants will only achieve maximum scoring in this section if the application reaches universal coverage in the county or counties included in the application.*

### **Project Readiness (Maximum of 40 points)**

Describe the capacity to successfully implement the project, including:

- Additional leverage to improve the project
- Marketing activities, including digital literacy efforts, to ensure a sufficient take rate
- Description of the project management plan, including key contacts, projected timeline, and history of managing similar projects/grants

### **Project Budget and Cost-Appropriateness (Maximum of 135 points)**

Describe the project budget, including:

- Detailed project budget, including derivation of costs and documentation of cost estimates, delineated by each service area
- Information to calculate the Cost Benefit Index score
- Number of serviceable units passed and the breakdown of those passings
- Breakdown of matching funds and in-kind resources

### **Commonwealth Priorities (Maximum of 50 points)**

Describe how the project would reflect priorities of the Commonwealth, including:

- Passings of significant impact
- Unique partnerships involved in the project
- Digital equity efforts
- Capacity for scalability

## Application Questions

### Project Description and Need (75 points)

1. Describe why and how the project area(s) was selected. Describe the proposed geographic area including specific boundaries of the project area (e.g. street names, local and regional boundaries, etc.). Attach a copy of the map of your project area(s). Label map: Attachment 1 – Project Area Map.
2. List existing providers in the proposed project area and the speeds offered. Describe your outreach efforts to identify existing providers and how this information was compiled with source(s).
3. Describe if any areas near the project have received funding from federal grant programs, including but not limited to Connect America Funds II (CAF II), ACAM, ReConnect, Community Connect, and Rural Digital Opportunity Funds (RDOF). If there have been federal funds awarded near the project area(s), provide a map showing these areas, verifying the proposed project area does not conflict with these areas. Label Map: Attachment 2 – Documentation on Federal Funding Area.
4. **Overlap:** To be eligible for VATI, applicants must demonstrate that the proposed project area(s) is unserved. An unserved area is defined as an area with speeds below 100/20 mbps and with less than 25% service overlap within the project area for wireless projects and 20% for wireline projects. Describe any anticipated service overlap with current providers within the project area. Provide a detailed explanation as to how you determined the percentage overlap. Label Attachment: Attachment 3 – Documentation Unserved Area VATI Criteria.
5. **Total Passings:** Provide the number of total serviceable units in the project area. Applicants are encouraged to prioritize areas lacking 25 Megabits per second download and 3 Megabits per second upload speeds, as they will receive priority in application scoring. For projects with more than one service area, each service area must have delineated passing information. Label Attachment: Attachment 4 – Passings Form.
  - a. Of the total number of VATI passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area.
  - b. If applicable, of the total number of RDOF passings, provide the number of residential, business, non-residential, and community anchors in the proposed project area.
  - c. If applicable, provide the number of passings that will require special construction costs, defined as a one-time fee above normal service connection fees required to provide broadband access to a premise. Describe the methodology used for these projections
  - d. If applicable, provide the number of passings included in the application that will

receive broadband access because special construction costs have been budgeted in the VATI application. Describe the methodology used for determining which passings with special construction costs were budgeted in the application.

- e. Provide the number of passings in the project area that have 25/3 mbps or less. Describe the methodology used for these projections. **(up to 15 points)**
6. Describe if any blocks awarded in Rural Digital Opportunity Fund (RDOF) are included in the VATI application area. If RDOF areas are included in the VATI application, provide a map of these areas and include information on number of passings in RDOF awarded areas within the VATI application area, and Census Block Group ID number for each block group in the project area. Label Attachment: Attachment 5 – RDOF Awarded Areas Form in VATI Area
7. For wireless projects only: Please explain the ownership of the proposed wireless infrastructure. Please describe if the private co-applicant will own or lease the radio mast, tower, or other vertical structure onto which the wireless infrastructure will be installed. Also, provide an estimate of the number of simultaneous subscribers that can be served in an area at the chosen speed.
8. Network Design: Provide a description of the network system design used to deliver broadband service from the network's primary internet point(s) of presence to end users, including the network components that already exist and the ones that would be added by the proposed project. Provide a detailed explanation of how this information was determined with sources. Provide information on how capacity for scalability, or expansion, of how the network can adapt to future needs. If using a technology with shared bandwidth, describe how the equipment will handle capacity during peak intervals. For wireless projects, provide a propagation map for the proposed project area with a clearly defined legend for scale of map. Label Map: Attachment 6 – Propagation Map Wireless Project.
9. Speeds: Describe the internet service offerings, including download and upload speeds, to be provided after completion of the proposed project. Detail whether that speed is based on dedicated or shared bandwidth, and detail the technology that will be used. This description can be illustrated by a map or schematic diagram, as appropriate. List the private co-applicant's tiered price structure for all speed offerings in the proposed project area, including the all speed offerings. Please note, DHCD reserves the right to request verified speed tests distributed throughout a service area at times of peak network usage from a co-applicant's existing network to verify a co-applicant's capability to provide broadband service at speeds at or above 100/20 mbps. Describe the co-applicant's methodologies for conducting speed tests. **(up to 10 points)**
10. Explain how the proposed project achieves universal broadband coverage for the locality or fits into a larger plan to achieve universal broadband coverage for the locality. If applicable, explain the remaining areas of need in the locality and a brief description of the plan to achieve universal broadband coverage. **(up to 50 points)**

