

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- Preapplication
- Application
- Changed/Corrected Application

*** 2. Type of Application:**

- New
- Continuation
- Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

09-30-2022

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Zayo Group, LLC

* b. Employer/Taxpayer Identification Number (EIN/TIN):

26-2012549

* c. UEI:

EACWBKJV6636

d. Address:

* Street1:

1805 29th Street; Suite 2050

Street2:

* City:

Boulder

County/Parish:

* State:

Colorado

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

80301-0000

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Mike

Middle Name:

* Last Name:

Nold

Suffix:

Title: SVP Corporate Strategy and Development

Organizational Affiliation:

* Telephone Number:

Fax Number:

* Email:

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

Q: For-Profit Organization (Other than Small Business)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

US Department of Commerce (DOC)

11. Catalog of Federal Domestic Assistance Number:

11.033

CFDA Title:

Middle Mile Grant Program

* 12. Funding Opportunity Number:

NTIA-MMG-2022

* Title:

Middle Mile Grant Program

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Deschutes, Crook, Gilliam, Morrow, Umatilla, J

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Zayo Oregon - NorCal - Nevada Middle Mile

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant **CO-02**

* b. Program/Project **OR-02**

Attach an additional list of Program/Project Congressional Districts if needed.

CA-01, CA-02, CA-03, CA-04, CO-02, NV-02

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: **06-01-2023**

* b. End Date: **06-30-2024**

18. Estimated Funding (\$):

* a. Federal	24,059,784
* b. Applicant	24,059,784
* c. State	0
* d. Local	0
* e. Other	0
* f. Program Income	0
* g. TOTAL	48,119,568

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: **Natalie**
Middle Name:
* Last Name: **Boyer**
Suffix:

* Title: **Personal Information / Proprietary Information**

* Telephone Number: **Personal Information / Proprietary Information** Fax Number:

* Email: **Personal Information / Proprietary Information**

* Signature of Authorized Representative: **Natalie Boyer** * Date Signed: **09-30-2022**

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$ 1,393,589	\$	\$ 1,393,589
2. Land, structures, rights-of-way, appraisals, etc.	\$ 4,843,258	\$	\$ 4,843,258
3. Relocation expenses and payments	\$ 0	\$	\$ 0
4. Architectural and engineering fees	\$ 1,026,432	\$	\$ 1,026,432
5. Other architectural and engineering fees	\$ 0	\$	\$ 0
6. Project inspection fees	\$ 238,000	\$	\$ 238,000
7. Site work	\$ 0	\$	\$ 0
8. Demolition and removal	\$ 0	\$	\$ 0
9. Construction	\$ 39,381,795	\$	\$ 39,381,795
10. Equipment	\$ 0	\$	\$ 0
11. Miscellaneous	\$ 0	\$	\$ 0
12. SUBTOTAL (sum of lines 1-11)	\$ 46,883,074	\$ 0	\$ 46,883,074
13. Contingencies	\$ 1,236,494	\$	\$ 1,236,494
14. SUBTOTAL	\$ 48,119,568	\$ 0	\$ 48,119,568
15. Project (program) income	\$ 0	\$	\$ 0
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$ 48,119,568	\$ 0	\$ 48,119,568
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X <u>50</u> %		\$ 24,059,784

INSTRUCTIONS FOR THE SF-424C

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0041), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET.
SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This sheet is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

Column a. - If this is an application for a "New" project, enter the total estimated cost of each of the items listed on lines 1 through 16 (as applicable) under "COST CLASSIFICATION."

If this application entails a change to an existing award, enter the eligible amounts *approved under the previous award* for the items under "COST CLASSIFICATION."

Column b. - If this is an application for a "New" project, enter that portion of the cost of each item in Column a. which is *not* allowable for Federal assistance. Contact the Federal agency for assistance in determining the allowability of specific costs.

If this application entails a change to an existing award, enter the adjustment [+ or (-)] to the previously approved costs (from column a.) reflected in this application.

Column. - This is the net of lines 1 through 16 in columns "a." and "b."

Line 1 - Enter estimated amounts needed to cover administrative expenses. Do not include costs which are related to the normal functions of government. Allowable legal costs are generally only those associated with the purchases of land which is allowable for Federal participation and certain services in support of construction of the project.

Line 2 - Enter estimated site and right(s)-of-way acquisition costs (this includes purchase, lease, and/or easements).

Line 3 - Enter estimated costs related to relocation advisory assistance, replacement housing, relocation payments to displaced persons and businesses, etc.

Line 4 - Enter estimated basic engineering fees related to construction (this includes start-up services and preparation of project performance work plan).

Line 5 - Enter estimated engineering costs, such as surveys, tests, soil borings, etc.

Line 6 - Enter estimated engineering inspection costs.

Line 7 - Enter estimated costs of site preparation and restoration which are not included in the basic construction contract.

Line 9 - Enter estimated cost of the construction contract.

Line 10 - Enter estimated cost of office, shop, laboratory, safety equipment, etc. to be used at the facility, if such costs are not included in the construction contract.

Line 11 - Enter estimated miscellaneous costs.

Line 12 - Total of items 1 through 11.

Line 13 - Enter estimated contingency costs. (Consult the Federal agency for the percentage of the estimated construction cost to use.)

Line 14 - Enter the total of lines 12 and 13.

Line 15 - Enter estimated program income to be earned during the grant period, e.g., salvaged materials, etc.

Line 16 - Subtract line 15 from line 14.

Line 17 - This block is for the computation of the Federal share. Multiply the total allowable project costs from line 16, column "c." by the Federal percentage share (this may be up to 100 percent; consult Federal agency for Federal percentage share) and enter the product on line 17.

Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, 'New Restrictions on Lobbying.' The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant, or cooperative agreement.

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification.

*** NAME OF APPLICANT**

Zayo Group, LLC

*** AWARD NUMBER**

NTIA-MMG-2022

*** PROJECT NAME**

Zayo Oregon - NorCal - Nevada Middle Mile

Prefix:	* First Name:	Middle Name:
	Natalie	

* Last Name:	Suffix:
Boyer	

* Title: Consultant

* SIGNATURE:
Natalie Boyer

* DATE:
11/21/2022

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Grant Request Number	GRN-001216
Funding Program Name	Middle Mile Broadband Infrastructure Grant Program
Funding Request Name	NKB Consulting - Middle Mile - GRN-001216
Applying Organization	Zayo Group, LLC
Applicant Name	Joel Daly

Primary Applicant Type

Identify the primary applicant type:

Single Entity

Primary Entity Type

Type of entity: Primary entity type, (A) a State, political subdivision of a State, Tribal government, technology company, electric utility, utility cooperative, public utility district, telecommunications company, telecommunications cooperative, nonprofit foundation, nonprofit corporation, nonprofit institution, nonprofit association, regional planning council, Native entity, or economic development authority; or (B) a partnership of two (2) or more entities described in (A).

What is the primary applicant's entity type?

Telecommunications Company

Is parent/owner of applicant a foreign entity?

No

Managerial Capability

Applicants shall submit to the Assistant Secretary one-page resumes for (a) all key management personnel and (b) all key personnel of subcontractors or other entities that will play substantial roles in building, managing, or operating the middle mile network built using Middle Mile Grant (MMG) Program funding.

Key Personnel - **Personal Information / Proprietary Information**

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Key Personnel - **Personal Information / Proprietary Information**

Organizational Charts

Each applicant shall submit any necessary organizational chart(s) detailing all of its parent companies, subsidiaries, and affiliates.

Personal Information / Proprietary Information

Organizational Details

Each applicant must also provide a narrative describing the applicant's readiness to manage a middle mile broadband network. This narrative should describe the experience and qualifications of key management set to undertake this project, the applicant's experience undertaking projects of similar size and scope, recent and upcoming organizational changes including mergers and acquisitions, relevant organizational policies, and ownership information consistent with 47 CFR § 1.2112.

This narrative shall denote who will own the assets at the end of award period. This response is limited to 6000 characters as an open field narrative.

Founded in 2007, Zayo Group Holdings, Inc. ("Zayo") is the leading independent provider of fiber communications infrastructure in North America. Zayo has over 3,400 employees and delivers an unmatched network that covers 133,000 fiber route miles and 15 million miles of fiber, serving 44,000 one-net buildings, 1,400 on-net data centers, and over 370 cloud on-ramps. Zayo is a carrier's carrier serving large and small wireline and wireless service providers on a carrier-neutral basis. Zayo's offerings enable our customers' mission critical, high-bandwidth applications, such as cloud-based computing, video, mobile, social media, machine-to-machine connectivity, and other bandwidth-intensive applications. Our products include leased dark fiber, fiber to cellular towers and small cell sites, dedicated Wavelength connections, Ethernet, IP connectivity, data center colocation, cloud offerings and other high bandwidth offerings. The real party in interest of Zayo is Front Range JV, LP as the 100% owner of Zayo through its ownership of intermediate companies. There are 42 entities that own 10% or greater of Zayo, either directly or indirectly. Additional information regarding these entities can be provided upon request due to the character limitation.

Zayo is the direct or indirect owner of the following FCC regulated entities: Zayo Group, LLC, Allstream Business US, LLC, Electric Lightwave, LLC, ENA Healthcare Services, LLC and ENA Services, LLC. To Zayo's knowledge, certain other entities that indirectly own or control 10% or greater of Zayo through Front Range TopCo, Inc. also indirectly own or control 10% or greater of the following FCC regulated entities: Lumos Telephone of Botetourt Inc., Lumos Telephone Inc., North State Telephone Company, North State Communications Long Distance, LLC, North State Communications Advanced Services, LLC, and North State Communications, LLC.

Upon conclusion of network construction, and in perpetuity, Zayo will own all the network assets including but not limited to all: conduit, fiber, active and passive network equipment, points of presence, access point equipment and any supporting infrastructure. Vertical Bridge will own all the tower assets and related on-premises, tower-specific infrastructure, with exception of the fiber connectivity (e.g., conduit, fiber) owned by Zayo; except for any wireless provider-owned equipment (e.g., antennae) owned by the wireless ISPs.

Over the last 6 years, Zayo has built and is operating/maintaining over 5,000 new route-miles of long haul fiber routes across 17 states including the following:

Persons: Internal or Proprietary Information

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Zayo also assisted the National Telecommunications and Information Administration (NTIA) to complete a \$100 million Broadband Technology Opportunities Program (BTOP) grant that was awarded to the Eagle-Net Alliance, inter-governmental middle mile provider in Colorado. When Eagle-Net could

not complete the project, Zayo took over to manage, support, and fulfill the middle mile project.

Zayo has not experienced any recent disruptive changes to its organization, nor anticipates any upcoming organizational changes that will at all impact or create any risk to the completion of the project.

The Zayo senior management team includes:

Personal Information / Proprietary Information

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Form CD-511 (Certification Regarding Lobbying)

The applicant must upload a completed form that certifies that Federal funds have not and will not be used for lobbying in connection with this request for Federal financial assistance. A fillable Form CD-511 can be found in the MMG ZIP folder.

Zayo CD511 Signed-09-29-2022 11-49-NKB Consulting-GRN-001216.pdf, Zayo CD511 Signed-11-21-2022 UMT REN-11-21-2022 10-26-Zayo Group, LLC-GRN-001216.pdf

Standard Form-LLL (Disclosure of Lobbying Activities)

Standard Form-LLL must be completed and submitted for those applicants that need to disclose lobbying activities that have been secured to influence the outcome of a Federal action. A fillable

Form SF-LLL can be found in the MMG ZIP folder.

SAM.gov Registration

Applicants are asked to upload a screenshot of their SAM.gov registration.

Zayo SAM Registration-09-29-2022 11-53-NKB Consulting-GRN-001216.png, SAM-04-10-2023 04-06-Zayo Group, LLC-GRN-001216.gov screenshot.png

Additional Waiver Upload

Please upload, as applicable.

Executive Summary

Please describe how the applicant's proposal will advance the objectives of the MMG Program, as well as the specific objectives of outlined in the Notice of Funding Opportunity (NOFO);

An overview of the proposed route or service area(s), including information regarding rurality and socio-economic indicators in the area to be served by the proposed project.

This response is limited to 12000 characters as an open field narrative.

Founded in 2007, Zayo Group Holdings, Inc. is the leading independent provider of fiber communications infrastructure in North America, and a leader in regions of Western Europe. With over 3,400 employees, Zayo delivers an unmatched network that covers 133,000 fiber route miles and 15 million fiber miles, serving 44,000 one-net buildings, 1,400 on-net data centers, and over 370 cloud on-ramps.

Over the last 5 years, Zayo has built and is operating/maintaining over 4,000 new route-miles of long haul (also called middle mile) fiber routes across 17 states. We have the experience, expertise, and financial resources to make this proposed middle mile fiber project a great outcome for all.

Zayo is planning to develop a long, multi-state, high-capacity, underground fiber route of more than 645 route miles, of which 213 miles have been built and 432 miles will be built through the Middle Mile Grant Program (MMGP), and 2.3 million linear feet of fiber that traverses vast regions of underserved communities in Oregon, California, and Nevada where there are high rates of unserved and underserved households, businesses, and community anchor institutions in need of broadband. The route will stretch from Northern Oregon, traveling South through the eastern portion of the State, then through a large section of Northeast California and, ultimately to Reno, NV. This unique 645-mile route, of which 213 miles have been built and 432 mile will be built through the MMGP, directly pass solely

through an expanse of underserved areas, in all three states, to the delight of all respective State broadband offices, local ISPs, and communities.

Zayo is also partnering with Vertical Bridge to construct middle mile infrastructure in the form of 180-foot towers that can host up to 4 last mile wireless ISPs that will provide fixed and mobile 5G wireless broadband. The cell tower infrastructure enables fixed wireless broadband as well as expanding mobile 5G broadband.

The purpose of this project is to provide a unique middle mile fiber network that will serve rural areas that currently have inadequate broadband services. Our network will provide the necessary backbone to deliver broadband to these communities. For many of these communities, the lack of a reliable fiber middle mile network has been the main inhibitor of access to broadband services.

The fiber route proposed in this project will pass by or through 14 counties: Deschutes, Crook, Gilliam, Morrow, Umatilla, Jefferson, Wheeler, Lake, and Klamath in Oregon; Sierra, Plumas, Lassen, and Modoc in California; and Washoe in Nevada. The percent of the populations in these counties that fall under the federal poverty rate ranges between 8.1 percent and 19.7 percent. All but one of these counties (Washoe County in Nevada) have access to broadband at a median speed at or less than 25 Mbps down/5 Mbps up. There are more than 20,000 households in Oregon and California that will potentially benefit from our proposed middle mile fiber network in this application. There are ten (10) school districts that have a high level (Greater than 60%) of participation in the federal school lunch program. There is a tremendous need for a middle mile fiber network to serve these 14 rural counties. The rural areas to be served under this project have unreliable broadband service where it is available, and the cellular reception and service is very poor.

The benefits of this project will be profound for these communities. The availability of robust broadband will make possible remote educational opportunities, telemedicine, and reliable public safety communications. The new cell towers that are included in this project will not only expand mobile broadband access but also promote consumer choice, increasing the availability of middle mile infrastructure for wireless ISPs.

We have identified more than 20 key anchor institutions in Oregon and California that can potentially be served by this project as well as 100+ smaller institution sites that may benefit from our proposed network. Zayo's network will also provide access to LinkOregon, a last mile provider focused on serving Oregon's educational K-12 and higher education, libraries, Tribes, remote state offices, and other public and non-profit organizations and facilities across Oregon. There are also two major healthcare institutions in Eastern Oregon that will have access to our network.

In Oregon, Zayo has already constructed a significant portion of the connecting route: Umatilla, OR to La Pine, OR. From Umatilla to La Pine, Zayo will retrofit the network to support access points for the underserved and has designed the remainder of the new construction for that purpose. The rest of the greenfield engineering plan has already been developed, through to the Oregon/California border. Beyond Oregon, Zayo's route will continue South for 180 miles through Northeast California, all along interstate 395. The State of California's broadband office had identified this region as a top priority. In fact, our proposed route directly corresponds with one of the middle mile fiber routes the state sees as necessary to address the broadband access needs of rural communities and anchor institutions in this part of the state. Zayo has worked with the State and has identified ideal access points based on the

location of local communities and key institutions. Zayo met with Kevin Kramer, CEO of Modoc Medical Center in Alturas, CA about the necessity of our proposed fiber route to enhance broadband at the main hospital for northeast California.

Our proposed network crosses through the Pit River Tribe, which is a federally recognized tribe of eleven bands of indigenous peoples of California, enabling last mile connectivity which is currently not available in the area.

Regarding the 13-mile leg that connects California to Reno, Nevada, Zayo has worked with Nevada's state broadband office to identify the highest needs for improved connectivity according to the broadband office. In particular, we are going to target Washoe County and work with local SkyFiber to deliver world-class connectivity to its homes, schools, and critical institutions. SkyFiber came highly recommended by the State broadband office.

The project includes twenty-five (25) access points, i.e., Integrated Line Amplifiers (ILA's) with add/drops. These access points are scoped to provide ready access to Zayo's local ISP partners. The network has been designed to include access points to serve underserved and unserved areas in all three states.

Zayo has collaborated with the State Broadband Offices of Oregon, California, and Nevada. We have attached letters of advocacy and support from all three State broadband directors of Oregon and Nevada and a letter from the head of **Personal Information / Proprietary Information**

Personal Information / Proprietary Information The consortium provides high-speed, fiber-optic broadband connectivity and shared network services to Oregon's public and non-profit sectors including K-12 and higher education, libraries, Tribes, public healthcare organizations and remote state offices. As the largest independent provider of K-12 e-rate services in the nation, Zayo is proud and eager to work with **Personal Information / Proprietary Information** to evaluate follow-on opportunities to support education and similar public organizations.

We have sought, and received, insights and guidance from the respective State Broadband Directors offices insights and guidance to determine: (1) optimal access points to communities and anchor institutions along the route, and (2) recommendations for local ISPs who have earned their trust. Based on their input, Zayo has tailored the route-design to maximize its positive impact and coordinated with the ISPs listed above.

To ensure success and digital equity, Zayo has been coordinating with local wireline ISPs across all states:

- **Personal Information / Proprietary Information**
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Personal Information / Proprietary Information
Personal Information / Proprietary Information

Zayo has active and long-standing relationships with some of these ISPs and supporting letters from some of these providers.

In addition to the terrestrial fiber route proposed in this project, Zayo is partnering with Vertical

Bridge, the largest privately owned cell tower company in the United States, to construct 2 towers along our proposed fiber route. These towers will serve up to 4 wireless ISPs on a non-discriminatory basis and allow our project to provide both fiber and wireless broadband services. This enhances resiliency and consumer choices. These towers will provide access to last mile 5G wireless ISPs on a fixed and mobile basis.

Zayo's route-planning has been informed by the location and need of regional anchor institutions. For example, Zayo met with **Personal Information / Proprietary Information**

Personal Information / Proprietary Information. They described a dearth of broadband connectivity that significantly impairs their ability to serve patients and their satellite locations. Even their main hospital, the only broadband location, has single-threaded, non-resilient connectivity that results in frequent, long, dangerous outages (at least 4x per year, according to Hunter Communications). Zayo and **Personal Information / Proprietary Information** plan to work with **Personal Information / Proprietary Information** to design the solution, as well as for other neighboring institutions. We have attached a letter of advocacy from **Personal Information / Proprietary Information**. Zayo will provide critical broadband service to rural healthcare institutions in **Personal Information / Proprietary Information**. Further, their patients who need at-home connectivity to participate in telemedicine services will also benefit from the network, through Zayo's ISP partners.

The engineering and network design are well advanced for this project. The route that would be funded by the MMGP will connect with a previously built and operated Zayo route connecting Umatilla, Oregon to Portland, Oregon with an underground fiber network. We are also working with the **Personal Information / Proprietary Information**, which serves underserved communities and educational institutions in **Personal Information / Proprietary Information**. We are hopeful that this collaboration will help expedite the remaining zoning and permitting requirements so that the project can be completed according to the timelines identified in this application.

Our business model will provide non-discriminatory, open access to all last mile carriers. This is a perpetual policy and will be maintained for the life of this project. We have also identified some large enterprise customers to be served by this route and thus enhancing the financial feasibility of the project. The federal MMGP allows Zayo to ensure underserved and unserved populations including community anchor institutions can access this network.

Throughout the route, and through its local ISP partners and digital equity consultancies, Zayo plans to promote digital equity efforts to enable communities to harness their new broadband capabilities. The overall cost of this project is \$48,119,568. Our grant request application is for \$24,059,784 in MMGP funds. Zayo intends to match that grant amount with a cash contribution of \$24,059,784 or 50% cost share. We believe that the 50% support from the MMGP is sufficient to sustain this project beyond the grant period.

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Zayo has extremely high confidence and clarity in completing this robust network efficiently, on schedule and on budget. Zayo has significant regional knowledge and a deep track record of success in developing similar routes. Zayo is poised for this and will bring all of its expertise and resources to bear, to create a great outcome for the communities.

Level of Need

A description of the level of need in the proposed service area(s), including but not limited to communities considered unserved and/or underserved in the proposed service area(s), discussion of the competitive landscape in the area, variations among service areas if there are any, or the general economic conditions in the proposed funded service area.

This response is limited to 12000 characters as an open field narrative.

The Umatilla, OR to Reno, NV route proposed in this application is a unique route that has intentionally been designed to traverse underserved areas and develop needed network resilience and bandwidth scale that currently does not exist. The fiber route proposed in this project will pass by or through 14 counties: Deschutes, Crook, Gilliam, Morrow, Umatilla, Jefferson, Wheeler, Lake, and Klamath in Oregon; Sierra, Plumas, Lassen, and Modoc in California; and Washoe in Nevada. The percent of the populations in these counties that fall under the federal poverty rate ranges between 8.1 percent and 19.7 percent. All but one of these counties (Washoe County in Nevada) have access to broadband at a median speed at or less than 25 Mbps down/5 Mbps up. There are more than 20,000 households in Oregon and California that will potentially benefit from our proposed middle mile fiber network in this application. There are ten (10) school districts that have a high level (greater than 60%) of participation in the federal school lunch program.

Zayo's source to verify selected qualification(s) and demonstrate that substantial benefits stemming from funded middle mile infrastructure will accrue is the U.S. Census Bureau SAIPE program's data through ESRI; <https://www.census.gov/programs-surveys/saipe/about.html>

The U.S. Census Bureau's Small Area Income and Poverty Estimates (SAIPE) program provides annual estimates of income and poverty statistics for all school districts, counties, and states. The main objective of this program is to provide estimates of income and poverty for the administration of federal programs and the allocation of federal funds to local jurisdictions.

