

## Middle Mile Grant Program Waiver FAQ

- Q: Can an Eligible Entity seek a waiver of provisions of the Middle Mile Grant Program NOFO?
- A: Yes. Per section VIII.E of the NOFO, NTIA may, upon its own initiative or when requested, waive NOFO requirements that are discretionary and not mandated by statute or other applicable law. NTIA will grant a waiver only under extraordinary circumstances and when it is in the best interest of the federal government, unless another standard of review is set forth in the NOFO (*see e.g.*, NOFO section III.G.1 regarding waivers made in consultation with Tribal governments and Native entities). Waiver requests will be evaluated on a case-by-case basis, and the burden of meeting the standard of review rests with the requesting party.

A request for waiver may be submitted with a MM Grant Program application as an attachment in the “Additional Waiver Upload” area which is found near the end of the Applicant Information portion of the application. Eligible Entities that have not opened an application may submit a request for waiver to [MiddleMile@ntia.gov](mailto:MiddleMile@ntia.gov). NTIA recommends that eligible entities refer to the Middle Mile Grant Program Waiver Request when preparing their requests.

- Q: Can an Eligible Entity seek a waiver of the letter of credit (“LOC”) requirements set forth in section III.B.1b of the NOFO?
- A: Yes, see Question 3.35 of the [FAQs](#). Any request for a waiver of the LOC requirement must set forth the extraordinary circumstances justifying the grant of a waiver and describe why the grant of a waiver is in the best interest of the federal government. A request for waiver of this requirement should include: (a) an explanation for why the Eligible Entity is not able to obtain the necessary letter from a qualifying bank committing to issue an irrevocable standby LOC by September 30, 2022, or the LOC itself by the relevant deadline), and (b) a description of any alternative arrangements the Eligible Entity would propose in lieu of the NOFO’s LOC requirements.

## Middle Mile Grant Program Waiver Request Sample

1. **Date of Submission:** [Date of Submission]
2. **Program:** Middle Mile Grant Program
3. **Entity Name:** [Legal Name—as identified on SAM.gov] (hereinafter, “Applicant”)
4. **Point of Contact:**
  - a. Name: [Authorized Organizational Representative]
  - b. Title: [Title]
  - c. Primary Phone Number: [Primary Phone Number]
  - d. Email: [Email]
5. **Project Identification:**
  - a. Project Title: [Title]
  - b. Project Identification Number: [Grant Request Number—as identified on the NTIA Grants Portal—e.g., GRN-000XXX]
6. **NOFO Section for which Waiver is Sought:** [Section]
  
7. **Justification:**

Per section VIII.E of the Middle Mile Grant Program Notice of Funding Opportunity (“NOFO”), NTIA may, upon its own initiative or when requested, waive NOFO requirements that are discretionary and not mandated by statute or other applicable law. Unless another standard of review is set forth in the NOFO (see, e.g., section III.G.1 regarding waivers made in consultation with Tribal governments and Native entities), any request for a waiver must set forth the extraordinary circumstances justifying the grant of a waiver and describe why the grant of a waiver is in the best interest of the federal government.

[Applicant’s detailed justification for grant of the requested waiver]

**Signature:**

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[Name of Authorized Organizational Representative]

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[Date]