## **Project Readiness (40 points)**

11. Describe the current state of project development, including but not limited to: planning, preliminary engineering, identifying easements/permits, status of MOU or MOA, and final design. Prepare a detailed project timeline or construction schedule, identifying specific tasks, staff, contractor(s) responsible, collection of data, etc., and estimated start and completion dates. Applicants are encouraged to extensively discuss, where applicable, easements relating to railroad crossings, federally-owned lands and parks, partnerships with the Virginia Department of Transportation, and mobile home parks. Applicants must include Memorandums of Understanding (MOUs) or Memorandums of Agreement (MOAs) between applicants (drafts are allowable). Label Attachments: Attachment 7 – Timeline/Project Management Plan; Attachment 8 – MOU/MOA between Applicant/Co-Applicant; **(up to 10 points)**
12. Has the applicant or co-applicant received any VATI grants? If so, provide a list of these grants, with a detailed summary of the status of each.
13. Matching funds: Complete the funding sources table indicating the cash match and in-kind resources from the applicant, co-applicant, and any other partners investing in the proposed project (VATI funding cannot exceed 80 percent of total project cost). In-kind resources include, but are not limited to: grant management, acquisition of rights of way or easements, waiving permit fees, force account labor, etc. Please note that a minimum 20% match is required to be eligible for VATI, the private sector provider must provide 10% of the required match. If the private co-applicant cash match is below 10% of total project cost, applicants must provide financial details demonstrating appropriate private investment. If applicants and co-applicants are seeking to include prior expended funds as matching funds, Attachment 11 must be completed. Label Attachments: Attachment 9 - Funding Sources Table; Attachment 10 – Documentation of Match Funding; Attachment 11 – Prior Expended Match Form
14. Leverage: Describe any leverage being provided by the applicant, co-applicant, and partner(s) in support of the proposed project. **(up to 10 points)**
15. Communications Plan: Describe efforts to keep the public informed of project progress and the broadband adoption plan.
  - a. Explain how you plan on communicating the project status to stakeholders, including but not limited to County leadership, project areas residents, etc. **(Up to 10 points)**
  - b. Explain how you plan to promote customer take rate, including marketing activities, outreach plan, and other actions to reach the identified serviceable units within the project area. Provide the anticipated take rate and describe the basis for the estimate. **(up to 10 points)**
  - c. Describe any digital literacy efforts to ensure residents and businesses in the proposed project area sufficiently utilize broadband. Please list any partnering organizations for digital literacy, such as the local library or cooperative extension office.

16. Project Management: Identify key individuals who will be responsible for the management of the project and provide a brief description of their role and responsibilities for the project. Present this information in table format. Provide a brief description of the applicant and co-applicant's history and experience with managing grants and constructing broadband communication facilities. Project Budget and Cost Appropriateness (135 points)
17. Budget: Applicants must provide a detailed budget that outlines how the grant funds will be utilized, including an itemization of equipment, construction costs, and a justification of proposed expenses. If designating more than one service area in a single application, each service area must have delineated budget information. For wireless projects, please include delineated budget information by each tower. Expenses should be substantiated by clear cost estimates. Include copies of vendor quotes or documented cost estimates supporting the proposed budget. Label Attachments: Attachment 12 – Derivation of Costs; Attachment 13 - Documentation of Supporting Cost Estimates. **(up to 10 points)**
18. The cost benefit index comprises state cost per unit passed. Individual cost benefit scores are calculated and averaged together to create a point scale for a composite score. Provide the following:
  - a. Total VATI funding request
  - b. Number of serviceable units**(Up to 125 points)**