The percentage in poverty by county are as follows:

- Klamath County, OR - 19.7%
- Modoc County, OR - 17.9%
- Lake County, OR - 15.7%
- Lassen County, CA - 15.5%
- Plumas County, CA - 13.5%
- Jefferson County, OR - 12.5%
- Umatilla County, OR - 11.7%
- Sierra County, CA - 11.5%
- Morrow County, OR - 11.5%
- Gilliam County, OR - 10.7%
- Crook County, OR - 10.3%

- Washoe County, NV - 10.2%
- Deschutes County, OR - 8.1%

The fiber route proposed in this application is a unique route that has intentionally been designed to traverse underserved areas and develop needed network resilience and bandwidth scale that currently does not exist. The Zayo network for this project was specifically designed to provide access points to serve the underserved and unserved areas that we identified based on the latest available FCC broadband map and working with the state broadband offices in Oregon and California. We also identified 22 anchor institutions near our proposed route and our proposed access points will enable local last mile carriers to connect these institutions to our network.

We have identified more than 20 key anchor institutions in Oregon and California that can potentially be served by this project as well as 100+ smaller institution sites that may benefit from our proposed network. Zayo's network will also provide access to **Personal Information / Proprietary Information**

[REDACTED]. There are also two major healthcare institutions in Eastern Oregon that will have access to our network.

Zayo, using ESRI data, which sources from data through the US Census Bureau Surveys as well as NOAA, has identified 10 specific unserved areas in California and Oregon along the proposed route.

These 10 areas and the 143 Community Anchor Institutions (CAIs) within each area are as follows:

- Alturas, CA - 57 CAIs
- Davis Creek, CA - 1 CAI
- Doyle, CA - 2 CAIs
- Fossil, OR - 14 CAIs
- Ione, OR - 2 CAIs
- Lakeview, OR - 51 CAIs
- LaPine, OR - 10 CAIs
- Mitchell, OR - 1 CAI
- Paisley, OR - 4 CAIs
- Umatilla, OR - 1 CAI

To enable connection, Zayo will implement an awareness plan to reach these unserved institutions. The plan includes, but is not limited to, the following:

- Public outreach/relations, press releases and blog announcements with State's Broadband offices.
- Direct outreach by our education business unit Education Networks of America to critical anchor institutions.
- Sponsored digital inclusion programs led by the NDIA for local communities,
- Through this project Zayo aims to deliver:
- Access to fast and reliable internet to the local business and anchor institutions through partnerships with local ISPs

- Zayo's enterprise solutions can facilitate modern value-added managed services in addition to the network infrastructure
- Zayo's business unit Education Networks of America would enable best in class E-RATE services for the local schools.

The benefits of the services to these unserved anchor institutions include:

- This broadband access will provide access for local communities to utilize on-line services for critical anchor institutions that provide internet access to schools, telemedicine services for residents and high performing/reliable internet access for local businesses.
- Local businesses can operate and grow anywhere. However, every business needs high performing and reliable internet access.
- This solution provides better performance and better reliability with this investment of providing carrier grade connectivity that is mostly underground.

Zayo's proposed project will enable reliable and fast internet connections to the unserved anchor institutions within 1000 feet by using the included access points (off-ramps and towers).

There is a tremendous need for a middle mile fiber network to serve these 14 rural counties. This underground fiber network in this project will be unique and there is no other similar network currently available. The rural areas to be served under this project have unreliable broadband service where it is available, and the cellular reception and service is very poor.

Currently there are no other providers within 100+ miles of the route that provide comparable middle mile infrastructure that Zayo has planned. As a result, the surrounding communities lack resilient broadband connectivity and, nearly everywhere along the route, any broadband connectivity at all.

Across the three states, the route will pass by or through 13 counties that are currently unserved and underserved, having median broadband speeds less than 100 Mbps down and 25 Mbps up. Because there is no other similar middle mile fiber route serving these areas our network will make it possible for end-user broadband customers to access robust broadband that is not currently possible.

The material improvement in broadband service will be reflected in terms of end user pricing and latency. In addition, the underground nature of the proposed fiber route will enhance resiliency.

Bend, OR, for example, currently has broadband connectivity through a patchwork of legacy DSL and Fiber from CenturyLink, mobile hotspot connectivity from T-Mobile, or low-bandwidth, high latency connectivity from satellite providers HughesNet and ViaSat. This is clearly a suboptimal situation and, yet, the best for hundreds of miles along the route we intend to serve under this project application.

Along much of the rest of the Oregon route, the closest reliable broadband path is an old Bonneville Power Administration (BPA) route that is 20+ years old, routing through Central Oregon coming originating from the Western part of the state. BPA, most recently, has been removing carriers from its fiber due to concerns with fiber and recent energy issues. The path is aerial and limited to access only at transmission stations every 50-60 miles, not necessarily near the center of towns. While there are some fiber providers in Oregon that have limited networks, their systems are mostly aerial and subject to harsh environmental conditions in the region which can lead to outages.

The Southeast section of the route as well as Northeast California are known for being unserved or underserved. Satellite services are the closest viable service to much of this area. This service through LEO or GEO satellite services can have latency levels over 100 milliseconds. With the middle mile fiber route, the latency levels back to Portland, OR or Reno, NV **Personal Information / Proprietary Information**
[REDACTED] For reference for Satellite latency, <https://itrinegy.com/satellite-communications-blog-part-1/>

In regards to fiber, two fiber routes between Oregon and California today go through the town of Klamath Falls, OR, 85 miles West of the Zayo's MMGP proposed route. These routes extend 254 miles from Klamath Falls, OR to Sacramento, CA and then to Reno, NV to send traffic East. **Personal Information / Proprietary Information**
[REDACTED]
[REDACTED]
[REDACTED]

Personal Information / Proprietary Information

[REDACTED]
[REDACTED]
[REDACTED]

Further, Zayo is classified as a Tier-1 Internet Service Provider (ISP) and ranked as one of the top 10 connected ISPs in the world by CAIDA (<https://asrank.caida.org/>). These connections lower latency because Zayo is directly connected to other Tier-1 providers, so traffic takes fewer hops from origination to destination globally. If an ISP would purchase Internet Access on this route, their infrastructure would be able to take advantage of Tier 1 network connectivity for the community. The Nevada State Broadband office has clarified that our proposed route cuts through a sorely underserved path with no competitive connectivity in that state. Hence, their advocacy. The tower locations selected by our partner Vertical Bridge are based on research and network design conducted by at least one wireless ISP interested in expanding coverage in these areas. Wireless coverage in these areas is very poor and the towers proposed in this application will highly improve reception and enable both mobile and fixed 5G wireless service. The California portion of the project addresses a major component of the middle mile needed under the California Middle Mile Initiative (CMMI). The CMMI seeks to address broadband needs through the state and the northern section of California, which is one of the first priorities to address in the rural counties of Lassen and Modoc. The Modoc Health system is a supporter of the broadband initiative and is one of the critical institutions serving the community currently with limited single threaded bandwidth options. In the Northeast section of California, the Zayo network crosses through the Pit River Tribe. Along our proposed route, there are several federally recognized Tribes, including the Pit River Tribe, where there is little to no last mile broadband service. Our middle mile route will make broadband service to these Tribes possible for the first time. The Tribe is outside of the cable company's main serving area and the Tribe needs to find a broadband solution.

State Collaboration Acknowledgement

NTIA strongly encourages prospective non-state applicants to coordinate and consult with the State Broadband Office or other coordinating body located in the jurisdiction in which the eligible entity proposes to deploy middle mile infrastructure to ensure that the proposal is consistent with the state's broadband plan and priorities. Please confirm collaboration and consultation.

Do you confirm collaboration and consultation with the appropriate organization?

Yes

State and Local Collaboration Narrative

Please provide information on the applicant's coordination with applicable State, Territory, Tribal, and local governments, including their awareness of the proposed project and any potential impact to respective service areas; and

Information regarding the applicant's involvement and coordination with community organizations or other relevant partners in the proposed service area.

This response is limited to 6000 characters as an open field narrative.

Zayo has collaborated with the State Broadband Directors in all three states through which our proposed fiber route will pass. We have received letters of advocacy and support from the State Broadband Directors of Oregon and Nevada. We sought, and received, insights and guidance from each of the respective State Broadband Directors offices to determine: (1) optimal access points to communities and anchor institutions along the route, and (2) recommendations for local ISPs who have earned their trust. Based on their input, Zayo has tailored the route-design to maximize its positive impact and coordinated with their recommended ISPs listed.

In Oregon, specifically, Zayo worked with the State Broadband Office to identify access points along the route that runs south of Umatilla, OR through the Eastern part of Oregon which has many underserved and unserved areas that are priorities for the Broadband Office to address. Our discussions have included coordinating with **Personal Information / Proprietary Information**

Personal Information / Proprietary Information. The State Broadband Office also identified two healthcare systems in Bend and Lakeview, Oregon that will benefit from this project. Zayo and **Personal Information / Proprietary Information** plan to provide tailored service to **Personal Information / Proprietary Information** as well as for other neighboring institutions in **Personal Information / Proprietary Information**. There is a groundswell of support to partner with Zayo to increase connectivity throughout the community. We have attached a letter of advocacy from **Personal Information / Proprietary Information**.

In California, Zayo's outreach to the State included not only the State Broadband Office but also with representatives of the State's Middle Mile Initiative, <https://middle-mile-broadband->

initiative.cdt.ca.gov/ . The northeast section of the state has been underserved and reliant on speeds through DSL and satellite service.

Zayo has reached out to the Pit River Tribe and is working with them to address their broadband needs and make our middle mile network available to them and local last mile providers that will serve the Tribal areas. Since the initial submission in November 2022, Zayo has reached a formal, written agreement with the Pit River Tribe to allow Zayo to build the path along US 395 adjacent to the tribal land in compliance with Tribal requirements. Middle Mile Access will be available on the tribal land as part of the Middle Mile Grant Program and will significantly benefit the Tribe.

Along the I-395 section of the California route, the network crosses through the Pit Tribal group. The Pit River Tribe is a federally recognized tribe of eleven bands of indigenous peoples of California, mainly in Northeast California. As Zayo builds the network, Zayo will work with the Tribe to assess broadband connectivity. Depending on the Tribal last mile broadband connectivity, different options could be supported from the Middle Mile grant. Last mile connectivity will be important since the option was not previously available in the area. Similar groups are available including [REDACTED] for discussion on means to establish a last mile connectivity option, and Zayo would solicit interest by the Tribe and potential ISPs to assess leveraging Middle Mile connectivity to support last mile connectivity.

The Nevada State Broadband Office has clarified that our route cuts through a sorely underserved path with no competitive connectivity from the California border to Reno, NV.

Will the project connect middle mile infrastructure to last mile networks that provide or plan to provide broadband service to households in unserved areas?

Yes

Is the project connecting non-contiguous trust lands?

No

Do you commit to offering wholesale broadband service at reasonable rates on a carrier-neutral basis?

Yes

The eligible entity adopts fiscally sustainable middle mile strategies. This strategy should be described in the Budget Narrative.

Do you attest to this?

Yes

The eligible entity commits to offering non-discriminatory interconnect to terrestrial and wireless last mile broadband providers and any other party making a bona fide request. This policy will be described in the Interconnect Policy.

Do you attest to this?

Yes

The eligible entity identifies specific terrestrial and wireless last mile broadband providers that have(i) expressed written interest in interconnecting with middle mile infrastructure planned to be deployed by the eligible entity; and ii) demonstrated sustainable business plans or adequate funding sources with respect to such interconnection. This may be demonstrated in the Level of Need narrative of the Exec Summary.

Do you attest to this?

No

The eligible entity has identified supplemental investments or in-kind support (such as waived franchise or permitting fees) that will accelerate the completion of the planned project. Such acceleration may be described in the Project Timeline narrative.

Do you attest to this?

No

The eligible entity has demonstrated that the middle mile infrastructure will benefit national security interests of the United States and the Department of Defense. The benefits may be explained in the Benefitting National Security Interests Narrative.

Do you attest to this?

Yes

Please describe:

The proposed Middle Mile route would be the only fully diverse route from Oregon to Reno that could be leveraged by the **Personal Information / Proprietary Information** or Homeland Security to avoid other common routes in use today. Today, routes from Oregon to California for the power grid go through Klamath Falls to get to California for Western Electric Coordinating Council (WECC) and the grid system. Since there are fires in Southern Oregon and Northern California, groups are now aware that the fires spread across towns, so any diversity on the route is limited by proximity.

Another aspect of Zayo's proposal is the underground design of the route. Winter storms in Oregon and California have shutdown access in the Eastern part of the States for more than a week. Ice accumulates on poles, and the inability to reach locations increases the likelihood of a pole or tree to fall which could damage fiber on lines. The Zayo underground solution hardens the network to reduce the likelihood of this situation.

Personal Information and other federal groups have in the past expressed interest in securing additional diversity options across the West. Today, **Personal Information** and other government routes run along Hwy 97 between Oregon and California. This route entirely avoids this to go to Reno which could then leverage other routes to reach Hill Airforce Base in Salt Lake City. Further, it should shorten and avoid existing PacifiCorp routes in place which add diversity to the power grid.

Project

Duration

Number of Years

2

Project Timeline Narrative

The narrative requires the Applicant to describe a project with critical path, including key milestones for implementation of the project, preparations, and risk factors; and a capital investment schedule evidencing that the applicant will complete build-out and the initiation of service within five years of the date on which the entity receives the grant and will meet interim buildout requirements set forth herein and in any other binding document.

If the project is able to be accelerated with supplemental investments or in-kind support to meet a statutory purpose, this should be explained.

This response is limited to 6000 characters as an open field narrative.

Start Date: 6/1/2023

End Date: 9/30/2024

Total Years: 1.3

Completed during the 5yr performance period

Total Capital Investment is \$48,119,568 with a federal assistance request of \$24,059,784

Capital Investment plan is as followings:

1. 2023: **Personal Information / Proprietary Information**
2. 2024: **Personal Information / Proprietary Information**

Planned Awards are targeted for 1H2023. Zayo assumes project start will be by 6/1/2023. The project

would be kick-off to align feasibility studies, site selections, engineering, equipment, and vault delivery. We estimate completion of this project 9/30/2024 which is within the 5yr performance period. Risk factors are primarily supply chain issues and permitting.

The project is broken down into 1 phase for fiber and tower deployment. There are only 2 tower deployments. The tower deployment will happen in parallel with the fiber build and can be deployed much faster.

Below is a description of the project and its phases.

- MOUs **Personal Information / Proprietary Information**
 - Site Selection **Personal Information / Proprietary Information**
 - Underlying Rights **Personal Information / Proprietary Information**
 - Design Engineering **Personal Information / Proprietary Information**
 - Permitting **Personal Information / Proprietary Information**
 - Conduit Delivery (5 days): **Personal Information / Proprietary Information**
 - Vault Delivery (5 days): **Personal Information / Proprietary Information**
 - Construction Phase I **Personal Information / Proprietary Information**
 - Slicing and Testing Phase I **Personal Information / Proprietary Information**
 - Tower Site Selection, Zoning, and Permitting and construction will **Personal Information / Proprietary Information**
- _____
- There are only 2 towers being deployed and will be implemented as **Personal Information / Proprietary Information**

Project Timeline File

Applicants are asked to upload a timeline which will denote key milestones for implementation of the project, including but not limited to field survey, network design, equipment/material procurement, environmental assessment, permitting, construction, network testing, network activation and completion.

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Is an extension being requested?

No

Special Rules for Tribal Governments and Native Entities

The Infrastructure Investment and Jobs Act permits the Assistant Secretary, in consultation with Tribal governments and Native entities, to waive, or specify alternative requirements, in connection with most directives governing the MMG Program if the Assistant Secretary finds that waiver or modification of the requirement is necessary for (a) the effective delivery and administration of middle mile grants to Tribal governments or (b) the construction, improvement, or acquisition of middle mile infrastructure on trust land.

Is a waiver or alternative requirements requested?

No

Fair Labor Practices

Applicants must have a demonstrated record of and plans to be in compliance with federal labor and employment laws as described in III.H in the NOFO. This will help ensure that projects are carried out in accordance with the law, assist NTIA in ensuring that a prospective awardee is capable of carrying out activities funded by an award in a competent manner in compliance with all applicable federal, state, and local laws; and promote the effective and efficient completion of high-quality middle mile broadband infrastructure projects by ensuring a reliable supply of skilled workers and minimizing disruptive and costly delays.

This response is limited to 6000 characters as an open field narrative.

Zayo will follow the Fair Labor Standards Act, the Occupational Safety and Health Act, and Service Contract Labor Standards regarding the project funded under this application as it has in previous years. We have no violations within the last 3 years of such laws to disclose.

Zayo adheres and complies with the Fair Labor Standards Act and Service Contract Labor Standards included in the SF30 -Terms and Conditions of GSA Schedule 70 contract GS35F070CA from Zayo and the Federal governments and agrees to Section 52.222-43 around prevailing wage and local hiring and labor hiring provisions. Zayo's GSA contract has been in place since 2014 and Federal Departments have purchased off of this contract vehicle. This clause applies to both contracts subject to area prevailing wage determinations and contracts subject to collective bargaining agreements. Zayo maintains a Code of Conduct, Employee Handbook, and an Outside Plant Manual that every contractor and subcontractor is required to follow which includes specific safety and wage requirements under these statues. These manuals detail our equal employment opportunity requires, pay scales, overtime eligibility, employee benefits, and worker safety requirements. Also, our Code of Conduct explicitly states that Zayo retains the right to monitor and ensure compliance with each contractor and subcontractor.

Under our Employment Manual, employees who work 30 hours per week or more are considered full

time employees. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. Nonexempt employees receive overtime pay equal to 1.5 times their hourly rate for work that exceeds 40 hours per week.

Zayo considers occupational health and safety to be of primary importance. Zayo is committed to providing a safe and healthy work environment for employees, customers, contractors and visitors.

All our Master Construction Services Agreements with our construction contractors that require them to comply with our OSP Manual, Code of Conduct, and Safety Requirements and all employment and safety laws. **Personal Information / Proprietary Information**

We ensure a safe work environment by effective administration, education and training in compliance with legal requirements and industry standards concerning workplace safety. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their immediate manager.

Zayo has extensive experience in oversight of construction and ongoing maintenance for the middle mile. For the past few years, Zayo has grown its middle mile and last mile network by 5,000 -10,000 miles per year. **Personal Information / Proprietary Information**

Our experience in compliance with Federal, State, and Local practice and laws is extensive.

For ongoing maintenance, our local team of field operations professionals work hand in hand with local groups. This is part of our 130,000+ route miles made up of 16+ million fiber miles across North American and Europe. Construction and maintenance of fiber infrastructure is part of our DNA.

All our partners will follow the same Fair Labor Practices in this project.

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Officer Certification

In order for NTIA to evaluate an applicant's demonstrated record of and plans to be in compliance with federal labor and employment laws, each applicant must provide examples of items described in III.H in the NOFO. Applicants are asked to upload a Certification from an Officer/Director-level employee (or equivalent) of the applicant evidencing consistent past compliance with federal labor and employment laws by the applicant, as well as contractors and subcontractors.

Highly Skilled Workforce

To ensure that applicants have the technical and operational capacity to carry out the project, applicants must submit a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce (including by the applicant and each of its contractors and subcontractors). The plan for a highly skilled workforce should include the information described in III.I in the NOFO.

This response is limited to 6000 characters as an open field narrative.

Zayo is committed to a highly skilled and credentialled workforce constructing the middle mile network. Zayo will outsource physical construction.

- Zayo does not have its own labor force to do the physical labor on Middle Mile.
- Zayo competitively bid and award all engineering, permitting, construction and testing to qualified vendors to give a fair opportunity to bid.
- Zayo has a deep bench of qualified national, regional and local vendors in these specialties with which we work with. We are careful to award work to meet the needs of the project in terms of scope, schedule and other considerations.
- Zayo uses contract inspectors as well. Part of their job duties is to ensure a safe worksite.
- Zayo successfully built tens of thousands of route miles under this method.
- Vendors are required to comply with all federal, state and local laws, etc. This includes meeting or exceeding traffic control requirements set forth by the applicable jurisdictions.
- Zayo maintains a national OSP standard to manage vendors and ensure compliance.
- Both union and non-union groups are allowed to bid.
- Each group supports apprenticeship type of programs.

Zayo is dedicated to providing its employees with safe and healthful working environments as well as the equipment, materials, and training required for safe completion of assigned tasks. The same commitment is required of all Zayo contractors, subcontractors, and material suppliers.

The Contractor shall perform the Services in a professional workmanlike manner using only qualified, careful and efficient workers and in strict conformity with this Agreement and related documents.

Contractor shall comply strictly with all laws, regulations, by-laws, codes and orders of all municipal, state, provincial and federal governmental and regulatory authorities.

Contractor guarantees to Zayo that the Services shall strictly comply with the Drawings and the Specifications, and that the Services shall be professional in every particular and free from defects, errors, and omissions in construction and workmanship.

All Services performed by Contractor shall be subject to coordination and inspection by Company Representatives, the representatives of permitting agencies, Right of Way Owner, and all city, county, state or provincial inspectors. Services rejected by any such inspections and representatives shall be

corrected by Contractor and its subcontractors at their sole cost, as expeditiously as possible, until it passes the inspection.

Contractor will comply with all applicable laws and regulations regarding, among other things, environmental matters, occupational health and safety, labor and employment practices, human rights, immigration, anti-corruption, privacy protection, product safety, shipping and product labeling. The latest editions of the following codes and regulations define the minimum safety and construction standards required by Zayo:

- National Electrical Safety Code (NESC)
- National Electrical Manufacturer's Association (NEMA)
- Code of Federal Regulations, Title 29, Occupational Safety and Health Standards (OSHA)
- National Electrical Code (NFPA No. 70)
- Underwriter's Laboratories, Inc.
- Lightning Protection Code (ANSI-5.1)
- Applicable Local, State, and County Ordinances
- Applicable Safety Codes Required from Right-Of Way Vendors (e.g. Highway, DOT, Railroad, etc.)
- RBOC and other operating companies Regulations and Requirements

All protection equipment will satisfy the appropriate OSHA, ANSI, and/or MIOSH standards. All personnel working on-site will be certified as having completed a course in safety training.

OSHA regulations require that precautions be observed to avoid cave-ins when digging boring pits and trenches, especially under wet soil conditions. This is a matter of law and safety.

All contractors are required to abide by applicable regulations of the OSHA Act of 1970 and any subsequent revisions. Each contractor must provide employees with all safety equipment required by OSHA, Zayo, and the various governing agencies. Questions regarding compliance with the various regulating agencies will be the responsibility of the Safety Director of each contact company.

Safety rules cannot be inclusive. Workers must refrain from unsafe and improper practices including both the violation of written rules and of unwritten rules of "common sense."

Contractor must ensure employees and subcontract employees are familiar with, and are in compliance with, all appropriate regulations and codes, such as OSHA safety and Health Standards of the U.S. Department of Labor. <http://www.osha.gov>

Contractors involved with the Middle Mile job includes: Plant Workers, Plant Engineers, Fiber Splicers, traffic controllers, and site supervisors. After awarding the work, Zayo can support further information on size of workforce selected, entity selected, and information on professional certification to ensure work is done on high standard. Any contractor must be trained in compliance with the before mentioned local, state, and federal regulations.

Advancing Workforce Development

A skilled workforce is critical to meeting infrastructure buildout timelines under the Infrastructure Act and connecting households across the country to reliable, affordable, high-speed broadband. A well-trained workforce will also allow for the safe deployment of sustainable networks. To meet the workforce needs of the MMG Program, applicants must make appropriate investments to develop a skilled, diverse workforce. Each applicant must provide as part of its application examples of items described in III.J in the NOFO.

This response is limited to 6000 characters as an open field narrative.

At Zayo, we are committed to fostering a culture of inclusivity and belonging, where every one of our employees feels valued, respected, and encouraged to be their most authentic self. Success in diversity begins with a commitment from our Board of Directors and leadership. We deliberately build inclusivity into our programs, processes, and mindset.

Zayo provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, provincial or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

DIVERSITY, EQUITY, INCLUSION: We support a variety of career fairs highlighting diversity, equity, and inclusion. Additionally, we work directly to support veterans, and engage with university organizations such as the National Society of Black Engineers, the Society of Hispanic Professional Engineers, LatinX, Asian and Out in Stem. We partner with the YWCA in Boulder County for the STEM E3 session, which provides career exploration and mentorship for young students of color. Zayo also presented to the General Assembly on “What It’s Like Being LGBTQ+ In Tech” and “What It’s Like Being Black In Tech.” We further partner with external third parties on diverse hiring and OFCCP compliance.

Further, Zayo subscribes to a third-party organization, Person's Inform which enables Government Compliance and Diversity recruiting (OFCCP/EEO/AA). Open jobs are emailed daily through our Community and Diversity Outreach program connecting your jobs with active and passive job seekers from our community partners. The community and diversity outreach partners receive jobs that match criteria they specifically requested and share the positions with the appropriate members of their organizations.

- Minorities
- Women
- People with disabilities

- Veterans
- Diversity organizations
- Universities and colleges
- LGBTQ
- Historically black colleges and universities
- State workforce agencies
- Construction/skilled trades
- Professional/technical groups
- Business professionals

Additional elements of our engagement with Circa includes:

- Targeted outreach to underrepresented groups
- Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) service in all VEVRAA service states
- Cross-posting to all Employment Service Delivery Systems (ESDS/state job banks)
 - Company owned account creation, registration, and management in all authorized VEVRAA service states
 - Cross-posting of your positions to all authorized VEVRAA service states
 - Automatic recording of ESDS confirmation ID on all jobs cross-posted to ease tracking and reporting
 - Monthly email notification to ESDS:
 - Requests priority referral of protected veterans
 - Provides a link to company contact information and hiring locations
 - Includes a link to current job opportunities
 - VetConnect™
 - Program designed to help federal contractors give veterans priority referral
 - Open positions are sent to LVERs and DVOP specialists through a targeted email
 - Positions are listed by geographic counties or county equivalent
 - Equal Employment Opportunity (EEO) Notice to Applicants
 - EEO notice language is included as a predefined question in the questionnaire feature
 - Section 503 of the Rehabilitation Act (Individuals with Disabilities)
 - Accessibility features ensure disabled job seekers can easily navigate our sites, find company information and open positions, and have a fair application experience

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Climate Resiliency

Please demonstrate that the applicant has sufficiently accounted for current and future weather- and climate-related risks to new MMG Program infrastructure projects. In particular, each applicant should clearly demonstrate how it is conducting the items listed in III.K in the NOFO.

This response is limited to 6000 characters as an open field narrative.

Zayo, using Environmental Systems Research Institute (ESRI) data and according to the National Oceanic and Atmospheric Administration records for the last 20 years, has identified three geographic regions with historical, severe climate events (1-2 times/year) along the proposed route: 1) North Section from Umatilla to Bend; 2) South Section from Bend to Northern, CA; 3) Northern California.

These regions were identified and an initial hazard screening conducted for current weather- and climate-related risks. During the scope of the project and every subsequent year, Zayo will conduct screenings every six months to monitor and assess current and future hazards specifically in these regions and along the entire route for new, potential hazards. The typical impact is power outages and restricted access to reach network locations.

There are two areas of the route which lie within 25-75 feet of a 100-year floodplain. One in Oregon and one in California. Oregon has 24.7 total route miles within a floodplain (FEMA: <https://gis-fema.hub.arcgis.com/pages/flooding>). Key locations are:

- Umatilla, OR, approximately 15,000-20,000 feet of the route, which lies approximately 25-75 feet from a 100-year floodplain boundary.
- Paisley, OR, has a portion which lies approximately 25-75 feet from a 100-year floodplain boundary.
- Lakeview, OR, has a portion which lies approximately 25-75 feet from a 100-year floodplain boundary.

California has 38.01 total route miles within a floodplain (FEMA: <https://gis-fema.hub.arcgis.com/pages/flooding>) Key location is:

- Madeline Plains, CA, has a portion which lies approximately 25-75 feet from a 100-year floodplain boundary.

The one climate condition that any infrastructure solution would not stop directly is fire. There are two sections of the route which represent wildfire hazards.

Zayo has identified earthquake hazards including the magnitudes and dates of the earthquakes, the probability of a 10% chance of exceeding the displayed horizontal ground acceleration within 50 years. The source of this data is the FEMA Geospatial Resource Center.

Zayo has identified hail, wind, and tornado hazards. There have been 63 hail events, 32 severe wind events, and four tornadoes. Given the historical data, tornadoes should not pose a risk to aerial or underground assets on this route. Vertical Bridge constructs its towers to withstand hurricane force

winds.

In the next 20 years, this route will have similar climate risks. What may change is the frequency of these events due to global warming and changing weather patterns. As a result, Zayo has implemented standard operating procedures to avoid/or mitigate these risks including a continuous improvement program ensuring Zayo is implementing the best contingency plans to adapt to any changes:

1. Bury the majority of the fiber; the best protection against any severe climate event, particularly those identified as weather and climate risks along this route. More than 98% of the fiber is buried at a design specification of three feet.
2. Deploy high-density polyethylene conduit which protects fiber from chemical erosion and provides protection from primary and secondary climate risks (floods, fires, winds, severe weather, and earthquakes).
3. Deploy hardened above ground telecom shelters with back-up power consisting of precast, lightweight reinforced concrete enclosures that are fire resistant, as well as insulated from extreme temperatures. The shelters are designed with onsite power sources and back-up power. Each shelter is designed with four-hour battery backup and 24-hour generator back-up. This design protects against the US average outage duration (4 hours). A 24-hour generator at full load back-up protects against longer outage events and provides adequate time for generator refueling.
4. Investment in an environmental study; which optimized the route against climate hazards protections (designing the safest route path) verified by 3rd party engineering firms.

Throughout the planning, design, construction, and production phases of the project Zayo will mitigate risk, monitor, evaluate, and improve resilience strategies. **Personal Information / Proprietary Information**

[REDACTED]

- Wind loads to 150 mph
- Zone 4 seismic racks
- Seismic rates to match local and state codes
- Snow roof loads to match all local codes
- Disaster recovery trailers available to restore an ILA in the event of natural disaster
- Localized spare depots, less than four-hour drive time
- All designs with sufficient adaptability to withstand temporary fiber repairs and additional fiber lengths inserted in the event of a forced re-route

Zayo will ensure that evolving risks are understood, characterized, and addressed using ESRI data, Fifth National Climate Assessment, NOAA Monthly Reports, FEMA's National Risk Index and flood risk maps, and National Weather Service Weather Forecast Offices information.

Zayo's process is to evaluate and monitor its network 24x7 through its Network Control Center located in **Personal Information / Proprietary Information**, using a variety of in-house and third-party tools for monitoring in real time and for potential impact threats. Zayo has built a wildfire monitoring tool to track fire threats near

our existing network. In addition, Zayo has implemented a proactive, in-service fiber link monitoring for higher service availability and access to real-time fiber integrity information.

Zayo's continuous improvement program uses historical ticketing and monitoring data to identify patterns of recurring issues. Our Failure Analysis Review Board meets monthly to analyze trends and initiate corrective action plans. Corrective action plans can vary in size and or scope, however, all action plans are designed to improve the resilience of our network against future climate risks.

Civil Rights and Nondiscrimination Law Compliance

Prior to distributing any MMG Program funding to a prospective awardee, NTIA will require the prospective awardee to agree, by contract or other binding commitment, to abide by the non-discrimination requirements set forth in III.J in the NOFO.

Do you agree to abide by the non-discrimination requirements?

Yes

Certification of Technical Capability

Each applicant must supply a certification attesting that it is technically qualified to complete and operate the proposed project.

Zayo Certification of Technical Capability-09-29-2022 11-53-NKB Consulting-GRN-001216.docx.pdf

Interconnect Policy

The Applicant must describe in detail the nondiscrimination, interconnection, and network management practices that would be adopted for the project facilities. The Applicant should describe how it will comply with nondiscrimination and interconnection obligations, particularly with connectivity to the public Internet and physical interconnection for the exchange of traffic. In addition to describing network management practices, the Applicant should disclose any practices in place to block access to illegal or harmful content.

This response is limited to 6000 characters as an open field narrative.

Zayo maintains a transparent peering and interconnection manual which can be accessed here: <https://www.zayo.com/resources/global-peering-and-interconnection-policy/>. This manual describes in detail the technical requirements for peering and interconnection to our middle mile networks. Our policy is to provide interconnection and peering on a nondiscriminatory basis provided that the technical terms described in our manual are met, including our Acceptable Use Policy (AUP) which includes prohibiting illegal activity, unauthorized access, spoofing, and fraud.

Customers are permitted to connect to Zayo's Long Haul Dark routes in what we refer to as mid span interconnection. Under mid span, a Grantee may connect, including the right to cross-connect, the Grantee Fibers to other telecommunications fiber systems or facilities at fiber distribution panels at the route Demarcation Points. Upon Grantor's consent, Grantee will also have the right to interconnect to the Grantee Fibers mid span at Grantor controlled In-line amplification ("ILA") huts and/or Grantor controlled Access Points provided it is technically feasible and there is no materially adverse impact on the Grantee Fibers. Grantee will not individually or permit others to access, rearrange, disconnect, remove, attempt to repair, or otherwise tamper with any part of the Grantee Fibers or Grantor System without the prior consent of Grantor, and then only subject to the terms and conditions specified elsewhere in this Agreement.

If the Mid Span Interconnection is taking place at a Grantor controlled ILA, Grantee is not permitted to install OSP cables into the ILA or cross-connect to other tenants collocated within the ILA.

If the Mid Span Interconnection is taking place at a Grantor controlled access point, the connection will be performed by Grantee setting a handhole adjacent to an existing Zayo handhole and drilling a stub cable into the Zayo existing handhole. Drilling into the Zayo handhole will take place under Zayo supervision. Grantee to leave 60' of slack in the Zayo handhole but is not permitted to leave splice cases. All the associated costs and permitting required to establish the mid span interconnect is the sole responsibility of the Grantee.

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Mid span interconnections can only take place at existing Zayo ILA's and access points. Zayo will not install new ILA's or create new access points. The fibers spliced between Grantor and Grantee at the Mid Span Interconnection must be Grantee.

Zayo is transparent with its interconnection policy, and it is inherent in our business model to be nondiscriminatory with the terms and conditions on interconnection.

All providers who interconnect with our network must abide by our AUP or be subject to termination. Our AUP requires our customers to prohibit access to illegal and harmful content.

Zayo's open access interconnection policy is considered a core business document and practice. While the intention is that the interconnection policy will be offered in perpetuity, our policy may be updated or changed based on regulatory requirements, Zayo's continued network expansion into (or reduction from) markets, emerging threats to Zayo users, the global internet, and changes in peering strategy. U.S. and European global policy owners within the Zayo senior leadership team provide oversight and ensure the interconnection policy is maintained in perpetuity.

Technical Overview

Please describe targeted last mile service objectives, including last mile service provider letters of commitment, agreements, or contracts; and a description of the proposed service offerings, including the pricing of the services to be offered over the proposed facility.

This response is limited to 6000 characters as an open field narrative.

Zayo is a leading middle mile infrastructure provider, with a total of 5,000 route miles of deployed infrastructure in the last 6 years, across 17 states. Zayo's middle mile infrastructure is built to be resilient, scalable and future-proofed for the next generation of internet connectivity and, in conjunction, with last mile providers to deliver services to the end users in rural America. Once last mile providers are connected to the Zayo Network, they can leverage Zayo's global network to connect to head ends, points of presence, IP peering points, and partner networks.

Of the applicable routes, Zayo has signed contracts with or in discussions with current internet service providers: Comcast, Frontier, and Charter.

Zayo has a vast product portfolio, but the most notable middle mile offerings are Dark Fiber, Wavelengths, and Internet services. In general, all services are priced competitively relative to the scope being requested. Quantity, distance, term, and special construction are factors that are taken into consideration when determining pricing.

Targeted pricing for on net requests:

Dark Fiber

Personal Information / Proprietary Information
[Redacted]

Wavelengths

Personal Information / Proprietary Information
[Redacted]

IP

Personal Information / Proprietary Information
[Redacted]

Personal Information / Proprietary Information

[Redacted]

Applicants are encouraged to upload supplemental documentation.

Personal Information / Proprietary Information

[Redacted]

Competitive Landscape

The Applicant should describe existing middle mile offerings in the area, if any, including competitor data if applicable. This should include a description of the proposed service offerings, including the pricing and technology of the services to be offered over the proposed facility. Where possible, Applicant's project should be able to demonstrate a decline in middle mile costs that are likely to flow through to consumer broadband prices.

This response is limited to 6000 characters as an open field narrative.

Zayo's approach to building all middle mile infrastructure is to look at the overall landscape of backbone connections where you have either of the falling two criteria points; 1) An area where there are no other providers, allowing Zayo to solve a need for the entirety of the customer stack from enterprise to rural connectivity with a large amount of the underserved, or 2) targeting routes where the current middle mile provider has aging infrastructure with no ability to augment the network for future growth / needs of customers.

A fault-line diverse route, designed and partially implemented to have scalable infrastructure, through

the eastern part of Oregon, northeastern part of California, and into Nevada. There are no other providers with a route that matches a remotely similar route in terms of end point connectivity or with Middle Mile infrastructure at this scale. The closest, relatable path is an old Bonneville Power Administration (BPA) route that is 20+ years old, routing through Central Oregon coming originating from the Western part of the state. BPA, most recently, has been removing carriers from its fiber due to concerns with fiber and recent energy issues. All in all, Umatilla to Reno is a unique route that has intentionally been designed to traverse underserved areas and develop needed network resilience and bandwidth scale that currently does not exist.

Zayo has a vast product portfolio, but the most notable middle mile offerings are Dark Fiber, Wavelengths, and Internet services. In general, all services are priced competitively relative to the scope being requested. Quantity, distance, term, and special construction are factors that are taken into consideration when determining pricing.

The capital-intensive component of providing last mile services is the middle mile component. Once the middle mile is constructed it provides cost effective "on net" infrastructure procurement that enables the last mile providers to connect back to service on ramps, i.e., IP peering points, head ends, cloud providers, etc., cost effectively. In turn, they can provide market rate vs. cost-based pricing for their services as they are not burdened with the capital-intensive middle mile component.

Type of technology to be used in proposal:

Fiber Optic Technology;Other

If Other, please describe:

Cellular Broadband eg 5G

Each applicant of an award to build middle mile infrastructure using fiber optic technology shall certify that the proposed project, upon completion, will include direct interconnection facilities that will facilitate the provision of lit broadband service, at speeds not less than 1 Gigabit per second for downloads and 1 Gigabit per second for uploads to anchor institutions located within 1,000 feet of the middle mile infrastructure, as detailed in the Template CAI below.

Do you agree to certify to the above?

Yes

Upload Template CAI. Required for Fiber Optic Technology, optional for Wireless or Other.

Zayo UMT RNO MMG Community Anchor Institution-09-30-2022 12-22-NKB Consulting-GRN-001216.xlsx

An eligible entity applying for a middle mile grant may seek, and the Assistant Secretary may grant, a waiver of the requirements set out in the previous paragraph, in full or in part, to the extent the eligible entity demonstrates that the requirement is not technically or economically feasible.

Do you plan to apply for a waiver? If yes, please attach the waiver application in the Application Workspace, the Application Information section, Required Documents under Required Document Question 4 "Additional Waiver Upload".

No

Network Route Maps

Applicants should provide a physical network map that includes the following (if applicable):

The Project Area and those unserved and underserved areas which it will enable.

Applicant's pre-existing service area that demonstrates current service levels.

The physical path of the network's transmission medium (e.g., backbone and lateral cable routes, microwave links), transmission type, technology, operating bandwidth, capacity (e.g., dark vs. lit strand count), and cable placement (e.g., aerial, burial) should be displayed.

Points of interconnection (purely passive and non-environmentally controlled nodes, e.g., splice points are optional):

Provider Facilities

Collocation Facilities

Private Interconnection Points with partnering service provider/private network

Wireless towers and associated coverage areas.

Anchor institutions within 1,000 feet, if desired.

Additionally, the maps should delineate between network and facilities that are:

Part of the Applicant's/key partners' existing network;

Proposed as part of this project;

Leased from a third party;

Utilized under some alternative arrangement; or

Relevant to interconnection with either Last Mile or Middle Mile service providers.

PLEASE NOTE: Only ESRI Shapefiles will be accepted and uploaded.

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Data Submission Specification

There is a template "Upload Template Data Submission Specification" which shall be uploaded. Applicants must complete the table with information for all interconnection points proposed for the network. This table has three required fields: Point Name, Latitude and Longitude. This should accommodate all of the points of interconnection (passive, non-environmentally controlled points of interconnection, e.g., splice points, may be excluded), collocation facilities, central offices, head ends, and other centralized facilities, network access points to Last Mile service providers, Internet peering points, and towers.

Personal Information / Proprietary Information

Network Logical Diagram

The Applicant must provide network diagrams to be uploaded for the project including all of the network elements and the capacity, facilities, and mileage between each element. The diagram must clearly denote which of the network elements already exist. The diagrams must also explicitly show:

The links between the network nodes. The types of facilities used in connecting all the network elements (fiber, copper, microwave, etc.).

Internet peering points, access to local exchange carriers and central offices and cable head ends. The proposed aggregation node facilities that will provide the egress point(s) from the broadband backbone to the networks of the selected service provider(s), Last Mile service providers, and the selected Internet Service Provider(s) and any other value-added services that may be provided in the new infrastructure.

The points of interconnection and collocation facilities.

The Applicant should show how traffic originates on the network and flows through the network, delineating which protocols are used on each link, and which technologies and standards are used at each junction. The diagram should include capacity constraints for each network element.

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Environmental Narrative

Any project-related activity that may adversely affect the environment must not be undertaken prior to the completion of the environmental review process prescribed by NTIA. Doing so may jeopardize consideration of the application.

All Applicants for MMG projects must comply with the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act, and other applicable environmental regulations.

Please provide a service-area environmental description that describes the physical project area and its surroundings (e.g., disturbed or developed land vs. open space; adjacent natural resources, such as rivers, wetlands, or forestlands; and any protected lands or resources in or near the project area), including site photographs and aerial photographs (e.g., Google Earth or Google Maps images), if the project includes construction and/or ground disturbing activities.

This response is limited to 12000 characters as an open field narrative with image files to be uploaded.

Personal Information / Proprietary Information

[REDACTED] from Umatilla, Oregon to Reno, Nevada, a route of about 645 miles, of which 213 miles have been built and 432 miles will be built through the Middle Mile Grant Program. Personal Information / Proprietary

[REDACTED]. The route will traverse along multiple city, county, and state Right of ways.

There will be multiple activities taking place and have taken place to prepare to get to construction.

The entirety of the route will be on disturbed or developed roadway right of way along the path South of Bend, OR to Reno, NV along Hwy 395. This includes installations parallel to US and State highways and city and county roads. Although the build path will pass through the city limits of several small towns, the vast majority of the project will be in a rural environment. The surroundings of the project will be primarily within forestlands and high desert, and having some areas adjacent to wetlands and cultural resources.

Environmental assessments, reporting, and approval from all local, state, and federal entities to include tribal lands are required. The entire route has been surveyed for multiple environmental avoidance to get to “no adverse effect “ during construction, with the “inadvertent discovery plan” included to the proposed route. This process is still ongoing and has taken an estimated 3 years thus far.

Conduit Construction methodologies include:

- Trenching, which consists of opening a linear trench to place conduit and vaults for the supporting fiber optic cables. about one foot wide and four feet deep. This process is needed where we cannot plow in the conduit. Most of this work will be done with a Mini excavator or backhoe , and will be used where needed to place vaults, tie in/ connections of conduit, and to trench connection points for bores, bridge attachments, and for plow segments.
- Plowing consists of placing all conduits at once, with a vibertory plow that will split the ground

wide and deep enough to place conduit to required depth . This has minimal impact to the area disturbed, and can be used in areas that are open and have little to no obstructions. This will be the main installation process and can average about a mile a day depending on the ground type.

- Boring is the process of a trenchless and plow less installation of conduits. This process is used for multiple areas that need to be avoided from surface disturbance. Boring is used to cross hard surface areas like roads, culverts, waterways, and environmentally sensitive areas. This process is also used for areas that have little room for access such as plow's and trench equipment. This is a very slow process depending on the ground type and each bore will range from about 60 LF to upwords of 800 LF depending on the size of the bore rig.
- Bridge attachments consist of attaching a casing conduit to the bridge to support the 3x1.25" conduits that we use for conduit and fiber placement. This will consist of a bridge truck that can underhang the bridge to allow workers to drill and attach brackets to support the condit and fiber. Each bridge takes about 3 days to complete depending on the size of the bridge.
- Fiber placement consists of blowing fiber from vault to vault after all conduit and vaults are installed. This process, in most cases, is very consistent and can be done on an average of 20,000 Ft of placement per day. with multiple crews and multiple blowing machines that are run with air compressors, and hydraulic power packs.
- Fiber splicing and testing: This is the final stage of the overall process, and it will consist of prep, splice and testing of fiber reel ends that were placed in the blowing process. This will take about a day per splice location, and 3 days per span of testing to confirm fiber is accepted and ready for use.

Upload Map Images:

Personal Information / Proprietary Information



Negotiated Indirect Cost Rate Agreement

This is a document published to reflect an estimate of indirect cost rate negotiated between the Federal Government and a Grantee's organization which reflects the indirect costs (facilities and administrative costs) and fringe benefit expenses incurred by the organization. This must be completed, if applicable.