#### **Commonwealth Priorities (50 points)**

19. Additional points will be awarded to proposed projects that reflect Commonwealth priorities. If applicable, describe the following:
  - a. Businesses, community anchors, or other passings in the proposed project area that will have a significant impact on the locality or region because of access to broadband.
  - b. Unique partnerships involved in the proposed project. Examples include electric utilities, universities, and federal/state agencies.
  - c. Digital equity efforts to ensure low to moderate income households in the proposed project area will have affordable access to speeds at or above 100/20 mbps, include information regarding the internet service provider's participation in the Affordable Connectivity Program.
  - d. The co-applicant's efforts to mitigate supply chain constraints, including labor shortages and order-to-delivery delays on telecommunications materials required to construct broadband networks.
  - e. The applicant's and co-applicant's efforts to promote broadband adoption, including, but not limited to: telehealth, smart farming, e-entrepreneurship, and distance learning.

## **Additional Information**

20. Please attach any letters of support from stakeholders. If the applicant is not a locality(s) in which the project will occur, please provide a letter of support from that locality. Attachment 14 – Letters of Support.
21. Provide any other information that the applicant desires to include. Applicants are limited to four additional attachments.

## List of Required Attachments, PDF Format Required

\*All Attachments **MUST** be uploaded in PDF format

1. Map(s) of project area, including proposed infrastructure.
  - Label Attachment: Attachment 1 – Project Area map
2. Documentation of Federal Funding (CAF/ACAM/USDA/RDOF, etc...) in and/or near proposed project area.
  - Label Attachment: Attachment 2 – Documentation of Federal Funding Area
3. Documentation that proposed project area is unserved based on VATI criteria
  - Label Attachment: Attachment 3 – Documentation Unserved Area VATI Criteria
4. Passings Form (Please use template provided)
  - Label Attachment: Attachment 4 – Passings Form
5. Documentation of RDOF awarded area in VATI project area, If needed
  - Label Attachment: Attachment 5 – RDOF Awarded Areas included in VATI Application
6. Propagation Map and Heat Map if Wireless Project
  - Label Attachment: Attachment 6 – Propagation Map (Wireless Projects only)
7. Timeline/Project Management Plan
  - Label Attachments: Attachment 7 – Timeline Project Management Plan
8. MOU/MOA between applicant/co-applicant (can be in draft form)
  - Label Attachment: Attachment 8 – MOU.MOA between Applicant/Co-Applicant
9. Funding Sources Table
  - Label Attachment: Attachment 9 – Funding Sources Table
10. Documentation for match funding
  - Label Attachment: Attachment 10 – Documentation of Match Funding
11. Prior Expended Match Form
  - Label Attachment: Attachment 11 – Prior Expended Match Form
12. Derivation of Cost (Project Budget)
  - Label Attachment: Attachment 12 – Derivation of Costs
13. Documentation supporting project costs (e.g. vendor quotes)
  - Label Attachment: Attachment 13 – Documentation of Supporting Cost Estimates
14. Letters of Support
  - Label Attachment: Attachment 14 - Letters of Support
15. Two most recent Form 477 submitted to FCC
  - Label Attachment: Attachment 15 – Two most recent Form 477 submitted to the FCC or equivalent
16. Point and Polygon shapefiles, in .zip file form, showing proposed passings and project area
  - Label Attached .Zip Folder: Attachment 16 - Point and Polygon Shapefiles
17. For wireless applicants: shapefiles, in .zip file form, indicating RSSI projections in the application area
  - Label Attached .Zip Folder: Attachment 17 – RSSI Projection Shapefiles
18. Label Additional Attachments as:
  - Attachment 18 – XXXXXXXX
  - Attachment 19 – XXXXXXXX
  - Attachment 20 – XXXXXXXX

## **List of Required Attachments, Shapefiles**

\*All shapefiles **MUST** be functional

1. Point shapefiles that show each proposed passing in the application area as a singular mapped point containing attribute data showing the addresses of each point.
2. Polygon shapefiles delineating the general challenged area(s).
3. For wireless providers: Shapefiles displaying heat maps indicating received signal strength indicator (RSSI) in the application area accounting for terrain and vegetation.