Template Table of Funded Partners and Unfunded Collaborators

List all funded and unfunded project collaborators, including partners, subrecipients, match providers, major contractors/supplies, details on role/scope of work for project. A fillable Template of Funded Partners and Unfunded Collaborators can be found in found in the MMG ZIP folder.

— — —
Certificate of Operational Capability

Each applicant must supply a certification from an officer-level employee (or individual of comparable rank) attesting to the applicant’s operational capability to complete and operate the proposed project.

If the applicant has provided a voice and/or broadband internet access service, it must supply a certification from an officer-level employee (or individual of comparable rank) attesting that it has filed FCC Form 477s and the Broadband DATA Act submission, if applicable, to the extent required during this time period and otherwise complied with the Commission’s rules and regulations. Alternatively, the applicant must explain any pending or completed enforcement action, civil litigation, or other matter in which it was alleged to have failed to comply with Commission rules or regulations.

If the applicant has operated only an electric transmission or distribution service, it must submit qualified operating or financial reports that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.

If applicable, the applicant must submit a certification from an officer-level employee (or individual of comparable rank) that is has operated a middle mile broadband network for at least two years or that it is a wholly owned subsidiary of such an entity and must specify the number of years the applicant or its parent company has been operating.

Zayo Certification of Operational Capability-09-29-2022 11-58-NKB Consulting-GRN-001216.docx.pdf,
2022-11-21-2022 10-42-Zayo Group, LLC-GRN-001216.11.21 Operational Capability Certificate.pdf

— — —
Certification of Financial Capability

Each applicant must supply a certification from an officer-level employee (or individual of comparable rank) attesting that it is financially qualified to meet the obligations associated with a project, that they will have available funds for all project costs that exceed the amount of the grant, and that they will comply with all MMG Program requirements, including service milestones.

Zayo Certification of Financial Capability-09-29-2022 11-59-NKB Consulting-GRN-001216.docx.pdf

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Letter of Credit

During the application process, each applicant must submit a letter from a bank meeting eligibility requirements consistent with those set forth in 47 C.F.R. § 54.804(c)(2) committing to issue an irrevocable stand-by letter of credit, in the required form, to the applicant. The letter shall at a minimum provide the dollar amount of credit offered and the issuing bank's agreement to follow the terms and conditions of NTIA's model letter of credit. NTIA shall publish on its website a model letter of credit substantially similar to the model letter of credit established by the Federal Communications Commission in connection with the Rural Digital Opportunity Fund (RDOF - Rural Digital Opportunity Fund Order, 35 FCC Rcd at 773-77, Appx. C.).

NTIA will ensure, prior to issuing a middle mile grant award, that each eligible entity obtains an acceptable, irrevocable standby letter of credit in a value of no less than 25 percent of the award amount.

Each eligible entity shall provide with its letter of credit an opinion letter from its legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 et seq. (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit as property of the winning bidder's bankruptcy estate under Section 541 of the Bankruptcy Code.

Personal Information / Proprietary Information

Audited Financial Statement (Previous 3 Years)

Each applicant shall submit financial statements from the most recent fiscal year that are audited by an independent certified public accountant. If the applicant is not audited in the ordinary course of business, in lieu of submitting audited financial statements it must submit unaudited financial statements from the three prior fiscal years and certify that it will provide financial statements from the three prior fiscal years that are audited by an independent certified public accountant by an NTIA specified deadline.

*You must provide 3 years of audited financial statements.

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Personal Information / Proprietary Information

Historical Financial Statements (Previous 3 Years)

Each applicant shall submit financial statements from the three prior fiscal years that are audited by an independent certified public accountant. If the applicant is not audited in the ordinary course of business, in lieu of submitting audited financial statements it must submit unaudited financial statements from the three prior fiscal years and certify that it will provide financial statements from the three prior fiscal years that are audited by an independent certified public accountant by an NTIA specified deadline.

*You must provide 3 years of historical financial statements.

Personal Information / Proprietary Information

Budget Narrative

Applicants will create and submit a budget narrative that adequately describes all proposed activities and costs for their grant-funded project. Applicants must complete the file template, fill in all required information, and upload the file

. The file must be uploaded as a Word file, and not converted to a PDF. You can find additional guidance in the MMG Application Guidance.

Personal Information / Proprietary Information

Template Detailed Budget Justification

The Detailed Budget Justification spreadsheet must reflect the cost categories that appear on the SF-424 and SF-424C and include itemized calculations for each cost placed under those categories. A fillable Template Detailed Budget Justification can be found in found in the MMG ZIP folder.

Personal Information / Proprietary Information

Any other funding provided for this project?

No

Template Pro Forma

Pro forma financial projection and analysis related to the project's sustainability, inclusive of subscriber (e.g., last mile network connections, other wholesale services), across an eight-year forecast period. A fillable Template Pro Forms can be found in the MMG ZIP folder.

Personal Information / Proprietary Information

MMG Budget Narrative Template

GRN-001216 – Revised 5/2/23

Applicant Name: **Zayo**: Umatilla, Oregon to Reno, Nevada – Middle Mile Project

Applicant Type:

Proposed Period of Performance: **Personal Information / Proprietary Information**

Zayo accepted, per the NIST recommendation on 5.1.23, moving the project period to 1 year and 6 months; assuming a start date of June 1, 2023.

Total Project Costs: **(\$48,119,568)**

Total Federal Grant Request: **(\$24,059,784)**

Total Matching Funds (Cash): **(\$24,059,784)**

Total Matching Funds (In-Kind): **(\$0)**

Total Matching Funds (Cash + In-Kind): **(\$24,059,784)**

Total Matching Funds (Cash + In-Kind) as Percentage of Total Project Costs:
(50%)

Summary

The total project cost is \$48,119,568. The total route miles between Umatilla, Oregon and Reno, Nevada are 645. Zayo has already built 213 miles and installed **Personal Information / Proprietary Information** along the 645 mile route. Zayo is requesting Middle Mile Grant Program funding to build an additional 432 miles (2,280,960 route footage), **Personal Information / Proprietary Information** additional access points (ILAs), and two towers to complete the route.

Summary	MMGP Request)	Existing Route	Total
Route Miles	432 miles	213 miles	645 miles
Route footage	2,280,960 ft	1,124,640 ft	3,405,600
Access Points (ILAs)	Personal Information / Proprietary Information	Personal Information / Proprietary Information	25
Towers	2	0	2

This unique 645-mile route, of which 213 miles have been built and 432 miles will be built through the Middle Mile Grant Program, will pass 10 unserved areas that have 143 Community Anchor Institutions (CAIs), the Pit River Tribe and over 30 underserved, yet established, towns, in Oregon, California, and Nevada.

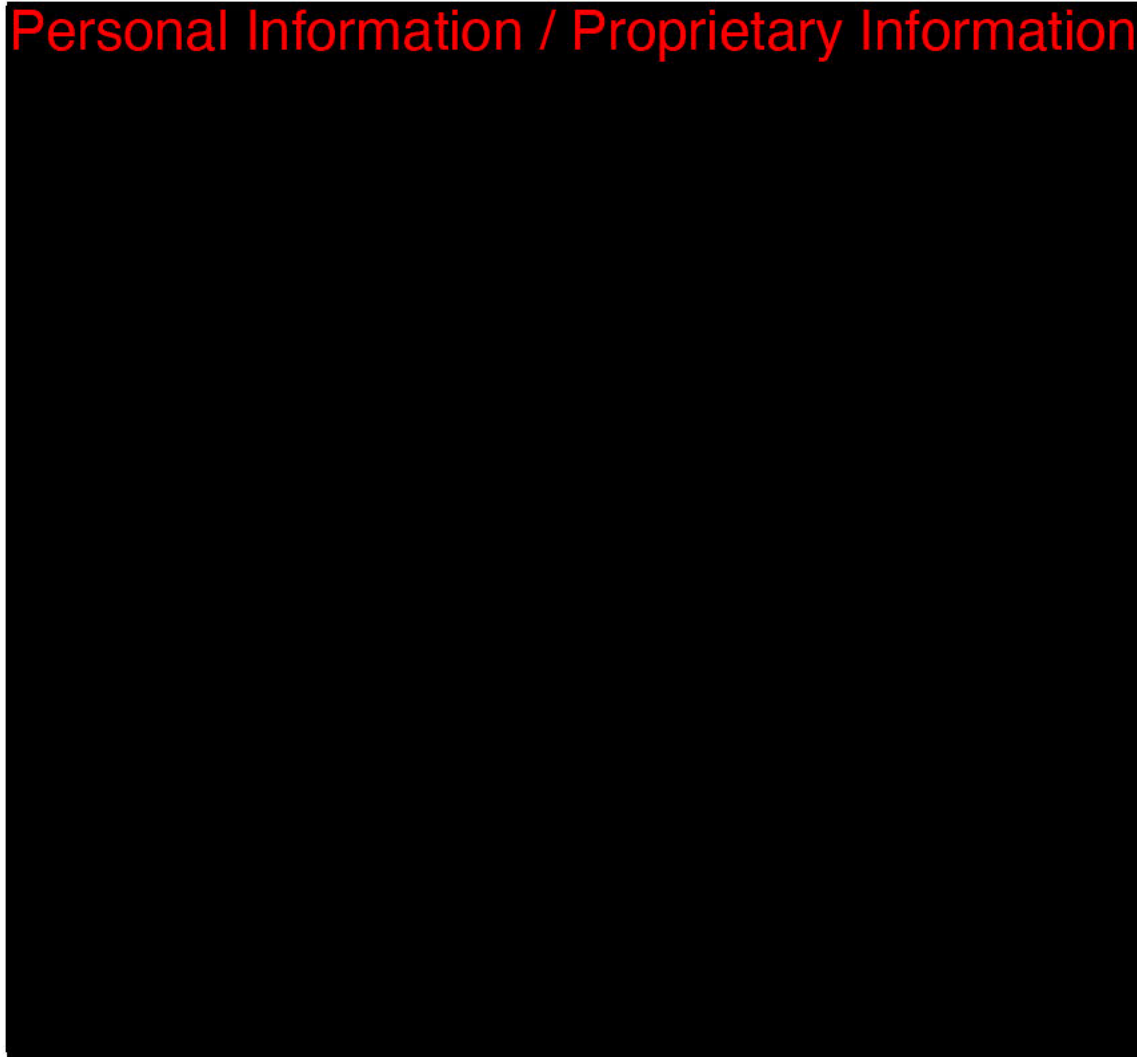
Project will take approximately Personal Information / Proprietary Information. Construction is for phase 1.

Zayo Update 5.2.23

Zayo accepted, per the NIST recommendation on 5.1.23, moving the project period to 1 year and 6 months; assuming a start date of June 1, 2023.

Below is the project schedule followed by the budget narrative.

Personal Information / Proprietary Information



Detailed Capital Investment Schedule

The total project costs are \$48,119,568. Zayo is requesting a 50% match (\$24,059,78 for this project. Below are the project capital spend related to the project timeline and milestones.

Project Timeline

Personal Information / Proprietary Information



Capital Spend (Capital Costs aligned to Project Timeline)

Personal Information / Proprietary Information



Personal Information / Proprietary Information



#1 Administrative and Legal expenses will commence at contract award (Personal Information / P) and end upon completion of the project, which concludes with final splice/testing (Personal Information / P). Spending will be evenly distributed over that period (Personal Information / Proprietary Information) r).

#2 Land, Structures, Rights-of-Way, Appraisals expenses will commence with site selection ([REDACTED]) and end with permitting ([REDACTED]). Spending will be front loaded during the period ([REDACTED]) and the remaining [REDACTED] will be spent during [REDACTED] as the project progresses to account for any final updates.

#4 Architecture and engineering expenses will commence with site selection ([REDACTED]) and end with final splice/testing ([REDACTED]). Spending will be front loaded during the period ([REDACTED]) and the remaining [REDACTED] will be spent during [REDACTED] as the project completes to account for any final updates.

#6 Project Inspection expenses will commence with physical construction ([REDACTED]) and end with final splice/testing ([REDACTED]). Spending will be back-end loaded ([REDACTED]) and will be evenly distributed during the [REDACTED] [REDACTED].

#9 Construction (includes equipment) expenses will commence at contract award ([REDACTED]) and end upon completion of the project which concludes with final splice/testing ([REDACTED]). Upon contract award [REDACTED] of the spend will be made as down payments for long lead items. Spending will pick back up as construction begins and there will be progress payments as work completes.

#12 Contingency expenses will commence at the physical construction phase ([REDACTED]) and end upon completion of the project which concludes with final splice/testing ([REDACTED]). Spending will be evenly distributed over that period [REDACTED].

Fiscal Sustainability:

Over the past ten years Zayo has deployed over 42 large long haul/middle mile programs similar to this multi-state route that traverses vast regions of underserved communities in Oregon, California, and Nevada. Zayo has successfully operated a middle mile and longhaul network for over a decade through strong governance processes. Zayo's investment horizon is 15 to 20 years, longer than most of its competitors.

Governance Criteria and Practices:

1. **Personal Information / Proprietary Information** [REDACTED]
2. Financial Planning and Analysis analysts are assigned to the project to ensure strong cost management.
3. Zayo has an established Request For Proposal and vendor management engine that is leveraged to optimize cost (balancing expense and quality).
4. Sales incentives are designed to promote middle mile strategies and the growth for each invested program.

- 5. Project Management bonuses are designed to meet budget and schedule targets.
- 6. In addition to any government reporting requirements each program is tracked on a daily, weekly, monthly, quarterly, and annual basis. Operation and financial KPIs are established from the beginning.

This multi-state (Oregon, California, and Nevada) route meets Zayo’s investment criteria and is fiscally sustainable.

Financial Metrics

2023-2030

Personal Information / Proprietary Information	[Redacted]
Personal Information / Proprietary Information	[Redacted]
Personal Information / Proprietary Information	[Redacted]
Personal Information / Proprietary Information	[Redacted]
Personal Information / Proprietary Information	[Redacted]
Personal Information / Proprietary Information	[Redacted]

1. Administrative and Legal Expenses - (\$1,393,589)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Zayo Update 5.2.23

Zayo has corrected the rounding issues and updated this file and the budget spreadsheet. There is no change to the request amount. Changes are highlighted in yellow.

Project Management (Personal Information / Proprietary Information) – Staff time estimated (Personal Information / Proprietary Information) hours @ (Personal Information / Proprietary Information) per hour (Personal Information / Proprietary Information) to complete management activities for overall coordination across all functional groups to ensure the project is on-time and within budget. Hourly rates are blended rates based on historical rates used by Zayo and external vendors for similar work. The number of hours are based on history from Zayo and external vendors for similar work. Project Management \$/Hr is based on average base salary of (Personal Information / Proprietary Information)

Administration (Personal Information / Proprietary Information) – Administration time estimated at (Personal Information / Proprietary Information) hours @ (Personal Information / Proprietary Information) per hour to complete mandatory grant activities such as completing reports,

responding to audit requirements, conducting budgetary activities, and other required activities to meet the reporting and compliance requirements. Hourly rates are blended rates based on historical rates used by Zayo and external vendors for similar work. The number of hours are based on history from Zayo and external vendors for similar work. Administration \$/Hr is based on average base salary of [Redacted]

Legal Fees ([Redacted]) – Legal time estimated [Redacted] hours @ [Redacted] per hour to support in the development of agreements and MOUs between the various organizations involved in the grant, to include sub-grantees. Also, will conduct legal reviews for all contracts. Hourly rates are blended rates based on historical rates used by Zayo and external vendors for similar work. The number of hours are based on history from Zayo and external vendors for similar work. Legal \$/Hr is based on average base salary of **Personal Information / Proprietary Information** [Redacted].

Description	Unit Basis	Unit Cost	# of Units	Total Cost
Project Management	Hour	[Redacted]	[Redacted]	[Redacted]
Administration	Hour	[Redacted]	[Redacted]	[Redacted]
Legal Fees	Hour	[Redacted]	[Redacted]	[Redacted]
Total				\$1,393,589

2. Land, Structures, Rights-of-Way, Appraisals, etc. - (\$4,843,258)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Zayo Update 5.2.23

Zayo has corrected the rounding issues and updated this file and the budget spreadsheet. There is no change to the request amount. Changes are highlighted in yellow.

Underlying Rights (ROW, Easements) ([Redacted]) – Cost estimate based on total new route footage of **Personal Information / Proprietary Information** per foot to complete activities for ROW and easements. The cost is based on past experience in nearby locations and industry rates.

Land Purchase ([redacted]) – Cost estimated based on total land acquisition of [redacted] to complete activities for land purchase. The cost is based on past experience in nearby locations and industry rates. Totals include: [redacted]

ILA Addition(s) ([redacted]) – Cost estimated based on [redacted] per site to complete activities for ILAs. ILA addition, based on ~25 mile spacing, buildings to support [redacted]. A Total of [redacted]. The cost is based on past experience in nearby locations and industry rates.

Towers ([redacted]) – Cost estimated based on 2 Towers @ [redacted] per site to complete activities for Tower implementation. Standard 180' Tower - Compound (75' X 75'). The cost is based on past experience in nearby locations and industry rates.

Description	Unit Basis	Unit Cost	# of Units	Total Cost
Underlying Rights (ROW, Easements)	Foot	[redacted]	[redacted]	[redacted]
Land Purchase	Item	[redacted]	[redacted]	[redacted]
ILA Addition(s)	Item	[redacted]	[redacted]	[redacted]
Towers	Item	[redacted]	[redacted]	[redacted]
Total				\$4,843,258

3. Relocation expenses and payments - (\$0)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 13. Contingencies

4. Architectural and Engineering Fees - (\$1,026,432)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Engineering ([redacted]) – Cost estimate based on total new route footage of [redacted] per foot to complete activities for engineering design. The cost is

based on past experience in nearby locations and industry rates.

Permits (Personal Information / Proprietary Information) – Cost estimate based on total new route footage of (Personal Information / Proprietary Information) per foot to complete activities for Permits. The cost is based on past experience in nearby locations and industry rates.

Description	Unit Basis	Unit Cost	# of Units	Total Cost
Engineering	Foot	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)
Permits	Foot	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)
Total				\$ 1,026,432

5. Other Architectural and Engineering Fees - (\$)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 4. Architectural and Engineering Fees

6. Project Inspection Fees - (\$238,000)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Inspection Fees (\$238,000) – Cost estimate based on (Personal Information / Proprietary Information) per month per inspector to complete activities (includes travel costs). Includes (Personal Information / Proprietary Information). The cost is based on past experience in nearby locations and industry rates.

Description	Unit Basis	Unit Cost	# of Units	Total Cost
Inspection Fees	Item	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)	(Personal Information / Proprietary Information)
Total				\$ 238,000

7. Site work - (\$0)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 9. Construction Costs

8. Demolition and removal - (\$0)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 9. Construction Costs

9. Construction- (\$ 39,381,795)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Zayo Update 5.2.23

Zayo has corrected the rounding issues and updated this file and the budget spreadsheet. There is no change to the request amount. Changes are highlighted in yellow.

Materials (Personal Information / Proprietary Info) – Cost estimate based on total new route footage of Personal Information / Proprietary Information per foot to complete activities for Materials. The cost is based on past experience and industry rates.

Construction Contract (Personal Information / Proprietary Info) – Cost estimate based on total new route footage of Personal Information / Proprietary Information per foot to complete activities for Construction Contract. The cost is based on past experience and industry rates.

Splicing & Testing (Personal Information / Proprietary Info) – Cost estimate based on total new route footage of Personal Information / Proprietary Information per foot to complete activities for Splicing & Testing. The cost is based on past experience and industry rates.

This is a climate resilient underground design. Fiber construction (only) Cost Per Foot is estimated at (Personal Info). Total allocated Fiber Cost per Foot (e.g. project management) ranges from Personal Information / Proprietary Info.

Description	Unit Basis	Unit Cost	# of Units	Total Cost
Materials	Foot	<small>Personal Information / Proprietary Information</small>		
Construction Contract	Foot	<small>Personal Information / Proprietary Information</small>		
Splicing & Testing	Foot	<small>Personal Information / Proprietary Information</small>		

Total				\$ 39,381,795
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10. Equipment - (\$0)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 9. Construction Costs

11. Miscellaneous - (\$0)

Provide a narrative that includes a detailed description and justification of the estimated costs, proposed activities, and additional information as needed.

Included in 9. Construction Costs

12. SUBTOTAL (\$46,883,074)

13. Contingencies - (\$1,236,494)

Provide a narrative that includes a detailed description and justification of the estimated contingency costs, if any, and additional information as needed. Any contingency costs must be reasonable.

Contingencies (\$1,236,494) – **Personal Information / Proprietary Information**

[Redacted]

Here is a summary of the contingency equation:

Personal Information / Proprietary Information

[Redacted]

14. Subtotal 12 + 13 (\$48,119,568)

**Middle Mile Grant Program
Detailed Budget Justification Template**

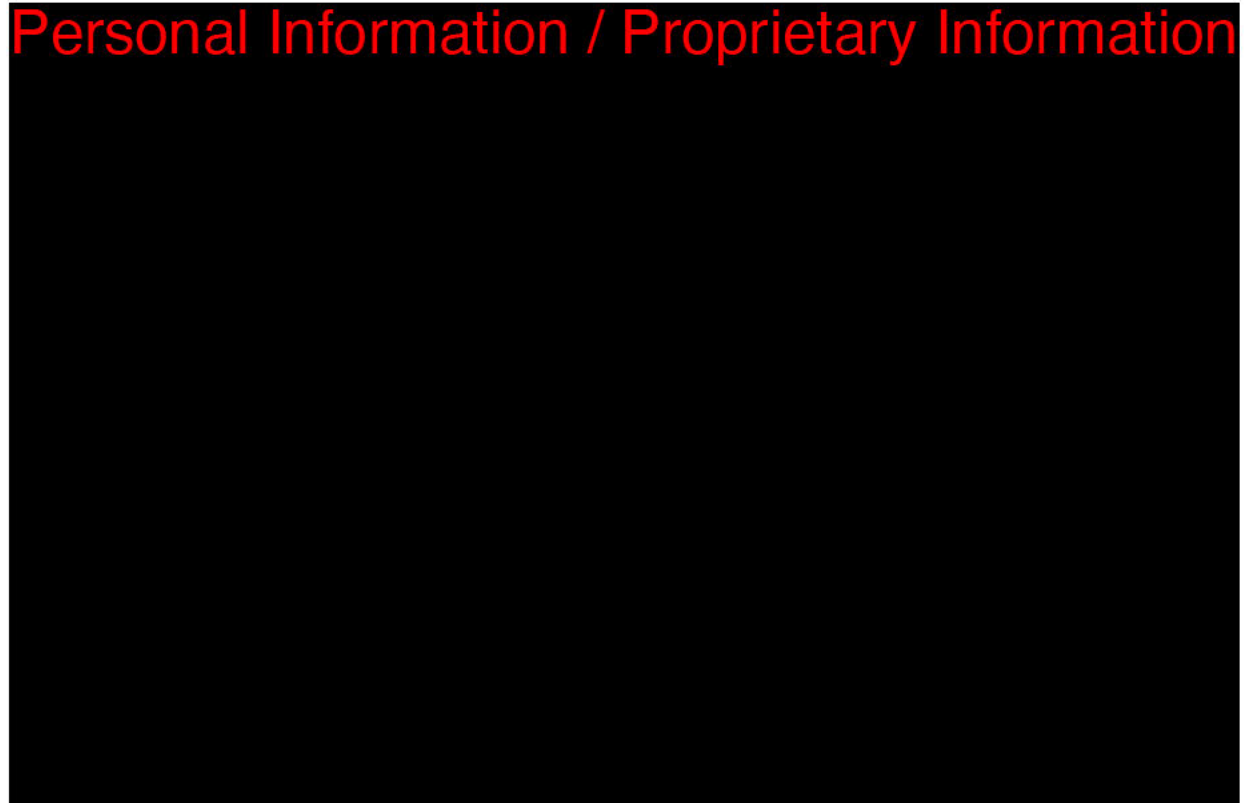
OMB Control No. 0660-0046
Expiration Date: 11/30/2022

		Unit Type	Unit Cost	No. of	Total Cost	Federal Funds	Cash Match	In Kind	Match Type	Match	Allowable	Notes/Comments
1. Administrative and Legal Expenses												
Project Management		Hour	Personnel Information		\$696,794	\$348,397	\$348,397		Cash	50%	\$348,397	
Administration		Hour	Personnel Information		\$557,436	\$278,718	\$278,718		Cash	50%	\$278,718	
Legal Fees		Hour	Personnel Information		\$139,359	\$69,679	\$69,679		Cash	50%	\$69,679	
Total Administrative and Legal Expenses					\$1,393,589	\$696,794	\$696,794	\$0		50%	\$696,794	
2. Land, Structures, Rights-of-Way, Appraisals, etc.												
Underlying Rights (ROW, Easements)	Based \$.0013 per Route Footage.	Foot	Personnel Information / Proprietary Information		\$570,240	\$285,120	\$285,120		Cash	50%	\$285,120	
Land Purchase	\$1.6 per Sqft for land purchases, Assumes total	Item	Personnel Information		\$193,600	\$96,800	\$96,800		Cash	50%	\$96,800	
ILA Addition	ILA addition, based on ~25 mile spacing, buildings to support	Item	Personnel Information / Proprietary Information		\$3,294,618	\$1,647,309	\$1,647,309		Cash	50%	\$1,647,309	
Towers	2 Towers across the route - Standard 180' Tower - C	Item	Personnel Information / Proprietary Information									
Total Land, Structures, Rights-of Way, Appraisals, etc.					\$4,843,258	\$2,421,629	\$2,421,629	\$0		50%	\$2,421,629	
3. Relocation Expenses and Payments												
Included in Construction Costs												
Total Relocation Expenses and Payments					\$0							
4. Architectural and Engineering Fees												
Engineering	Lower Rate due pre-engineering completed.	Foot	Personnel Information / Proprietary Information		\$456,192	\$228,096	\$228,096		Cash	50%	\$228,096	
Permits	Higher Rate (West Coast)	Foot	Personnel Information / Proprietary Information		\$570,240	\$285,120	\$285,120		Cash	50%	\$285,120	
Total Architectural and Engineering Fees					\$1,026,432	\$513,216	\$513,216	\$0		50%	\$513,216	
5. Other Architectural and Engineering Fees												
Included in 4. Architectural and Engineering Fees												
Total Other Architectural and Engineering Fees					\$0	\$0	\$0	\$0			\$0	
6. Project Inspection Fees												
Inspection Fees	Includes travel expenses -	Item	Personnel Information / Proprietary Information		\$ 238,000.00	\$119,000	\$119,000		Cash	50%	\$119,000	
Total Project Inspection Fees					\$238,000	\$119,000	\$119,000	\$0			\$119,000	
7. Site Work												
Included in Construction Costs					\$ -							
Total Site Work					\$0	\$0	\$0	\$0			\$0	
8. Demolition and Removal												
Included in Construction Costs												
Total Demolition and Removal					\$0	\$0	\$0	\$0			\$0	
9. Construction												
Materials	Personal Information / Proprietary Information	Foot	Personnel Information / Proprietary Information		\$11,797,759	\$5,898,879	\$5,898,879		Cash	50%	\$5,898,879	

Construction Contract	CPF based on similar builds & construction methodology	Foot	Personal Information / Proprietary Information	\$26,851,206	\$13,425,603	\$13,425,603		Cash	50%	\$13,425,603	
Splicing & Testing	Personal Information / Proprietary Information	Foot	Personal Information / Proprietary Information	\$732,830	\$366,415	\$366,415		Cash	50%	\$366,415	432
Total Construction				\$39,381,795	\$19,690,897	\$19,690,897	\$0			\$19,690,897	
10. Equipment											
Included in Construction Costs											
Total Equipment				\$0	\$0	\$0	\$0			\$0	
11. Miscellaneous											
Included in Construction Costs											
Total Miscellaneous				\$0	\$0	\$0	\$0			\$0	
12. SUBTOTAL											
				\$46,883,074	\$23,441,537	\$23,441,537	\$0			\$23,441,537	
13. Contingencies											
Contingency Factor	Re-Routes - Tribal Permits	Other	Personal Information	\$1,236,494	\$618,247	\$618,247		Cash	50%	\$618,247	
Total Contingencies				\$1,236,494	\$618,247	\$618,247	\$0			\$618,247	
14. SUBTOTAL											
				\$48,119,568							
15. Project (program) income											
				\$0							
Total Project (program) income											
16. PROJECT TOTAL											
				\$48,119,568	\$24,059,784	\$24,059,784	\$0		50%	\$24,059,784	

Zayo Network Diagram Map
Umatilla, OR to Reno, NV

Umatilla to Reno



INITIATIVE PROGRAM TABLE OF FUNDED PROJECTS

*entries highlighted in grey are examples

Administrative Role	Organization
Applicant	Zayo
Major Contractors/Suppliers	[Redacted: Personal Information / Proprietary Info]
Major Contractors/Suppliers	[Redacted: Personal Information / Proprietary Info]
Major Contractors/Suppliers	[Redacted: Personal Info]
Major Contractors/Suppliers	[Redacted: Personal Information / Proprietary Info]
Major Contractors/Suppliers	[Redacted: Personal Information]
Major Contractors/Suppliers	[Redacted: Personal Information]
Major Contractors/Suppliers	[Redacted: Personal]
Partners	Vertical Bridge

Participants & Unfunded Collaborators

Street Address	City	State	Zip Code
1805 29th Street	Boulder	CO	80301
Personal Information / Proprietary Information	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
750 Park of Commerce Drive, Suite 200	Boca Raton	FL	33487

Details on Role	Scope of Work Description:	Scope of Work: Total Project Cost
Applicant	Project Management, Administration, Legal Fees, Land Purchase, Inspectors, and flaggers	\$ 3,523,520.00
Personal Information / Proprietary Information	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Tower Partner	Construction of 2, 180' Cellular Towers and 75'x75' cellular compounds	Personal Information / Proprietary Information [REDACTED]

Scope of Work: Federal Funding Amount Requested	Applicant's Kind Match Valuation	In-	Applicant's Cash match
\$ 1,761,760.00	\$	-	\$ 1,761,760.00
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]



Vertical Bridge REIT, LLC

750 Park of Commerce Drive, Suite 200

Boca Raton, FL 33487

+1 (561) 948 - 6367

VerticalBridge.com

September 27, 2022

The Honorable Alan B. Davidson
Assistant Secretary for Communications and Information and Administrator, National
Telecommunications, and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

Dear Assistant Secretary Davidson:


The purpose of this letter is to express our support for this application by the Zayo Group under the Middle Mile Grant Program (MMGP). We are pleased to partner with Zayo in this application. Under this proposal, Vertical Bridge would construct towers along the proposed fiber route. Our towers will provide middle mile infrastructure that can host wireless internet service providers.

Sincerely,


A handwritten signature in black ink, appearing to read "Dale Carey".

Dale Carey

EVP, Strategy and Convergence

FORM CD-450 (REV. 10/18)	U.S. DEPARTMENT OF COMMERCE	X GRANT	COOPERATIVE AGREEMENT
FINANCIAL ASSISTANCE AWARD		FEDERAL AWARD ID NUMBER	
		08-40-MM216	
RECIPIENT NAME Zayo Group, LLC		PERIOD OF PERFORMANCE 07/01/2023 - 06/30/2026	
STREET ADDRESS 1805 29th Street; Suite 2050		FEDERAL SHARE OF COST \$24,059,784.00	
CITY, STATE ZIP Boulder, CO 80301-1067		RECIPIENT SHARE OF COST \$24,059,784.00	
AUTHORITY 47 U.S.C. Sec. 1741		TOTAL ESTIMATED COST \$48,119,568.00	
CFDA NO. AND NAME 11.033 Middle Mile (Broadband) Grant Program			
PROJECT TITLE: Zayo Oregon - NorCal - Nevada Middle Mile			
<p>This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modifications by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.</p> <p>X DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS</p> <p>R & D AWARD</p> <p>FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE</p> <p>X SPECIFIC AWARD CONDITIONS</p> <p>X LINE ITEM BUDGET</p> <p>X 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101</p> <p>X 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES</p> <p>MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.</p> <p>X OTHER(S): GENERAL TERMS AND CONDITIONS for the NTIA MIDDLE MILE GRANT PROGRAM, April 2023</p>			
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER			DATE
Andrew Rittgers			06/15/2023
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL			DATE
ANDREW RITTGERS  Digitally signed by ANDREW RITTGERS Date: 2023.06.15 11:32:32 -06'00'			

Joe1 Daly

DocuSigned by: SVP Zayo

September 21, 2023
A43C3F8FDA0485...

Award Number: 08-40-MM216, Amendment Number 0

Federal Program Officer: Jordan Weinstock

Requisition Number: MM1216

Employer Identification Number: 262012549

UEI Number: EACWBKJV6636

Recipient ID: 0825146

Requestor ID: 0825146

Award ACCS Information

Bureau	FCFY	Project-Task	Organization	Object Class	Obligation Amount
61	2023	4720001-000	06-00-0000-00-00-00-00	41-19-00-00	\$24,059,784.00

Award Contact Information

Contact Type	Contact Name	Email	Phone
Administrative	Jerry Terkelson	Personal Information / Proprietary Information	Personal Information / Proprietary

NIST Grants Officer:

Andrew Rittgers
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650

NIST Grants Specialist:

Damion Hart
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-3766

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: NEW

Recipient: Zayo Group LLC

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
MIDDLE MILE GRANT PROGRAM
FINANCIAL ASSISTANCE
SPECIFIC AWARD CONDITIONS**

1. Introduction:

The National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA), hereby enters into this Grant agreement, number 08-40-MM216, with Zayo Group LLC to support the work described in the proposal entitled “Zayo Oregon - NorCal - Nevada Middle Mile” dated 9/30/2022, and subsequent communications received 4/13/2023 and 5/2/2023, which is hereby incorporated into this award by reference. Where the terms of this award and the proposal differ, the terms of this award shall prevail.

2. Recipient Contact Information:

Administrative:

Jerry E Terkelson
Government Compliance Specialist
Zayo Group LLC
1805 29th Street; Suite 2050
Boulder, CO 80301-1067
Telephone: [Redacted]
Email: [Redacted]

3. NTIA Contact Information:

Federal Program Officer

Jordan Weinstock
National Telecommunications and Information Administration
US Department of Commerce
1401 Constitution Ave., NW, Ste. 4881
Washington, DC 20230
Telephone: 202-834-3782
Email: jweinstock@ntia.doc.gov

4. NIST Contact Information:

Grants Officer:

Andrew Rittgers
National Institute of Standards and Technology
325 Broadway
Boulder, CO 80305
Telephone: 303-497-7307
Email: andrew.rittgers@nist.gov

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: NEW

Recipient: Zayo Group LLC

Grants Specialist:

Damion Hart

National Institute of Standards and Technology

100 Bureau Drive, Mail Stop 1650

Gaithersburg, MD 20899-1650

Telephone: 301-975-3766

Email: Damion.Hart@nist.gov

5. Award Payments:

This award is hereby funded through advanced payments using the Department of Treasury’s Automated Standard Application for Payments (ASAP) system. Payments will be issued in accordance with 2 CFR § 200.305 and the Department of Commerce Financial Assistance Standard Terms and Conditions, B.02, dated November 12, 2020.

Payments for allowable costs may be drawn down as needed by the Recipient enrolled in ASAP. Funds may be requested through ASAP by the authorized *Payment Requestor* who is the individual designated by the Recipient to access Federal funds.

This award has the following control or withdrawal limits set in ASAP:

- None
- Agency Review required for all withdrawals (see explanation below)
- Agency Review required for all withdrawal requests over \$_____ (see explanation below)
- Maximum Draw Amount controls (see explanation below)
 - \$_____ each month
 - \$_____ each quarter
 - \$ 0.00 Max drawdown

Explanation:

Environmental Assessment & National Historic Preservation Act Compliance Requirements restriction

The total amount of Federal funding is hereby withheld until the requirements identified in the National Institute of Standards and Technology General Terms and Conditions for the NTIA Middle Mile Grant Program, Term #11 – Environmental Assessment and #12 – National Historic Preservation Act (Six-Month Expenditure Plan), are satisfied.

Contingency Costs

Federal funding in the amount of \$618,247.00 is hereby withheld until approval of SAC #21, Contingency Costs to request drawdown of funds designed specifically for contingency costs.

6. Return Payments for Funds Withdrawn through ASAP:

Funds that have been withdrawn through ASAP may be returned to ASAP via the Automated Clearing House (ACH) or via FEDWIRE. The ACH or FEDWIRE transaction may only be completed by the Recipient’s financial institution. Full or partial amounts of payments received by a Payment Requestor/Recipient Organization may be

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: NEW

Recipient: Zayo Group LLC

returned to ASAP. All funds returned to the ASAP system will be credited to the ASAP Suspense Account. The Suspense Account allows the Regional Financial Center to monitor returned items and ensure that funds are properly credited to the correct ASAP account. Returned funds that cannot be identified and classified to an ASAP account will be dishonored and returned to the originating depository financial institution (ODFI). The Payment Requestor/Recipient Organization should notify the NIST Grants Office and provide a reason whenever return payments are made.

It is essential that the Payment Requestor/Recipient Organization provide its financial institution with ASAP account information (ALC, Recipient ID and Account ID) to which the return is to be credited. Additional detailed information is accessible at: <https://www.fiscal.treasury.gov/asap/>.

7. Period of Performance and Funding Limitations:

The period of performance and budget incorporated into this award cover a **three-year** period of performance and provide for a maximum total amount of **\$24,059,784.00** in Federal funding. This award is being fully funded via this award action.

The maximum amount of NTIA funding in support of this award will not exceed the amount specified in the award documents, unless otherwise amended in writing by the NIST Grants Officer. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal funds being made available pursuant to this award.

8. Federal and Non-Federal Cost Sharing:

As directed by Section 60401(f) of the Infrastructure Act, each recipient must commit to a non-federal cost share of no less than 30 percent of the total project cost, unless exempted through a partial or complete waiver for Tribal governments and Native entities.

Pursuant to this award, NIST hereby approves the committed non-federal cost share in the amount of \$24,059,784.00 per the proposal's budget on the part of the recipient and becomes a binding requirement under subject award (*see* 2 CFR §200). The cost sharing ratio for this award is **50%** Federal share and **50%** Non-Federal share. See 2 CFR §200.306 and Department of Commerce Financial Assistance Standard Terms and Conditions, Section B.03 for the treatment of cost sharing.

9. Letter of Credit and Opinion Letter

Pursuant to the NOFO, the recipient must submit an irrevocable standby letter of credit in a value of no less than 25% of the award amount. The recipient also must provide with its letter of credit an opinion letter from its legal counsel clearly stating, subject only to customary assumptions, limitations, and qualifications, that in a proceeding under Title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the "Bankruptcy Code"), the bankruptcy court would not treat the letter of credit or proceeds of the letter of credit

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: NEW

Recipient: Zayo Group LLC

as property of the winning bidder's bankruptcy estate under Section 541 of the Bankruptcy Code.

The recipient may obtain a new letter of credit or renew its existing letter of credit to reduce its value in accordance with the following limitations:

- Upon demonstrating to the satisfaction of the Assistant Secretary that it has completed the buildout of 40 percent of project miles, an eligible entity may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 20 percent of the award amount.
- Upon demonstrating to the satisfaction of the Assistant Secretary that it has completed the buildout of 60 percent of project miles, an eligible entity may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 15 percent of the award amount.
- Upon demonstrating to the satisfaction of the Assistant Secretary that it has completed the buildout of 80 percent of project miles, an eligible entity may obtain a new letter of credit or renew its existing letter of credit so that it is valued at no less than 10 percent of the award amount.

10. Notice of Funding Opportunity – Middle Mile Grant Program

The Department of Commerce, National Telecommunications Information Administration Notice of Funding Opportunity (NOFO) No. NTIA-MMG-2-2022, Middle Mile Grant Program, dated May 13, 2022, is incorporated by reference into this award. It is accessible at: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=340300>. Select “Closed” or “Archived” Opportunity Status to view the NOFO.

11. Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements as published in the Federal Register on December 30, 2014 (79 FR 78390) is incorporated by reference into this award. It is accessible at: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

12. Department of Commerce Financial Assistance Standard Terms and Conditions:

As indicated on the Form CD-450 for this award, the Department of Commerce Financial Assistance Standard Terms and Conditions (ST&C) issued November 12, 2020 are incorporated by reference into this award. The Department’s ST&C, as well as a link to 2 CFR Part 200, are accessible at: <https://www.commerce.gov/oam/policy/financial-assistance-policy>

13. Bi-annual Performance and Financial Reporting Requirements

The Recipient must submit a Federal Financial Report (SF-425), and Performance Progress Report on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof.

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Reports are due no later than 30 calendar days following the end of each reporting period. A final SF-425 and Performance Progress Report (Closeout) must be submitted within 120 days after the expiration of the period of performance. Subrecipients are required to submit their final performance report to the pass-through entity within 90 calendar days unless an extension has been granted.

All SF-425 and Performance Progress Reports must, at minimum, comply with the reporting requirements and contain all information and certifications specified in the NOFO.

All SF-425 and Performance Progress Reports must be submitted to the NTIA Grants Portal at <https://grants.ntia.gov/>, with copy to the Federal Program Officer, within the prescribed timeframes identified in the terms and conditions of the award.

The Recipient organization name, NIST award number, and reporting period must be included in the submission. The Recipient contact information should be included in the body of the message. To the greatest extent possible, SF-425 and Performance Progress Reports should be submitted together in the same submission.

SF-425 and Performance Progress Reports must not be sent directly to NIST/NTIA personnel, other than when copying the Federal Program Officer on submissions to the <https://grants.ntia.gov/> Portal.

Any SF-425 or Performance Progress Reports sent directly to NIST/NTIA personnel will be returned to the sender with instructions on how to submit through the <https://grants.ntia.gov/> Portal.

No other correspondence may be sent through this Portal; timely responses to any other inquiries received in this mailbox are not guaranteed. The Portal will not be used for any other purpose *except* for purposes identified above.

Eligible entities that receive an award shall comply with any other reasonable reporting requirements determined necessary by the NTIA Assistant Secretary.

**14. Department of Commerce Financial Assistance Standard Terms and Conditions
Section B.06 Indirect or Facilities and Administrative Costs:**

NIST will reimburse the Recipient for indirect or F&A costs in accordance with 2 C.F.R. § 200.414 and Section B.06. of the Department of Commerce Financial Assistance Standard Terms and Condition, dated November 12, 2020.

If an indirect cost rate has not been established, and NIST is identified as the cognizant agency for indirect costs in accordance with 2 C.F.R. § 200.1, “Cognizant agency for indirect costs,” within 90 calendar days of the award start date, the Recipient must electronically submit to gmdaudit@nist.gov the documentation (indirect cost rate proposal, cost allocation plan, etc.) necessary to allow NIST to perform an indirect cost rate proposal review. Organizations that have previously established indirect cost rates

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with NIST must submit a new indirect cost rate proposal for indirect costs within six months after the end of the organization's fiscal year.

If your submission includes Personally Identifiable Information (PII) or Business Identifiable Information (BII), please send an email to gmdaudit@nist.gov to request a secure link.

The requirements for determining the relevant cognizant agency and for developing and submitting indirect (F&A) cost rate proposals and cost allocation plans are contained in 2 C.F.R. § 200.414 and in Appendices III-VII to 2 C.F.R. Part 200. For additional guidance on preparing indirect cost proposals, please review the Department of Labor's Guide for Indirect Cost Determination at: <https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm>. Section I.B and I.C lists the various types of indirect cost rates and the circumstances under which such rates would apply. The guide also addresses common indirect cost problems and contains useful FAQs.

15. Unfunded Grant Actions Mailbox (UGAM):

Requests for unfunded award actions, which include, but are not limited to, requests for no-cost extension, change in key personnel, change in scope of work, budget revisions, award transfer, and novation, must be submitted to: UGAM@nist.gov, within the prescribed timeframes identified in the terms and conditions of the award.

Unfunded award action requests and related correspondence, including justification to support the request, sent to the mailbox ***must*** contain the following information in the email subject line: (1) Recipient name; (2) NIST award number; (3) Principal Investigator/Project Director; and (4) Action being requested (e.g. no cost extension, change in key personnel, etc.).

Unfunded award action requests must not be sent directly to NIST personnel (e.g. Grants Specialist, Grants Officer, Administrative Assistant, GMD Division Chief, Federal Program Officer, etc.).

Any requests sent directly to NIST personnel will be returned to the sender with instructions on how to submit through the UGAM@nist.gov mailbox.

No other correspondence may be sent through this mailbox; timely responses to any other inquiries received in this mailbox are not guaranteed. The mailbox will not be used for any other purpose ***except*** for purposes identified above.

Requests that are processed will be authorized via a Form CD-451 Amendment to the Financial Assistance Award or a Non-Funded Administrative Change Letter.

16. Climate Resilience

Because retrofitted and new infrastructure for broadband might be expected to have a lifetime of 20 years or more, the Recipient must account not only for current risks but

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also for how the frequency, severity, and nature of these extreme events may plausibly evolve as our climate continues to change over the coming decades.