## **Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy**

Effective July 1, 2019

§ 2.2-3705.6:

*(32) Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.*

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

## **Virginia Telecommunication Initiative (VATI) Freedom of Information (FOIA) Policy**

All entities requesting Freedom of Information (FOIA) exemption for information pertaining to the VATI program shall submit the request for exemption in writing detailing the documentation to vati@dhcd.virginia.gov. DHCD FOIA exemptions do not extend to local government co-applicants. Only materials submitted to DHCD directly are subject to consideration for a FOIA-exemption. Pursuant to 2.2-3705.6-32, the Department of Housing and Community Development (DHCD) will make a written determination within ten (10) days of the request as to whether FOIA-exemption will be afforded as well as the nature and scope of the protection. Upon receipt of the written determination from DHCD documents must be submitted to vati@dhcd.virginia.gov. All exempted information will be securely maintained and accessed by VATI staff only.

### **Grant Applications**

**Consistent with VATI Guidelines, DHCD will continue to make available online submitted VATI applications. DHCD respects the right of the public to access to public information about the VATI program and encourages applicants to only request a FOIA-exemption when absolutely necessary. Applications submitted through CAMS must only include information that is open to the public.** Applicants may request to submit supplementary information to the application that includes a FOIA-exemption, pursuant to “§ 2.2-3705.6” for information related to a grant application that may make the application more competitive. FOIA-exemption requests must be sent directly to vati@dchd.virginia.gov, and the applicant must indicate for which VATI application the information corresponds. Applicants wishing to submit multiple FOIA exemption requests for multiple VATI applications must do so individually in separate requests.

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

## **Challenge Applications**

Prospective challengers are strongly encouraged to contact applicants directly and discuss the contested project area before submitting a challenge. Many issues can be resolved without a formal challenge process.

Entities wishing to request FOIA exemption on information related to a VATI application challenge must submit any requested information directly to [vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov). Incumbents with information such as existing street level data in a proposed project area are required to submit a challenge. Challengers wishing to request exemption for multiple challenges must do so individually, in separate requests. Applicants who have received a challenge will be notified and may request FOIA exemption, pursuant to “§ 2.2-3705.6-3” of the Code of Virginia for information pertaining to their rebuttal.

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;*
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and*
- c. Stating the reasons why protection is necessary.*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

## **Grant Monitoring**

Projects awarded funds managed and awarded through the VATI grant making process currently work with DHCD to monitor the completion and success of those projects. Entities wishing to request FOIA exemption on information relevant to evaluating the success of awarded projects, including take rate, must submit any requested information directly to: [vati@dhcd.virginia.gov](mailto:vati@dhcd.virginia.gov)

*In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:*

- a. Invoking such exclusion upon submission of the data or other materials for which protection*

*from disclosure is sought;*

*b. Identifying with specificity the data, information, or other materials for which protection is sought; and*

*c. Stating the reasons why protection is necessary*

*The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.*

## Definitions

**Adjacent** – adjoining parcels sharing a roadway, private or public, other than highways or expressways as a common boundary

**Business** – An organization or entity that provides goods or services in order to generate profit. Businesses based in residential homes can count if they are a registered business (BPOL, LLC, etc.).

**Community Anchor** - schools, libraries, medical and health care providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low-income, unemployed, and the aged.

**Digital Subscriber Line (DSL)** – A technology for bringing high-bandwidth information to homes and small businesses over ordinary copper telephone lines.

**Eligible Project Costs** – Expenses eligible for reimbursement under the VATI grant.

**Fiber-to-the-Home (FTTH)** – A network that delivers internet service over optical fiber directly to an end-user home, business, or other Unit.

**Fixed Wireless** – Wireless devices or systems that are situated in fixed locations.

**Hybrid Fiber Coaxial (HFC)** – A broadband network combining optical fiber and coaxial cable.

**Last-Mile** – Components of a network that provide broadband service to end-user premises or devices through an intermediate point of aggregation (e.g. remote terminal, fiber node, wireless tower, or other equivalent access point).

**Leverage-Non-match** cash or non-match in-kind resources committed to a proposed project that do not qualify as match (i.e. federally funded projects like CAFII, A-CAM, etc.) or being used as match (i.e. volunteer labor, engineering or design, etc.).

**Middle-Mile** – Network components that provide broadband service from one or more centralized facilities (e.g. the central office, the cable head-end, the wireless switching station, or other equivalent centralized facilities) to an Internet point of presence.

**Non-Residential Passing** – Places of worship, federal, state, or local facilities or other potential customers that are neither a residence, business, or a community anchor institution (as defined above).