Accordingly, the recipient must develop a plan for regularly assessing the changing weather and climate risks that could impact the network. Such a plan must demonstrate that the risks are understood and characterized to account for and respond to these areas for the 20 years following deployment, utilizing at least one resource or tool at <https://toolkit.climate.gov/content/understanding-climate-risk-resources-ntia-applicants>. The plan should also detail how the weather and climate risks identified are addressed through avoidance and/or mitigation for the network. The plan should articulate how this process of evaluating the updated climate and weather risk and incorporating that information into the network design, maintenance, upgrades, or similar will be performed at least once during the period of performance and periodically over the life of the project.

The recipient is to report on its climate risk reanalysis in the biannual performance reports.

17. No Duplication of Federal Funding

No federal funds may be used to duplicate costs, services, connections, facilities, or equipment that have been authorized through another federal program. To the extent that a Middle Mile Program project is later deemed to include duplicate funding from another federal program, the NIST Grants Office and NTIA reserve the right to disallow the costs associated with the duplication of federal funds or service and/or to reallocate the funds to allowable activities within the project.

18. Signage and Public Acknowledgements:

The Recipient is required to post project signage and to include public acknowledgments in published and other collateral materials (e.g., press releases, marketing materials, webpages, plaques) satisfactory in form and substance to NIST, that identifies the nature of the project and indicates that “the project is funded by the Infrastructure Investment and Jobs Act. The Recipient employing project signage is required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide: <https://www.whitehouse.gov/wp-content/uploads/2023/02/Investing-in-America-Brand-Guide.pdf>. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs. Any construction site signage should be displayed throughout the construction phase of the project in an easily visible location directly linked to the work taking place. The Recipient is responsible to maintain the signage in good condition throughout the construction period.

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19. Equipment:

A. Estimated Useful Life and Compliance with 2 C.F.R. § 200.313. For purposes of this award, the estimated useful life of the equipment to be acquired by the recipient varies from the date that such equipment is placed into service on the project. Additional useful life guidance will be forthcoming. During the estimated useful life of the equipment, the recipient must adhere to the requirements contained in the terms and conditions of the award, including adherence to the use, management, and disposition requirements set forth in 2 C.F.R. § 200.313.

B. UCC-1 Filing & Attorney’s Certification. Pursuant to 2 C.F.R. § 200.316, within 30 calendar days of acquiring all or any portion of the equipment under this award, the recipient shall properly file a UCC-1 with the appropriate State office where the equipment will be located in accordance with the State’s Uniform Commercial Code (UCC). The UCC filing(s) must include the below or substantively similar language providing public notice of the Federal Interest in the equipment acquired with NTIA Middle Mile funding. Also, a clear and accurate inventory of the subject equipment must be attached to and filed with the UCC-1.

The Equipment set forth at Attachment A hereto was acquired with funding under a financial assistance award (Award Number 08-40-MM216) issued by the National Institute of Standards and Technology, U.S. Department of Commerce. As such, the U.S. Department of Commerce retains an undivided equitable reversionary interest (Federal Interest) in the Equipment for the estimated useful life thereof, from when the equipment is placed into service on the project.

In addition, within 15 calendar days following the required UCC filing(s), the recipient must be ready if requested by the Grants Officer to provide the Grants Officer with complete and certified copies of the filed UCC forms and attachments for the equipment acquired with NTIA Middle Mile funding, along with a certification from legal counsel, licensed by the State within which the filings were made (Attorney’s Certification), that the UCC filing was properly executed and filed in accordance with applicable state law. The Attorney’s Certification must include the below or substantively similar language:

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Pursuant to 28 U.S.C. § 1746, I hereby certify as follows:

I am legal counsel at _____.

I am licensed to practice law in the State of _____ having been a license holder of said state and in good standing since _____.

Attached hereto is a certified copy of UCC-1 form(s) reflecting that this document was filed in the _____ on _____, 202x, bearing the following filing

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*information [insert filing data, e.g., instrument number, etc.) and consists of _____
recorded pages as certified by the Secretary of State of _____.*

*I certify that this UCC-1 form(s) has/have been validly executed and properly recorded
as noted above.*

I certify under the penalty of perjury that the foregoing is true and correct.

Executed on this ____ day of _____.

(Attorney name and title)

(Address and phone number)

In addition, during the estimated useful life of the equipment, the recipient is hereby authorized and directed by the Grants Officer to timely file any necessary UCC-3 continuation statements (or other filings) for the subject equipment consistent with the requirements set forth in this specific award condition. If requested by the Grants Officer, copies of all filed UCC continuation statements, together with an Attorney's Certification, must be submitted to the Grants Officer within 15 calendar days following each such filing. The UCC filing(s) and the accompanying Attorney's Certification(s) must be acceptable in form and in substance to the NIST Grants Officer. If the Grants Officer does not request the UCC filing(s) and Attorney's Certification, the recipient must continue to maintain records of the filing(s) and Attorney's Certification in compliance with 2 CFR § 200.334 Retention requirements for records.

20. Publication Disclaimers:

Pursuant to Section G.05.k of the DOC Standard Terms and Conditions, the recipient is required to submit a copy(ies) to the funding agency and when releasing information related to a funded project include a statement that the project or effort undertaken was or is sponsored by DOC. The recipient is also responsible for assuring that every publication of material (including Internet sites) based on or developed under an award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

This [report/video/etc.] was prepared by Zayo Group LLC using funds under award 08-40-MM216 from the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce (DOC). The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the NTIA or DOC

This also applies to videos produced under DOC financial assistance awards.

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21. Contingency Costs:

To the extent provided in the approved budget, contingency costs are generally allowable under the Middle Mile Program.

The Recipient's use of federal award funds for contingency costs must be pre-approved by the Grants Officer prior to the Recipient drawing down federal award funds for such costs. A Recipient request to draw down federal award funds for contingency costs must be made in writing to the Grants Officer, who shall approve or disapprove the Recipient's request in writing.

End of Specific Award Conditions

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
GENERAL TERMS AND CONDITIONS
for the
NTIA MIDDLE MILE GRANT PROGRAM**

April 2023

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1. Project Management Conference

Shortly after approval of the award, NIST (on behalf of NTIA) may contact the Recipient to arrange a project management conference. The purpose of the project management conference is to explain to the Recipient its post-approval responsibilities for administration of the award, including its responsibilities with respect to the Terms and Conditions of the award and applicable Federal requirements. The Recipient's authorized representative, architect/engineer, financial representative, and possibly the Recipient's legal counsel should attend.

2. Property Trust Relationship and Public Notice Filings for Grant-Acquired Property

In accordance with 2 CFR § 200.316 (Property trust relationship), real property, equipment, and intangible property, that are acquired or improved with a Federal award must be held in trust by the non-Federal entity (*i.e.*, Recipient or Subrecipient) as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). The non-Federal entity must comply with all use and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship), as applicable, and in the terms and conditions of the Federal award.

The Grants Officer may require a non-Federal entity (*i.e.*, a Recipient or Subrecipient) to execute and to record (as applicable) a statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part pursuant to a Middle Mile Grant Program award is subject to the Federal Interest, and that certain use and disposition requirements apply to the property. The statement of interest, financing statement (Form UCC-1), lien, mortgage or other public notice must be acceptable in form and substance to NTIA and to the NIST Grants Officer and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the NIST Grants Officer may further require the non-Federal entity to provide NTIA and the NIST Grants Officer with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be promptly returned to the Grants Officer. The non-Federal entity may use model documentation made available by NTIA.

Without releasing or excusing the non-Federal entity from these obligations, the non-Federal entity, by execution of the financial assistance award or by expending Federal financial assistance funds (in the case of a subrecipient), authorizes NTIA and/or the NIST Grants Officer to file such notices and continuations as it determines to be necessary or convenient to disclose and protect the Federal Interest in the property. The NIST Grants Officer may elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the NIST Grants Officer are made.

3. **Land, Easements, and Rights of Way**

The Recipient must disclose all encumbrances to NIST. NIST will not accept any encumbrance that interferes with the construction, intended use, operation, or maintenance of the project during its estimated useful life.

4. **Project Sign**

The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction phase of the project a sign(s) satisfactory to NIST that identifies the project and indicates that the project is Federally funded. The sign shall:

- Be designed in accordance with the guidelines and design specifications found in the Building A Better America Brand Guide found here: <https://www.whitehouse.gov/wp-content/uploads/2022/08/Building-A-Better-America-Brand-Guide.pdf>
- Be placed in an easily visible location that can be directly linked to the work taking place; and,
- Identify the project as a “project funded by President Biden’s Bipartisan Infrastructure Law.”

The recipient should use best effort to use recycled or recovered materials when procuring signs. The recipient shall also ensure costs associated with signage are reasonable and limited,

NIST also may require that the Recipient maintain a permanent plaque or sign at the project site with the same or similar information.

5. **Eminent Domain**

In accordance with Executive Order 13406, “*Protecting the Property Rights of the American People*” (June 28, 2006), the Recipient agrees:

- (a) Not to use any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the Project for the purpose of advancing the economic interests of private parties;
- (b) Not to accept title to land, easements, or other interest in land acquired by the use of any power of eminent domain for use in connection with the Project for such purposes; and
- (c) Any use of the power of eminent domain to acquire land, easements or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the Project without prior written consent of NIST constitutes an unauthorized activity and/or use of funds under the award, and subjects the recipient to appropriate enforcement action by the Grants Officer, including but not limited to the disallowance of award costs and the termination of an award.

6. Construction Contract Security Bond

Pursuant to 2 CFR § 200.326, for construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (currently \$250,000), the Recipient may submit its bonding policy and requirements to the Grants Officer for a determination whether the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum bonding requirements of 2 CFR § 200.326 (Bonding requirements) shall apply.

7. Inspection And Testing of Materials

The Recipient shall ensure that all materials and equipment used in the completion of the work shall be subject to adequate inspection and testing in accordance with accepted standards. Materials of construction, particularly those upon which the strength and durability of any structure may depend, shall be subject to inspection and testing to establish conformance with specifications and suitability for intended uses. The Recipient shall ensure that documentation of same is cataloged and retained.

8. Energy Efficiency

The Recipient shall apply, where feasible, sustainable, and energy efficient, design principles for the purpose of reducing pollution and energy costs and optimizing lifecycle costs associated with the construction.

9. Requirements During Construction

During construction, the Recipient is responsible for:

- (a) Ensuring project completion in accordance with approved plans and specifications;
- (b) Monitoring project progress and reporting progress to NTIA and NIST;
- (c) Providing for required construction permits and adequate construction inspection;
- (d) Promptly paying costs incurred for the project purposes;
- (e) Monitoring contractors' compliance with Federal, State, and local requirements; and
- (f) Constructing and maintaining in good condition throughout the construction period, of a sign or signs, at the project site in a conspicuous place indicating that the Federal Government is participating in the project.

10. Recipient and Contractor Compliance with Applicable Requirements

The Recipient shall comply, and must require each subrecipient or contractor, including lower tier subrecipients or subcontractors, to comply with all applicable Federal, state, and local laws and regulations. The Recipient is responsible for ensuring that all contracts necessary for design and construction of the Project facilities are implemented in compliance with the Terms and Conditions of this Award.

11. Environmental Assessment

The Recipient must comply with all environmental standards and identify to NTIA any impact a proposed infrastructure project may have on the environment. The Recipient may not expend

any federal infrastructure funds other than for engineering design, permitting and work related to environmental, historical and cultural reviews, and limited, preliminary procurement funds, as described below, prior to the following:

- The completion of environmental review and issuance of a Categorical Exclusion (Cat Ex) Decision Memo, Record of Consideration (REC), Finding of No Significant Impact (FONSI), or Record of Decision (ROD) (hereinafter “decision documents”) that meets the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*);
- The completion of any required consultations, to include consultations with the State Historic Preservation Office (SHPO) and the appropriate federally recognized Native American tribes, under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, *et seq.*) (NHPA), and/or consultations with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (16 U.S.C. 1531, *et seq.*), and/or consultations with the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (33 U.S.C. 1251, *et seq.*); and/or
- Demonstration of compliance with all other applicable federal, state, and local environmental laws and regulations.

Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The completion of a draft environmental assessment (EA) or equivalent document, and completion of any required consultations under Section 106 of the NHPA, must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The Recipient must comply with all conditions placed on the project as the result of consultation processes.

Subject to the Grants Officer’s approval of the Recipient’s 6-month expenditure plan (described below), the allowable use of award funds prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting environmentally-related information;
- Applications for environmental permits;
- Studies such as an Environmental Assessment (EA), and any wetland delineations, biological assessments, archaeological surveys, or other required analyses;
- Administrative costs;
- Pre-award application costs; and/or
- Required consultation activities.

The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:

- Purchase or lease of equipment, or entering into binding contracts to do so;

- Purchase of applicable or conditional insurance; and/or
- Funds used to secure land or building leases, including right-of-way easements.

The allowable use of preliminary procurement funds is limited; must not result in an irrevocable commitment of resources; and is only allowed after inclusion in and approval of an initial 6-month expenditure plan. The initial 6-month expenditure plan is due in advance of any infrastructure funds draw down from ASAP and will be reviewed by the Federal Program Officer, who will make recommendations to the Grants Officer (who has final approval authority) to ensure all proposed procurement funds are reasonable and necessary to ensure that the project completion deadline requirements are met. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before issuance of the decision documents and completion of applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses). Under no circumstances will grant funds be drawn down for clearing or excavating land, or demolition or construction of buildings or towers, before all environmental SACs are completed and cleared. This limited, preliminary allowable use of funds for purchases and leases is designed for recipient flexibility and to streamline preparation for project implementation simultaneously during environmental review and conducting of consultations; the clause, and all applicable restrictions, is lifted once the decision document and applicable consultations are complete and approved.

While this SAC is in effect, the Recipient shall submit, in advance of any drawdowns of funds from ASAP, an initial 6-month expenditure plan that presents the proposed planning and design activities and limited, preliminary procurement activities and costs. The initial 6-month expenditure plan will be submitted via email to the Federal Program Officer, who will review it and provide recommendations to the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary in the context of environmental compliance. The Federal Program Officer must review and recommend, and the Grants Officer must approve the initial 6-month expenditure plan prior to fund drawdowns through ASAP.

The completion of a draft EA will be submitted via email to the Environmental Federal Program Officer and Federal Program Officer. Once the environmental review has been completed, NTIA will review all documentation and determine whether the review sufficiently addresses all resource areas and whether the project may qualify for approval decision. Projects found to have significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The Recipient is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The Recipient shall notify NTIA within 24 hours upon receipt of any notices of foreclosure; notices for continuing consultation received from the SHPO, Tribal Historic Preservation Office (THPO), USFWS, or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

Any change to the approved project scope that has the potential for altering the nature or extent of environmental or cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the Recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the Recipient must immediately cease construction in that area and notify NTIA and the interested SHPO, THPO, and tribes. Such construction activities may then only continue with the written approval of NTIA.

A revised 6-month expenditure plan is due within 30 days of submitting a FONSI to NTIA. The revised 6-month expenditure plan must outline how the Recipient plans on expending the remaining budget costs related to construction-type activities. This plan should be submitted via email to the Federal Program Officer who will review it and provide recommendations to the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary. The Federal Program Officer must review and recommend, and the Grants Officer must approve, the revised 6-month expenditure plan prior to fund drawdowns through ASAP.

12. National Historic Preservation Act

The Recipient may not expend any federal infrastructure funds other than for engineering design, permitting and work related to environmental, historical and cultural reviews, and limited, preliminary procurement funds prior to the following:

- The completion of any required consultations, to include consultations with the State Historic Preservation Officer (SHPO) and the appropriate federally recognized Native American tribes, under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470, *et seq.*) (NHPA); and/or
- Demonstration of compliance with all other applicable Federal, State, and local environmental laws and regulations.

Project implementation (site preparation, demolition, construction, ground disturbance, or any other project implementation activities) may not begin prior to the completion of the above activities. The completion of any required consultations under Section 106 of the NHPA must be completed no later than six months after the award date unless a formal request for extension is submitted and approved by the Grants Officer. The Recipient must comply with all conditions placed on the project as the result of consultation processes.

Subject to the Grants Officer's approval of the Recipient's 6-month expenditure plan (described below), the allowable use of funds for planning and design activities prior to beginning project implementation includes, but is not limited to, activities necessary for the completion of the following:

- Pre-construction project planning, including collecting culturally-related information;

- Applications for cultural resource approvals and/or permits;
- Studies and any archaeological, architectural history, or traditional cultural property surveys, or other required analyses;
- Administrative costs;
- Pre-award application costs; and/or
- Required consultation activities.

The allowable use of funds for limited, preliminary procurements prior to beginning project implementation includes, but is not limited to, the initiation of activities necessary to meet the project completion requirements as specified in the award, including the following:

- Purchase or lease of equipment, or entering into binding contracts to do so;
- Purchase of applicable or conditional insurance; and/or;
- Funds used to secure land or building leases, including right-of-way easements.

While this SAC is in effect, the Recipient shall submit, in advance of any drawdowns of funds from ASAP, an initial 6-month expenditure plan that presents the proposed planning and design activities and limited, preliminary procurement activities and costs. The initial 6-month expenditure plan will be submitted via email to the Federal Program Officer, who will review it and provide recommendations to the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary in the context of environmental compliance. The Federal Program Officer must review and recommend, and the Grants Officer must approve the initial 6-month expenditure plan prior to fund drawdowns through ASAP.

The allowable use of preliminary procurement funds is limited; must not result in an irrevocable commitment of resources; and is only allowed after inclusion in and approval of an initial 6-month expenditure plan. The initial 6-month expenditure plan is due in advance of any infrastructure funds draw down from ASAP and will be reviewed by the Federal Program Officer, who will make recommendations to the Grants Officer (who has final approval authority) to ensure all proposed procurement funds are reasonable and necessary to ensure that the project completion deadline requirements are met. All contracts must contain early termination clauses with termination costs clearly specified. All equipment purchased or leased in advance of project implementation and before completion of applicable consultations must be stored in locations other than the proposed project site and where there will be no impact to the environment, human health, or cultural resources (in most cases, this means equipment must be stored in existing warehouses). Under no circumstances will grant funds be drawn down for clearing or excavating land, or demolition or construction, before all environmental SACs are completed and cleared. This limited, preliminary allowable use of funds for purchases and leases is designed for recipient flexibility and to streamline preparation for project implementation simultaneously during consultations; the clause, and all applicable restrictions, is lifted once the applicable consultations are complete, and decision document is issued.

Consultation documentation will be submitted via email to the Environmental Federal Program Officer and Federal Program Officer. Once the consultation activities have been completed, NTIA will review all documentation and determine whether the consultation activities sufficiently address historical and/or cultural resource impacts. Projects found to have

significant impacts to environmental or historic resources may face de-obligation of funding if impacts cannot be mitigated. The Recipient is required to provide any information requested by NTIA to ensure both initial and ongoing compliance with environmental and historic preservation laws, regulations, and best practices. The Recipient shall notify NTIA within 24 hours upon receipt of any notices of foreclosure; notices for continuing consultation received from the SHPO, Tribal Historic Preservation Officer (THPO), or other consulting party; or notices of noncompliance received from consulting authorities or regulatory agencies.

For all ground disturbing activities that occur during project implementation in the vicinity of known archaeological sites or suspected or known burials, the Recipient must ensure that an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards monitors ground disturbance, and if any potential archeological resources or buried human remains are discovered, then the Recipient must immediately cease construction in that area and notify NTIA and the interested SHPO, THPO, and tribes. Such construction activities may then only continue with the written approval of NTIA.

Any change to the approved project scope that has the potential for altering the nature or extent of cultural resources impacts must be brought to the attention of NTIA and will be re-evaluated for compliance with applicable regulatory requirements.

A revised 6-month expenditure plan is due within 30 days of submitting a FONSI to NTIA. The revised 6-month expenditure plan must outline how the Recipient plans on expending the remaining budget costs related to construction-type activities. This plan should be submitted via email to the Federal Program Officer who will review it and provide recommendations to the Grants Officer for final approval to ensure that the proposed activities and expenditures are reasonable and necessary. The Federal Program Officer must review and recommend, and the Grants Officer must approve, the revised 6-month expenditure plan prior to fund drawdowns through ASAP.

13. Tribal Employment Rights Ordinances

In accordance with Departmental policy, NIST must recognize Tribal Employment Rights Ordinances (TEROs), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Tribal ordinances requiring preference in contracting, hiring, and firing and the payment of a TERO fee are allowable provisions under Federal awards and is incorporated by NTIA into Middle Mile Grant Program grants with Native American/Alaska Native/Native Hawaiian entities. The payment of the TERO fee, which supports the tribal employment rights office to administer the preferences, should generally be allowable as an expense that is "necessary and reasonable for proper and efficient performance and administration" of an award, as provided under as provided under 2 CFR § 200.403.

14. Scheduling Inspection for Final Acceptance

The Recipient will schedule its final inspection when all construction has been completed, the architect/engineer has conducted its own final inspection, and any deficiencies have been corrected. Representatives of the Recipient, the architect/engineer, and the contractor(s) will make the Recipient's final inspection. NTIA must be given advance notice of the final inspection so that a representative of NTIA may participate.

15. Build America, Buy America – Required Use of Domestic Fiber Optic Glass and Fiber Optic Cable

A. Applicability & Scope: Pursuant to the Infrastructure Investment and Jobs Act, 2021, Pub. L. No. 117-58, 135 Stat. 429 (Nov. 15, 2021) (IIJA) including the Build America, Buy America Act, Pub. L. No. 117-58, §§ 70901-52 (BABA), as well as guidance provided by Memorandum for Heads of Executive Departments and Agencies, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, Executive Office of the President, Office of Management and Budget (April 18, 2022) (OMB M-22-11), recipients of a federal financial assistance award from the U.S. Department of Commerce (DoC) are hereby notified that none of the funds provided under this award may be used for a Middle Mile (MM) infrastructure project unless all of the fiber optic glass and fiber optic cable used in the project is produced in the United States. The Buy America domestic content procurement preference only applies to fiber optic glass and to fiber optic cable that are consumed in, incorporated into, or affixed to a MM infrastructure project. As applicable, the requirements of this subsection must be included in all subawards and contracts, including all contracts and purchase orders for work or products pursuant to this program.

B. Waivers: When necessary, recipients may apply for, and DoC may grant, a waiver from the Buy America domestic content procurement preference applicable to MM awards. When DoC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America domestic content procurement preference in any case in which DoC determines that:

- 1) applying the Buy America domestic content procurement preference to the fiber optic glass and/or fiber optic cable needed for the MM project would be inconsistent with the public interest;
- 2) the fiber optic glass and/or fiber optic cable needed for the MM project are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- 3) the inclusion of fiber optic glass and/or fiber optic cable needed for the MM project and produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America domestic content procurement preference must be submitted in writing. The NTIA Federal Program Officer will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Office of Management and Budget Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver accessible at: <https://www.whitehouse.gov/omb/management/made-in-america/build-america-buy-america-act-federal-financial-assistance/>.

Please note that NTIA has waived the Buy America domestic content procurement preference requirement for all iron, steel, manufactured products, and construction

materials used in MM infrastructure projects, with the exceptions of fiber optic glass and fiber optic cable. See *Limited Applicability Nonavailability Waiver of the Buy America Domestic Content Procurement Preference as Applied to Recipients of Middle Mile Grant Program Awards*, which was issued by the Assistant Secretary of Commerce for Communications and Information on April 18, 2023 and is accessible at: <https://www.commerce.gov/oam/build-america-buy-america>.

Notwithstanding the NTIA waiver and excepting fiber optic glass and fiber optic cable used in a MM project, the Recipient should, as appropriate and consistent with law and to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including, but not limited to, iron, aluminum, steel, cement, and other manufactured products). As applicable, the requirements of this subsection must be included in all subawards, including all contracts and purchase orders for work or products pursuant to this program. See 2 CFR § 200.322, *Domestic preference for procurements*.

C. Definitions:

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives¹—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- glass (including optic glass);
- lumber; or
- drywall.

In the case of construction materials, all manufacturing processes for the construction material must have occurred in the United States.²

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure;

¹ IJA, § 70917(c)(1).

² *Id.* at § 70912(6)(C).

and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

D. **Recordkeeping and Reporting:** In accord with 2 C.F.R. § 200.334, *Retention requirements for records*, the recipient is required to maintain detailed records pertinent to a MM award, including financial records, procurement records, and real property/equipment records. In this connection, the recipient is required to maintain detailed records concerning the acquisition of all iron, steel, manufactured products, and construction materials used in MM projects. For fiber optic glass and fiber optic cable used in a MM project, this includes but is not limited to the: acquisition date; acquisition price; verification of domestic sourcing (unless DoC issues a waiver); how it was used in the project; and current location. Additionally, the recipient is required to maintain detailed records concerning the acquisition of iron, steel, manufactured products, and construction materials from foreign sources that are used in a MM project, including but not limited to: acquisition date; acquisition price; efforts to source domestically; foreign source(s); how it was used in the project; and current location. NTIA may require the recipient to report such information to the Agency at a time and in the format specified by the NTIA Federal Program Officer.

E. **Questions:** Questions concerning the Buy America domestic content procurement preference requirements applicable to MM awards should be addressed to the NTIA Federal Program Officer.

16. Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

Pursuant to 2 CFR § 200.321, the Recipient and its subrecipients must take all necessary affirmative steps (as described in 2 CFR § 200.321) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

17. Open Network Requirements

The Recipient must comply with NTIA’s open network requirements, which allows all other broadband service providers to interconnect with networks and other broadband infrastructure deployed using funds from this grant program on fair and non-discriminatory terms and conditions. The requirement to interconnect will apply to Recipients that deploy middle mile networks or submarine cable landing stations and not last mile networks.

- **Interconnection:** Recipients shall allow interconnection in perpetuity to grant-funded facilities at any technically feasible point along the network (without exceeding current or reasonably anticipated capacity limitations). This duty includes, at a minimum, the physical interconnection of the Recipient’s facilities to a requesting party’s facilities for the exchange of traffic. In addition, Recipients shall connect to the public Internet directly or indirectly and provide requesting parties with an ability to connect to the

Internet. Rates and terms for interconnection shall be reasonable and nondiscriminatory.

- **Negotiate in Good Faith:** Recipients shall negotiate in good faith with all requesting parties (*i.e.*, public, private, non-profit, or other parties) making a bona fide request for interconnection or wholesale services.
- **Wholesale Broadband Service:** NTIA encourages Recipients to offer wholesale broadband services at rates and terms that are reasonable and nondiscriminatory

18. Prohibition on Use for Covered Communications Equipment or Services

A Recipient or subrecipient may not use grant funds received under the Middle Mile Grant Program to purchase or support any covered communications equipment or service (as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1608)). *See also* 2 C.F.R. 200.216 (Prohibition on certain telecommunications and video surveillance services or equipment), which also applies to this award.

19. Prevention of Waste, Fraud, and Abuse

Consistent with the principles in 2 CFR part 200, at any time(s) during the grant period of performance, NTIA may direct a Recipient's key personnel to take a Government-provided training on preventing waste, fraud and abuse. Key personnel include those responsible for managing the Recipient's finances and overseeing any contractors, sub-contractors or sub-recipients (for financial matters and/or general oversight related to the grant). NTIA will provide instructions on when and how to take such training(s), and costs incurred by a Recipient relative to the training (*e.g.*, staff time) are eligible for reimbursement pursuant to the NTIA award.

Further, recipients must monitor award activities for common fraud schemes, including but not limited to:

- false claims for materials and labor;
- bribes related to the acquisition of materials and labor;
- product substitution;
- mismarking or mislabeling on products and materials; and
- time and materials overcharging.

Should a Recipient detect any fraud schemes or any other suspicious activity, the grant recipient must contact its assigned NTIA Federal Program Officer and the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Contact-Us.aspx>, as soon as possible. Additionally, in accordance with 2 CFR § 200.113, an applicant or recipient must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award are required to report certain civil, criminal, or administrative proceedings to SAM.gov. Failure to make required disclosures can result in any of the remedies described in Section 200.339. (*See also* 2 CFR Part 180, 31 U.S.C. § 3321, and 41 U.S.C. § 2313.)

20. Protection of Whistleblowers

The Department of Commerce Financial Assistance Standard Terms and Conditions are incorporated into every NTIA grant award. Section F.05 of these Terms and Conditions states that each award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information).

Generally, this law provides that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

A person that believes they have been the subject of retaliation for protected whistleblowing can contact the Department of Commerce, Office of Inspector General Hotline, as indicated at <https://www.oig.doc.gov/Pages/Hotline.aspx>, or the U.S. Office of Special Counsel, toll free at 1-800-872-9855.

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$1,393,589	\$	\$1,393,589
2. Land, structures, rights-of-way, appraisals, etc.	\$4,843,258	\$	\$4,843,258
3. Relocation expenses and payments	\$0	\$	\$0
4. Architectural and engineering fees	\$1,026,432	\$	\$1,026,432
5. Other architectural and engineering fees	\$0	\$	\$0
6. Project inspection fees	\$238,000	\$	\$238,000
7. Site work	\$0	\$	\$0
8. Demolition and removal	\$0	\$	\$0
9. Construction	\$39,381,795	\$	\$39,381,795
10. Equipment	\$0	\$	\$0
11. Miscellaneous	\$0	\$	\$0
12. SUBTOTAL (sum of lines 1-11)	\$46,883,074	\$0	\$46,883,074
13. Contingencies	\$1,236,494	\$	\$1,236,494
14. SUBTOTAL	\$48,119,568	\$0	\$48,119,568
15. Project (program) income	\$0	\$	\$0
16. TOTAL PROJECT COSTS (subtract #15 from #14)	\$48,119,568	\$0	\$48,119,568
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.		50 Enter eligible costs from line 16c Multiply X _____%	24,059,784 \$

AMENDMENT TO FINANCIAL ASSISTANCE AWARD

AWARD NUMBER
08-40-MM216

CFDA NO. AND NAME

11.033 - Middle Mile (Broadband) Grant Program

PROJECT TITLE

Zayo Oregon - NorCal - Nevada Middle Mile

RECIPIENT NAME

Zayo Group, LLC

AMENDMENT NUMBER

1

STREET ADDRESS

1805 29th Street, Suite 2050

EFFECTIVE DATE

12/06/2023

CITY, STATE ZIP

Boulder, CO 80301-1067

**EXTEND PERIOD OF PERFORMANCE TO
(IF APPLICABLE)**

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$24,059,784.00	\$0.00	\$0.00	\$24,059,784.00
RECIPIENT SHARE OF COST	\$24,059,784.00	\$0.00	\$0.00	\$24,059,784.00
TOTAL ESTIMATED COST	\$48,119,568.00	\$0.00	\$0.00	\$48,119,568.00

REASON(S) FOR AMENDMENT

The reasons for this Amendment are to: 1) approve the 6-month expenditure plan, Letter of Credit, and attorney's certification (partially satisfying General Term #11 Environmental Assessment and Term #12 National Historic Preservation Act); 2) delete and replace SAC #5 Award Payments to release limited federal funds based on the approved six-month expenditure plan, and place the recipient on Agency Review for payments; and 3) revise SAC #19 Equipment.

All other award terms and conditions remain unchanged.

This Amendment Document (Form CD-451) signed by the Grants Officer constitutes an Amendment of the above-referenced Award, which may include an obligation of Federal funding. By signing this Form CD-451, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Amendment offer and de-obligate any associated funds.

SPECIFIC AWARD CONDITION(S)

LINE ITEM BUDGET

OTHER(S)

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

Andrew Rittgers

ANDREW RITTGERS

Digitally signed by ANDREW
RITTGERS
Date: 2023.12.06 15:23:56 -0700'

DATE

12/6/2023

TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Award Number: 08-40-MM216, Amendment Number 1

Federal Program Officer: Jordan Weinstock

Requisition Number: MM1216

Employer Identification Number: 262012549

UEI Number: EACWBKJV6636

Recipient ID: 0825146

Requestor ID: 0825146

Award ACCS Information

Bureau Code	FCFY	Project-Task	Org Code	Obj Class	Obligation Amount
61	2023	4720001-000	06-00-0000-00-00-00-00	41-19-00-00	\$0.00

Award Contact Information

Contact Name	Contact Type	Email	Phone
Jerry Terkelson	Administrative	Personal Information / Proprietary Information	Personal Information / Proprietary Information

NIST Grants Officer:

Andrew Rittgers
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(303) 497-7307

NIST Grants Specialist:

Kimberly Campbell Shields
100 Bureau Drive, MS 1650
Gaithersburg, MD 20899-1650
(301) 975-2957

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: 1

Recipient: Zayo Group, LLC

**NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
MIDDLE MILE GRANT PROGRAM
FINANCIAL ASSISTANCE
SPECIFIC AWARD CONDITIONS**

5. REVISED - Award Payments:

This award is hereby funded through advanced payments using the Department of Treasury's Automated Standard Application for Payments (ASAP) system. Payments will be issued in accordance with 2 CFR §200.305 and the Department of Commerce Financial Assistance Standard Terms and Conditions, B.02, dated November 12, 2020.

This award has the following control or withdrawal limits set in ASAP:

Personal Information / Proprietary Information

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Explanation:

Agency Review Requirement

Personal Information / Proprietary Information

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of the award.

Financial Viability Concern

Personal Information / Proprietary Information

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NIST Financial Assistance Award Number: 08-40-MM216

Amendment: 1

Recipient: Zayo Group, LLC

Personal Information / Proprietary Information



19. REVISED - Equipment:

A. **Personal Information / Proprietary Information**



B.



NIST Financial Assistance Award Number: 08-40-MM216

Amendment: 1

Recipient: Zayo Group, LLC

The Equipment set forth at Attachment A hereto was acquired with funding under a financial assistance award (Award Number 08-40-MM216) issued by the National Institute of Standards and Technology, U.S. Department of Commerce. As such, the U.S. Department of Commerce retains an undivided equitable reversionary interest (Federal Interest) in the Equipment for the estimated useful life thereof, from when the equipment is placed into service on the project.

Personal Information / Proprietary Information

NIST Award Number: 08-40-MM216

Pursuant to 28 U.S.C. § 1746, I hereby certify as follows:

I am legal counsel at _____.

I am licensed to practice law in the State of _____ having been a license holder of said state and in good standing since _____.

Attached hereto is a certified copy of UCC-1 form(s) reflecting that this document was filed in the _____ on _____, 202x, bearing the following filing information [insert filing data, e.g., instrument number, etc.] and consists of _____ recorded pages as certified by the Secretary of State of ____.

I certify that this UCC-1 form(s) has/have been validly executed and properly recorded as noted above.

I certify under the penalty of perjury that the foregoing is true and correct.

Executed on this _____ day of _____.

(Attorney name and title) (Address and phone number)

NIST Financial Assistance Award Number: 08-40-MM216

Amendment: 1

Recipient: Zayo Group, LLC

Personal Information / Proprietary Information





Note: Form instructions and definitions will be created to support the report. Instructional guidance and training will be developed. Numbering to be updated based on final approved form.

RECIPIENT NAME: Zayo Group, LLC

OMB Control No. 0660-0052
 Expiration Date: 6/30/26

Middle Mile Grant Program Bi-Annual Performance Report

A. GENERAL INFORMATION

GENERAL	1a. Recipient Organization:	Zayo Group, LLC	1h. Award Identification Number:	08-40-MM216
	1b. Recipient Street Address:	1805 29th Street, Suite 2050	1i. Report Date (MM/DD/YYYY):	10/30/23
	1c. City, State, and Zip Code:	Boulder, CO 80301	1j. Final Report:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> x
	1d. Unique Entity Identification (UEI) Number:	EACWBKIV6636	1k. Report Period Start Date (MM/DD/YYYY):	06/01/2023
	1e. Award Start Date (MM/DD/YYYY):	07/01/2023	1l. Report Period End Date (MM/DD/YYYY):	09/30/2023
	1f. Award End Date (MM/DD/YYYY):	06/30/2026		
	1g. Name of Person Completing Report:	Joel Daly, SVP Government Programs & Product Strategy		

B. PROJECT NARRATIVE

Please use the section below to provide a project narrative of the project(s). This section aims to help reviewers better understand what project is being proposed and steps taken to achieve this goal.

PROJECT NARRATIVE	2a. A brief description of the recipient's organization and scope of work/project priorities:	<p>Founded in 2007, Zayo Group, LLC is the leading independent provider of fiber communications infrastructure in North America. Zayo has over 3,400 employees and delivers an unmatched network that covers 133,000 fiber route miles and 15 million miles of fiber, serving 44,000 one-net buildings, 1,400 on-net data centers, and over 370 cloud on-ramps. The purpose of this project is to provide a unique middle mile fiber network that will serve rural areas that currently have inadequate broadband services. Our network will provide the necessary backbone to deliver broadband to these communities. For many of these communities, the lack of a reliable fiber middle mile network has been the main inhibitor of access to broadband services. The benefits of this project will be profound for these communities. The availability of robust broadband will make possible remote educational opportunities, telemedicine, and reliable public safety communications.</p> <p>Zayo's proposed rescope of this project is to construct 193 route miles of fiber and 2 Intermediate Line Amplifiers (ILAs) huts in California. Zayo is entering a change of scope process with NTIA to request funding for only the California portion of the entire route, however, Zayo will still support the intent of the NTIA Middle Mile Grant Program (MMGP) from Umatilla, Oregon to Reno, Nevada (622 miles and 33 total access points). The route will stretch from Northern Oregon, traveling South through the eastern portion of the State, then through a large section of Northeast California and, ultimately to Reno, Nevada. The entire project will traverse vast regions of underserved communities in Oregon, California, and Nevada where there are high rates of unserved and underserved households, businesses, and community anchor institutions in need of broadband. Additionally, Zayo is partnering with Vertical Bridge, another service provider, to construct middle mile infrastructure in the form of 180-foot towers that can host up to four last mile wireless Internet Service Providers that will provide fixed and mobile 5G wireless broadband. The cell tower infrastructure enables fixed wireless broadband as well as expanding mobile 5G broadband. Vertical Bridge will construct two towers along the route.</p> <p>The proposed rescoping to include a Middle Mile Rural Access Network ("RAN") aims to connect last-mile Internet Service Providers in rural areas to more communities at lower costs (similar to metro area pricing). Zayo will provide dedicated fibers and install lit services equipment at Intermediate Line Amplifiers (ILAs) to support this network. This allows ISPs to interconnect at handholds and splice points along the Middle Mile route without requiring costly fiber pairs for backhaul to Tier 1 or Tier 2 Point of Presence (PoP). This approach simplifies expansion into unserved and underserved areas as demand grows, promoting equitable connectivity.</p>
	2b. An overview of the significant outputs and outcomes to be accomplished in the project:	The final outcome of this project is to provide a unique middle mile fiber network that will serve rural areas that currently have inadequate broadband services. Zayo's network will provide the necessary backbone to deliver broadband to these communities. For many of these communities, the lack of a reliable fiber middle mile network has been the main inhibitor of access to broadband services. Zayo is working towards this outcome during this reporting period. A major output during this reporting period includes, the design of and proposed inclusion of the Rural Access Network.
	2c. How would the project meet the recipient's business and/or administrative need(s)?	Zayo is committed to reducing the cost of bringing high-speed internet to unserved and underserved communities and help bridge the digital divide. Zayo accomplishes this goal through strategic partnerships with Vertical Bridge, Education Networks of America (ENA@Zayo) and other leading network providers. Zayo has created a Government Stimulus Programs team to apply for, secure, and manage the implementation of government grant opportunities. The NTIA MMGP award furthers Zayo's commitment to be part of the solution in unserved and underserved communities across the United States. This project is major milestone in Zayo's commitment to support nationwide initiatives to bridge the digital divide and enhance network infrastructure.
	2d. Provide an overview of key accomplishments achieved for this reporting period on the MM infrastructure project.	<p>Zayo has achieved the following key accomplishments during this reporting period:</p> <ol style="list-style-type: none"> 1. Finalized the new project scope, including narrative, budget, budget justification, and SF-424 forms 2. Completed the required environmental assessments and received the FONSI 3. Obtained a letter of credit from Vertical Bridge for this project 4. Reviewed Right of Way and Permitting for over 50% of the re-scoped project 5. Fully engaged sub-recipient Vertical Bridge project staff and leadership during weekly and as needed meetings to support initial implementation of the project 6. Developed and initiated a plan for all communication with NTIA and NIST
	2e. Provide any roadblock experienced during this reporting period impacting the expansion of the MM infrastructure project (i.e., supply chain, availability of labor).	<p>Zayo experienced and addressed the following roadblocks during this reporting period:</p> <ol style="list-style-type: none"> 1. Negotiating and anticipate to obtain permits from CPUC and Caltrans 2. Understanding how Zayo would need to be compliant with the requirement for Bull America and Buy America (BABA) and Davis Bacon Act. Zayo has clarification with NTIA 3. Reviewing environmental assessment clearance with NTIA 4. Received "Stop Work" order from NTIA because the environmental assessment clearance was pending with NTIA.
	2f. Provide any barriers to improving job quality experienced during this reporting period.	None to report.

C. INFRASTRUCTURE MILESTONE CATEGORIES AND PROJECT TIMELINE

Please use the chart below to provide the start date and end date of your project.

OVERALL PROJECT	PROJECT DURATION	3a. PROJECT START DATE	3b. PROJECT END DATE
	1095	July 1, 2023	June 30, 2026

Please provide the start and end dates for each milestone category of your project. The duration is based on the start and end dates of each category.

Please use the table provided to indicate your EXPECTED percentage of completion on a bi-annual basis for each year of your project. Year 1 begins with your award start date.

The percentage of completion should be based primarily on the expenditure of your project budget and should be reported cumulatively from award inception through the end of each semi-annual reporting period. For example, if you expect to complete a particular milestone within the first three periods of your project, the third period and all subsequent periods should state 100%.

Please write "0" in the duration field if your project does not include an activity. If necessary, please insert additional milestones at the end.

3c. MILESTONE CATEGORIES	3d. DURATION (Days)	3e. START DATE	3f. END DATE	Year 1 Baseline		Year 2 Baseline		Year 3 Baseline		Year 4 Baseline		Year 5 Baseline	
				Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2		
Overall Project		July 1, 2023	March 31, 2025	15%	50%	80%	100%						
Environmental Assessment		July 1, 2023	October 31, 2023	95%	100%	100%	100%						
Network Design		July 1, 2023	June 30, 2024	80%	90%	100%	100%						
Rights Of Way		July 1, 2023	March 31, 2024	80%	90%	100%	100%						
Construction Permits And Other Approvals		July 1, 2023	March 31, 2024	50%	90%	100%	100%						
Site Preparation		July 1, 2023	June 30, 2024	0%	50%	100%	100%						
Equipment Procurement		July 1, 2023	October 31, 2024	80%	90%	100%	100%						
Network Build (all components - owned, leased, equipment deployment)		November 15, 2023	October 31, 2024	0%	0%	50%	100%						
Network Deployment		July 1, 2024	December 31, 2024	0%	0%	50%	100%						
Network Testing		October 1, 2024	December 31, 2024	0%	0%	50%	100%						
Status of Procurement													
Other (please specify): 2 Towers		January 1, 2024	December 31, 2024	0%	0%	50%	100%						

Rural Access Network		January 1, 2024	December 31, 2024	0%	0%	50%	100%						
Please use the table provided to indicate your ACTUAL percentage of completion on a bi-annual basis for each year of your project. Year 1 begins with your award start date.													
The percentage of completion should be based primarily on the expenditure of your project budget and should be reported cumulatively from award inception through the end of each semi-annual reporting period. For example, if you expect to complete a particular milestone within the first three periods of your project, the third period and all subsequent periods should state 100%.													
Please provide a brief description of the primary activities involved in meeting each milestone (a single description should be provided for each milestone, covering all periods in years one through N). Please write the number "0" if your project does not include an activity. If necessary, please insert additional milestones at the bottom of the chart. Please add additional milestones as applicable.													
ACTUAL PROJECT MILESTONES		Year 1		Year 2		Year 3		Year 4		Year 5			
		Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
4a. MILESTONE	4b. DESCRIPTION	Actual Milestone Completion (Cumulative)											
Overall Project	Middle Mile Infrastructure Project in California (Part of UPR)	15%											
Environmental Assessment	Completed EA, Desktop Biological Assessment	95%											
Network Design	Revised New Network Design	80%											
Rights Of Way	Obtain ROW through Caltrans, BLM, Tribal and Private lands	80%											
Construction Permits And Other Approvals	Obtain construction permits	50%											
Site Preparation	ILA foundation and grading	0%											
Equipment Procurement	Purchasing of ILA, fiber and materials	80%											
Network Build (all components - owned, leased, Infeasible Rights of Use, etc.)	Construct 193 routes miles in CA & build 2 new ILAs	0%											
Equipment Deployment	Onsite electronic equipment	0%											
Network Testing	Verify new circuits and equipment are ready for turn-up	0%											
Status of Procurement		0%											
Other (please specify): 2 towers	Construction of 2 towers	0%											
Rural Access Network	Set-up and deploy Rural Access Network (33 access points + lit services through dedicated fibers)	0%											

List of Subrecipient(s) that received a subaward or subcontract from the eligible entity and a description of the specific project for which grant funds were provided.

Associate projects names to any subrecipient or subaward associated with grant, approved grant funds, and expenditures to date.