**Passing** – any structure that can receive service. Multi-unit structures may be counted as more than 1 passing, provided individual connections and accounts are planned at that structure.

**Peak Interval** - Weekdays from 7:00 p.m. – 11:00 p.m. local time.

**Point Shapefiles** – shapefiles that show each proposed passing as a singular mapped point, in the application or challenged area, containing attribute data showing the addresses of each point.

**Polygon Shapefiles** - shapefiles delineating the general project area(s).

**RSSI** - Received Signal Strength Indicator, or RSSI, is an estimated measure of power level that a wireless client device is receiving from an access point or router. See Appendix B for more information.

**Service Area** – Refers to the geographic territory in which an applicant has proposed to provide service.

**Serviceable Units** – Properties that are eligible for broadband service without additional special construction costs from the property owner/subscriber.

**Special construction costs** - one-time fees above normal service connection fees required to provide broadband access to a premise (i.e. service connection drop fee for serviceable units beyond the ISPs set standard length or require nonstandard equipment)

**Street Level Data** – Address ranges or specific addresses from an existing provider along with the existing number of customers within those ranges. No personal information on specific customers will be requested.

**Unserved** – Properties that currently have access to internet speeds below 100 Megabits persecond (Mbps) download and 20 Megabits (Mbps) upload.

## **Appendix A-Sample VATI Application Notice**

**2023 Virginia Telecommunication Initiative  
SAMPLE VATI APPLICATION NOTICE FORMAT**

[Insert Date]

Tamarah Holmes, Ph.D.  
Director  
Office of Broadband  
Department of Housing and Community Development  
600 East Main Street, Ste 300  
Richmond, VA 23219

Dear Dr. Holmes:

I am providing this VATI Application Notice to notify the Virginia Department of Housing and Community Development of **[insert name of unit of local government] and [private provider (optional)]**'s may submit an application for the FY2023 Virginia Telecommunication Initiative (VATI).

**[Name of unit of local government, organization] and [private provider (optional)]** intends to submit an application for **[summary description of Project to be funded]** within approximately **[proposed Project Area(s)]**.

**[Name]** will be our main point of contact for the purposes of the application process, and can be reached at:

**[Mailing Address]**

**[Phone Number]**

**[Email Address]**

**[Name of applicant government, organization and [ private provider (optional)]** understands that this VATI Application Notice is required in order to submit an application for the 2023 Virginia Telecommunication Initiative and that this notice is not binding on the entity represented by the undersigned, Virginia Department of Housing and Community Development.

[Type the closing]

---

[signature]

Type the sender's name]

[Type the sender's title]

## **Appendix B - Received Signal Strength Indicator**

## Received Signal Strength Indicator

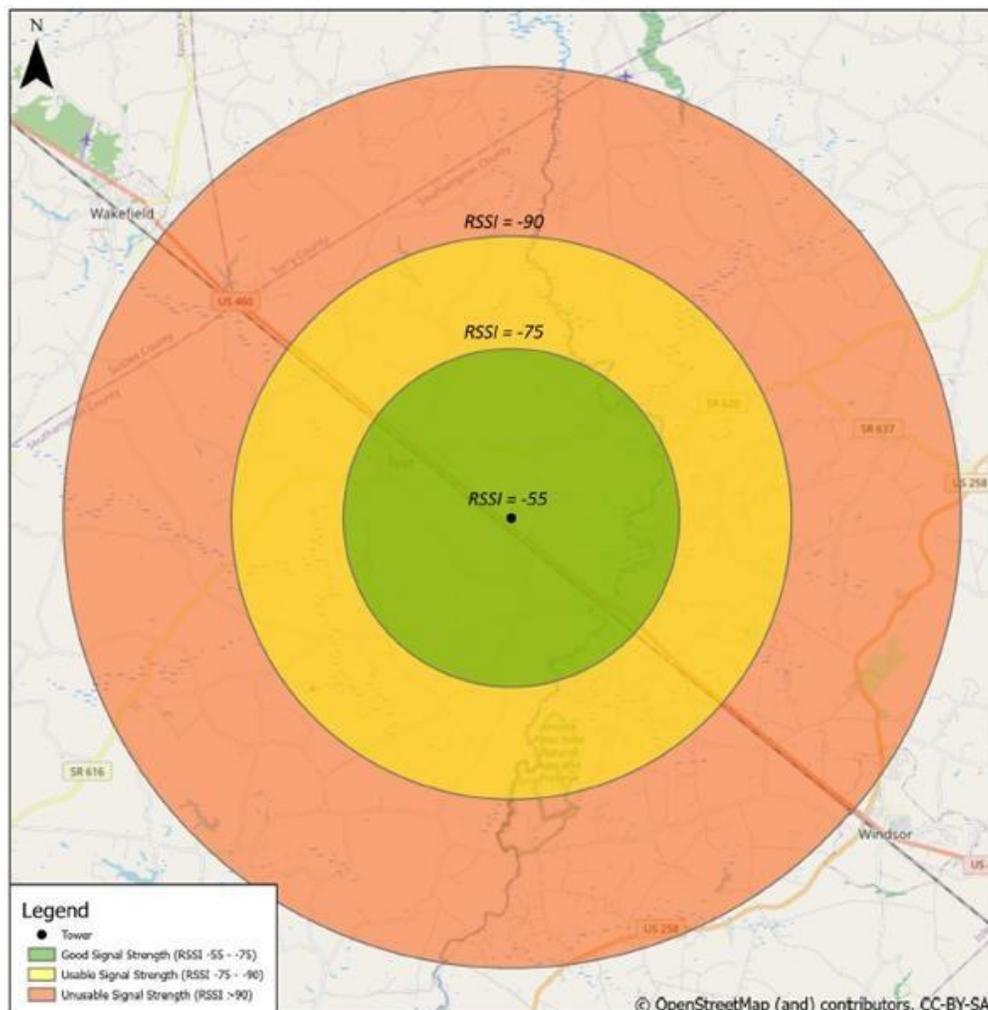
RSSI: Received Signal Strength Indicator is an estimated measure of power level that a wireless client device is receiving from an access point or router.

At larger distances, the signal becomes weaker and the wireless data rates become slower, leading to a lower overall data throughput. RSSI is measured in decibels from 0 to -120, the closer the value to 0 the stronger the signal will be, -55 is considered the best possible signal with measures of -90 and below considered unusable signal. Indoor best practices for mixed use networks see RSSI values of -75 to -80 and for session based networks (Video Conferencing, Wi-Fi calling, etc.)

-60 to -65

Below figure (1) shows an example of the RSSI distribution around a wireless site. Please note this is not an actual representation of wireless coverage maps and shows an unimpeded representation of wireless coverage.

Figure (1)



## **Appendix C – Requirements of Speed Tests**

## Requirements of Speed Tests

As outlined in VATI Program Guidelines and Criteria, DHCD reserves the right to request verified speed tests on all or portion(s) of a co-applicants' or challenger's existing network. Upon the request of DHCD, verified speed tests must be conducted at times of peak network usage and be distributed throughout a challenged area or service territory.

DHCD prefers speed tests be conducted at the access point (i.e. customer premise equipment, router, or modem) at the end-user location. Recognizing the feasibility constraints of conducting speed tests at end-user locations, speed tests that are reported by the management application software at the network operations center will also be considered as valid.

The percent of required speed tests on a co-applicant's or challenger's existing network will depend on the size of the challenged area.

### Requirements of Co-Applicants:

If DHCD requests co-applicants to submit verified speed tests distributed throughout a service territory at times of peak network usage from a co-applicant's existing network. The number of speed tests should be no less than 10% of the passings included in the application area. In the event the co-applicant does not have enough customers to achieve the required 10% or greater speed tests based on the number of passings included in the application area, DHCD will consider field tests data to satisfy the 10% requirement. When submitting this information to DHCD, speed tests or field tests must be listed in a spreadsheet along with the address of the unit or location at which the speed test or field test was conducted. If these materials submitted are incomplete, DHCD will consider the application invalid.

### Requirements of Challengers:

If challengers are required to submit verified speed tests as a part of their challenger, or are requested by DHCD to submit speed test information, the number of required speed tests will be based upon the total number of challenged units. Please see the table below for the required number of speed tests.

Number of Challenged Locations within an Application Area	Less than 500	500 or Greater, but less than 1000	1000 or Greater
Required Percentage of Speed Tests, based on Total Number of Challenged Units	10%	7.5%	5%

In the event the challenger does not have enough customers to achieve the required percentage of speed tests, DHCD will consider field tests data to satisfy the requirement. When submitting this information to DHCD, speed tests and field tests must be listed in a spreadsheet along with the address of the unit or location at which the speed test or field test was conducted. If these materials submitted are incomplete, DHCD will consider the application invalid.