5a. Project Name	5b. Project Description	5c. Subrecipient	5d. Minority Business Enterprise (MBE)	5e. Women's Business Enterprise (WBE)	5f. Labor Surplus Area Firm	5g. Awarded Funds	5h. Expenditures to Date	5i. Remaining Grant Balance	5j. % of work complete
MMPG-216 Zayo Oregon - NorCal - Nevada Middle Mile	Construction of two 180-foot towers that can each host up to 4 last mile wireless ISPs that will provide fixed and mobile 5G wireless broadband. The cell tower infrastructure enables fixed wireless broadband as well as expanding mobile 5G broadband.	Vertical Bridge	NO	NO	NO	\$940,000	\$0	\$940,000	0%
			Yes	Yes	Yes				
			Yes	Yes	Yes				
			Yes	Yes	Yes				

D. INFRASTRUCTURE BUDGET EXECUTION DETAILS

Please provide details below on your total budget and total fund expended to date for each budget element, including detailed disbursements of both matching funds approved and federal funds obligated from project inception through end of this reporting period. Figures should be reported cumulatively from award inception to the end of the applicable reporting period.

6a. Projected Budget Element	6b. Federal Funds	6c. Non-Federal Funds	6d. Total Project Budget	6e. Total Federal Funds Expended to Date	6f. Total Non-Federal Funds Expended to Date	6g. Total Funds Expended	6h. Percent of Federal Funding Expended to Date (Cumulative)
Administrative and legal expenses	Personnel Information / Proprietary Information	Personnel Information		Personnel Information	Personnel Information	\$333,914.97	23%
Land, structures, rights of way, appraisals, etc.						\$-	0%
Relocation expenses and payments						\$-	0%
Architectural and engineering fees						\$81,179.80	5%
Other architectural and engineering fees						\$-	0%
Project inspection fees						\$-	0%
Site work						\$-	0%
Demolition and removal						\$-	0%
Construction						\$6,750.00	0%
Equipment						\$-	0%
Miscellaneous						\$-	0%
Subtotal							
Contingencies	Personnel Information / Proprietary Information	Personnel Information		Personnel Information	Personnel Information	\$-	0%
Totals						\$421,844.77	1%

E. COMMUNITY BENEFIT AGREEMENT

As stated in the MM Grant Program NOFO a Community Benefit Agreement (CBA) is an agreement signed by community benefit groups and a developer, identifying the community benefits a developer agrees to deliver, in return for community support of the project.

Please use the fields below to state the Community Benefit Group and Developer Name and describe the activities in how this partnership has supported with the Middle Mile Infrastructure project (i.e. wage agreements, targeting hiring of apprentices and disadvantaged groups in labor market, education and training opportunities, sub-contracting to local small business for construction, services, and supply chain needs).

Description of Community Agreement

7a. Community Benefit Group Name: Please provide the name of the Community Benefit Group

None to report

7b. Developer Name: Please provide the name of the Developer

None to report

7c. Community Benefit Group and Developer Partnership: Please describe in the space below the nature of the partnership and how the MM grant funds being used are assisting to provide community support for the infrastructure project.

None to report

F. CLIMATE RESILIENCE

Recipients must demonstrate that they have sufficiently accounted for current and future weather and climate related risks to new MM infrastructure projects. At present, weather and climate related risks to broadband networks include wildfires, extreme heat and cold, inland and coastal flooding, and the extreme winds produced by weather events such as tornadoes, hurricanes, and other weather events. Because retrofitted and new infrastructure for broadband might be expected to have a lifetime of 20 years or more, recipients must account not only for current risks but also for how the frequency, severity, and nature of these extreme events may plausibly evolve as our climate continues to change over the coming decades.

Climate Resiliency Risk Mitigation

This purpose of this section is for the recipient to demonstrate that they have sufficiently accounted for current and future weather and climate-related risks to new MM infrastructure projects. In particular, each recipient should demonstrate how they've addressed the known and identifiable risks of current and future projected weather and climate conditions through measures such as (but not limited to) choice of a technology platform suitable to the climate risk of the region, reliance on alternatives siting of facilities (i.e., underground construction where appropriate), retrofitting, or hardening of existing assets, and use of network redundancy to safeguard against threats to infrastructure.

8a. Were any geographic areas identified for this reporting period subject to an initial and/or updated hazard screening for future weather and climate related risk? If so, please provide the date of the screening and provide related documentation as an attachment to this report.

CLIMATE RESILIENCE	No hazard screenings were completed during the reporting period.			
	8b Climate Resilience Category	8c. Date of Most Recent Hazard Screening	8d. Name and Title of Representative Completing Most Recent Hazard Screening	8e. Date of Report Completion
	N/A	N/A	N/A	10/30/23
	8f. Identified Risk: For your MM project, what are the potential weather and climate hazards that may be most important to be addressed that could impact the resiliency of the middle mile infrastructure deployed (i.e. wildfires, extreme heat and cold, inland and coastal flooding, extreme winds: tornadoes, hurricanes and other weather events)?			
	At this time Zayo sees no major foreseeable climate events from the climate data in/around/near for the route. Potential risk identified includes Earthquakes and wildfires.			
	In the next 20 years, this route may have the following risks: 1. Flooding Hazard, 2. Wildfire Hazard, 3. Earthquake Hazard, and 4. Hall, Wind, and Tornado Hazards. What may change is the frequency of these events due to global warming and changing weather patterns. As a result, Zayo has implemented standard operating procedures to avoid/or mitigate these risks including a continuous improvement program ensuring Zayo is implementing the best contingency plans to adapt to any changes.			
	8g. Weather and Climate Hazards: Were any significant climate or weather hazards experienced during this reporting period (i.e., floods, tornados) impacting infrastructure buildout or service? Briefly describe how you monitored for weather and climate caused issues for the reliability of the system. If so, please provide the date of the disaster, location and backup documentation related (i.e., news articles).			
	There were no significant climate or weather hazards during this reporting period. Zayo's Network Operations Center (NOC) monitors all weather events in and around Zayo infrastructure utilizing the latest NOAA/National Weather Service Live update feeds. Zayo also utilizes GE Smallworld interactive maps/tools for all of the owned infrastructure.			
	8h. Risks to Deployment of New Infrastructure: Has the team identified any risks impacting the deployment of new or repaired infrastructure due to current and future weather and climate-related threats during this reporting period?			
	Zayo has not identified any current/future weather or environmental risks that would impact the project during this reporting period.			
8i. Risk Mitigation: How will the project avoid and/or mitigate the risk identified? If not applicable, please explain why.				
Zayo's NOC (Network Operations Center) in Tulsa, OK, assists our Outside Plant (OSP) Teams, contractors and vendors throughout the construction phases by identifying and highlighting any potential climate events that could potentially affect the project. Additionally, Zayo monitors its network to identify repeating occurrences such as outages on the network. Zayo also uses big data with AI technology for trend analysis to recognize location(s) repeatedly on system outage tickets.				
Additionally, Zayo has Standard Operating Procedures (SOPs) that mitigate all weather and climate risks including those already identified. The SOPs include: 1. Bury the majority of the fiber. Buried fiber is the best protection against any severe climate event, particularly those identified as weather and climate risks along this route. More than 98% of the fiber is buried at a design specification of three feet. 2. Deploy high-density polyethylene (HDPE) conduit. Zayo's design includes use of HDPE conduit which protects fiber from chemical erosion and provides protection from primary and secondary climate risks (floods, fires, winds, severe weather, and earthquakes). 3. Deploy hardened above ground telecom shelters with back-up power. Zayo's hardened above ground infrastructure shelters consist of precast, lightweight reinforced concrete enclosures that are fire resistant, as well as insulated from extreme temperatures. The shelters are designed with onsite power sources and back-up power. Each shelter is designed with four-hour battery backup and 24-hour generator back-up. Investment in an environmental study. Zayo has also invested in and completed an environmental study which optimized the route against climate hazards protections (designing the safest route path) verified by 3rd party engineering firms. By investing in and completing an environmental study Zayo is able to avoid potential weather and climate-related risks through the intentional path of the route.				
8j. Additional Information: Is there any additional information you would like to share during this reporting period that the grant team should be aware of regarding the management of sustainable climate resiliency for your MM project?				
No additional information to share.				
8k. Additional Resources				
Has the team utilized the available resources to assist with mitigation and long-term planning efforts for this reporting period? If so, which resources?				
2018 National Climate Assessment NOAA's 2022 State Climate Summaries NOAA Disaster and Risk Mapping Tool NOAA's Storms Event Database NOAA Climate Explorer and Digital Coast FEMA National Risk Index Consulted FEMA-approved Hazard Mitigation Plans prepared by states in which they propose to build middle mile infrastructure to help identify key risk and hazards				
Yes, the Zayo team has utilized all of these key underlying data sources to derive our analytics and forecasting.				

G. Workforce

DAVIS-BACON ACT CERTIFICATION	For projects receiving over \$5,000,000 (based on expected total cost), as determined by the U.S. Secretary of Labor by subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing.			
	Davis-Bacon Act Certification			
	9a. Does the recipient have access to the information requested (all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing)?	Yes	No	X

LOCAL HIRE PRIORITIZATION AND IMPACT	Local Hire Prioritization and Impact																																																																																																																																																																																																																															
	Local hiring is a goal or requirement to hire people who live close to the place of work. This aim is often more specifically structured as a requirement for contractors awarded certain types of publicly funded projects to recruit a certain proportion of the people working on the project from a particular area. Please provide all direct hires and contractors supporting the MM Infrastructure project.																																																																																																																																																																																																																															
	Please use the table below to describe how the project prioritizes local hiring.																																																																																																																																																																																																																															
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DAVIS-BACON WAGES	Davis-Bacon Act Wages			
	Please confirm if wages are at least prevailing*			
	*As stated in the MM NOFO as determined by the U.S. Secretary Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.			
	10a. Are wage rates at least the Davis-Bacon prevailing wage for all laborers?	Yes	No	10c. Are wage rates at least the prevailing wage for all mechanics?
	10b. Please cite your source of how this information was gathered (for 10a).	Have not engaged construction contractors/labor at this stage		10d. Please cite your source of how this information was gathered (for 10c).
10e. If you answered "No" to either 10a. or 10c., please provide an attachment reporting the wages and benefits of workers on the project by job classification, and whether those wages are less than the prevailing wage.				

WORKFORCE DEMOGRAPHICS	Workforce Demographic Data																		Totals	
	Number of Jobs																			
	Race/Ethnicity																			
	11-a. Hispanic or Latino			11b-1. Men						11b. Non-Hispanic/Non-Latino						11b-3. X				
			White			Black or Native			Asian			Native			Two or More					
			White	Black or	Native	Asian	Native	Two or More	White	Black or	Native	Asian	Native	Two or More	White	Black or	Native	Asian	Native	Two or
Jobs Created	2	2		32			2	1		27	1		1	2						69
Jobs Retained	1			15						3				1						21

H. Workforce Continuity Plan
National Labor Relations Act (29 U.S.C. 158 (f))

As stated in the MM NOFO, if a recipient has not provided a certification that a project either will use a unionized project workforce or included a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158 (f)), then the recipient must provide a project workforce continuity plan.

Workforce Continuity Plan

13a. Please describe the steps taken to ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure construction is completed skillfully throughout the project's life (as required in Section II.B of the MM NOFO). As stated in the MM NOFO, the middle mile grant recipient is capable of carrying out the proposed project in a competent manner, including a plan to attract or retain an appropriate skilled and credentialed workforce. For your MM project, please provide a brief description of efforts made to attract, train or retain a skilled and credentialed workforce.

Has the team offered any of the following resources to assist with maintaining a sufficient supply of appropriately skilled labor force for this reporting period? If so, which resources (please provide a brief description of any of the following that apply):
 Professional Certifications
 In-House Training
 Registered Apprenticeships
 Labor-Management Partnerships
 Partnerships with entities like unions, community colleges, or community-based groups

Zayo is committed to fostering a culture of inclusivity and belonging, where every one of our employees feels valued, respected, and encouraged to be their most authentic self. Success in diversity begins with a commitment from our Board of Directors and leadership. Zayo deliberately builds inclusivity into our programs, processes, and mindset.
 Zayo offers an internship/ apprenticeship program based on the company requirement to upskill/hire local talent. It regularly conducts in-house training and encourages its workforce to take up Professional Certifications as required by different roles within the organization. Zayo also has a tuition reimbursement program offering employees the opportunity to self-select training, certifications, or college credits that will advance their knowledge in their current role. The company engages with community-based groups to ensure our future workforce to attract and retain the highest quality talent.

13b. Please describe below, the steps taken to minimize risks of labor disputes and disruptions that would jeopardize the timeliness and cost-effectiveness of completing the MM project.

Zayo maintains a Code of Conduct, Employee Handbook, and an Outside Plant Manual that every contractor and subcontractor is required to follow which includes specific safety and wage requirements under these statuses. These manuals detail equal employment opportunity requirements, pay scales, overtime eligibility, employee benefits, and worker safety requirements. Also, the Code of Conduct explicitly states that Zayo retains the right to monitor and ensure compliance with each contractor and subcontractor. Zayo considers occupational health and safety to be of primary importance. Zayo is committed to providing a safe and healthy work environment for employees, customers, contractors and visitors. All the Master Construction Services Agreements with construction contractors require them to comply with our OSP Manual, Code of Conduct, and Safety Requirements and all employment and safety laws. We ensure a safe work environment by effective administration, education and training in compliance with legal requirements and industry standards concerning workplace safety. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their immediate manager. For ongoing maintenance, our local team of field operations professionals work hand in hand with local groups.
 All Zayo contractors must comply with all applicable laws and regulations regarding, among other things, environmental matters, occupational health and safety, labor and employment practices, human rights, immigration, anti-corruption, privacy protection, product safety, shipping and product labeling. Each contractor must provide employees with all safety equipment required by OSHA, Zayo, and the various governing agencies.

13c. Please describe below the steps to ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities.

All protection equipment will satisfy the appropriate OSHA, ANSI, and/or MIOOSH standards. All personnel working on-site will be certified as having completed a course in safety training. OSHA regulations require that precautions be observed to avoid cave-ins when digging boring pits and trenches, especially under wet soil conditions. This is a matter of law and safety. All contractors are required to abide by applicable regulations of the OSHA Act of 1970 and any subsequent revisions. Each contractor must provide employees with all safety equipment required by OSHA, Zayo, and the various governing agencies. Questions regarding compliance with the various regulating agencies will be the responsibility of the Safety Director of each contact company.

13d. For your MM project, please provide a brief description below of efforts made to ensure a safe and healthy workplace.

Has the team offered any of the following resources to assist with maintaining a safe and healthy workplace for this reporting period? If so, which resources (please provide a brief description of any of the following that apply):
 Safety Training
 Certifications and/or Licensure Requirements for all relevant works (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training required of workers employed by contractors)
 Issues raised by workplace safety committees and their resolutions

Safety Training -
 All protection equipment will satisfy the appropriate OSHA, ANSI, and/or MIOOSH standards. All personnel working on-site will be certified as having completed a course in safety training. OSHA regulations require that precautions be observed to avoid cave-ins when digging boring pits and trenches, especially under wet soil conditions. This is a matter of law and safety. All contractors are required to abide by applicable regulations of the OSHA Act of 1970 and any subsequent revisions. Each contractor must provide employees with all safety equipment required by OSHA, Zayo, and the various governing agencies. Questions regarding compliance with the various regulating agencies will be the responsibility of the Safety Director of each contact company.

Certifications -
 Contractors involved with the Middle Mile job includes: Plant Workers, Plant Engineers, Fiber Splicers, traffic controllers, and site supervisors. After awarding the work, Zayo can support further information on size of workforce selected, entity selected, and information on professional certification to ensure work is done on high standard. Any contractor must be trained in compliance with the before mentioned local, state, and federal regulations. The latest editions of the following codes and regulations define the minimum safety and construction standards required by Zayo: National Electrical Safety Code (NESC), National Electrical Manufacturers Association (NEMA), Code of Federal Regulations, Title 29, Occupational Safety and Health Standards (OSHA), National Electrical Code (NFPA No. 70), Underwriters Laboratories, Inc., Lightning Protection Code (ANSI-5.1), Applicable Local, State, and County Ordinances, Applicable Safety Codes Required from Right-Of-Way Vendors (e.g., Highway, DOT, Railroad, etc.), RBOC and other operating companies Regulations and Requirements

13e. Please provide the name(s) below of any subcontracted entities performing work on the project, and the total number of workers employed by each entity.

13e-1. Name of Subcontracted Entity Performing Work	13e-2. Total Number of Workers within this Subcontract	13e-3. Job Categories of Workers Supporting Project within this Subcontract
Stantec	69	Environment Assessment, Permitting, Inspection & Monitoring
E-Copernicus	3	Project Management
Vertical Bridge	2	Sub-recipient (Towers)

13f. Please describe below the steps taken to ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local and regional labor market.

Zayo adheres and complies with the Fair Labor Standards Act and Service Contract Labor Standards included in the SF30 -Terms and Conditions of GSA Schedule 70 contract GS35F070CA from Zayo and the Federal governments and agrees to Section 52.222-43 around prevailing wage and local hiring and labor hiring provisions. Zayo's GSA contract has been in place since 2014 and Federal Departments have purchased off of this contract vehicle. This clause applies to both contracts subject to area prevailing wage determinations and contracts subject to collective bargaining agreements. Zayo maintains a Code of Conduct, Employee Handbook, and an Outside Plant Manual that every contractor and subcontractor is required to follow which includes specific safety and wage requirements under these statuses. These manuals detail our equal employment opportunity requires, pay scales, overtime eligibility, employee benefits, and worker safety requirements. Also, our Code of Conduct explicitly states that Zayo retains the right to monitor and ensure compliance with each contractor and subcontractor.
 Under our Employment Manual, employees who work 30 hours per week or more are considered full time employees. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. Nonexempt employees receive overtime pay equal to 1.5 times their hourly rate for work that exceeds 40 hours per week.

I. ANCHOR INSTITUTIONS

Please provide Anchor Institution (AI) data for the current period only (not cumulative). Please add rows as needed.

ANCHOR INSTITUTIONS	14a.	14b.	14c.	14d.	14e.	14f.	14g.
	Anchor Institution Name	Street Address	City	State	Type of Anchor Institution	Interconnection within 1,000 Feet of AI Enabling Gig Symmetrical Service	Narrative Description of how the Anchor Institution may benefit from the Grant Funded Infrastructure
	None to report						

J. BROADBAND ACCESS KEY INDICATOR: SUBSCRIBERS AND SPEED

Please use the following table to provide anticipated key indicators with the projected totals for each beneficiary category, access type and speed category for your infrastructure service or project. Except as indicated, information should be reported cumulatively from award inception through the end of the bi-annual period for Bi-Annual Indicators. Please write the number "0" if your project does not include this indicator.

SUBSCRIBER TYPE	ACCESS TYPE	PROJECTED NUMBER OF SUBSCRIBERS AND SPEED									
		Year 1		Year 2		Year 3		Year 4		Year 5	
		Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
15a. Anchor Institutions (AIs)	15a-1. Total number of AIs passed	0	124	164	203						
	15a-2. Number of AIs within 1,000 feet of the middle mile infrastructure	0	124	164	203						
	15a-3. Total number of AIs served	0	0	0	0						
	15a-4. AIs with new access - based on proposed rescoping of the project route	0	120	160	199						
	15a-5. AIs with improved access	0	0	0	0						
	15a-6. Total number of AIs served with speeds of at least 1/1Gbps	0	124	164	203						
15b. Broadband Wholesalers or Last Mile Providers	15b-1. Total number of broadband wholesalers or last mile providers served	0	0	0	0						
	15b-2. Broadband wholesalers or last mile providers with new access	0	0	0	0						
	15b-3. Broadband wholesalers or last mile providers with improved access	0	2	4	5						
	15b-4. Total number of broadband wholesalers or last mile providers offering speeds of at least 25/3 Mbps	0	0	0	0						
	15b-5. Total number of broadband wholesalers or last mile providers offering speeds of at least 100/20 Mbps	0	0	0	0						
	15b-6. Total number of broadband wholesalers or last mile providers offering speeds of at least 1/1 Gbps	0	2	4	5						

K. BROADBAND ACCESS KEY INDICATOR: NETWORK BUILD PROGRESS

Please use the following table to provide anticipated key indicators and progress of your infrastructure project. Except as indicated, information should be reported cumulatively from award inception through the end of the bi-annual period. Please write the number "0" if your project does not include this indicator.

KEY INDICATOR	NETWORK BUILD PROGRESS									
	Year 1		Year 2		Year 3		Year 4		Year 5	
	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
16a. Total of new fiber miles (aerial or buried)	0	90	160	193						
16b. Total of fiber miles leased	0	0	0	429						
16c. Total of existing fiber miles upgraded	0	0	0	0						
16d. Total of new microwave links	0	0	0	0						
16e. Total of new towers	0	0	2	2						
16f. Total of new interconnection points	0	22	29	33						
16g. Total of signed agreements with broadband wholesalers or last mile providers	0	0	2	5						
16h. Total of potential agreements (i.e., agreements currently being negotiated) with broadband wholesalers or last mile providers (This Total should NOT be reported cumulatively)	0	0	3	3						

L. QUANTIFIABLE METRICS

BASED

Quantifiable Metrics - Section designed to assist with reporting and audit purpose to quantify how much progress was made and track the location of where the progress was made.

17a. Fiber Optic Based	QUANTIFIABLE METRICS									
	Year 1		Year 2		Year 3		Year 4		Year 5	
	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
17a-1. Is the fiber a buried/aerial or undersea application?	Buried									
17a-2. Number of strands deployed	0									
17a-3. Number of miles of buried fiber deployed	0									
17a-4. Number of miles of aerial fiber deployed	0									

FIBEROPTIC	17a-5. Estimated capacity of fiber (i.e. throughput)	Other										
	17a-6. Deployment cost per mile of buried fiber optics	0										
	17a-7. Deployment cost per mile of aerial fiber optics	0										
	17a-8. Total Spent on Buried Fiber Deployment this reporting period	0										
	17a-9. Total Spent on Aerial Fiber Deployment this reporting period	0										
	17a-10. Total spent on Fiber Deployment this reporting period	0										
	17a-11. Please provide any additional information about the Fiber Optic deployment (200 words or less)	Nothing to report during this period.										
	17a-12. Please provide the digital mappings (e.g., CAD, Revit, KMZ, KML) for the new aerial fiber and buried fiber equipment installed during this reporting period.											
	MICROWAVE BASED	17b. Microwave Based	Year 1		Year 2		Year 3		Year 4		Year 5	
			Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
		17b-1. How many microwave nodes have been deployed?	0									
		17b-2. How many microwave nodes are operating for reporting period?	0									
17b-3. Installation cost per microwavable node		0										
17b-4. Number of new towers built to support microwave structure		0										
17b-5. If applicable, what type(s) of tower were constructed (a) Monopole (b) Self-Support, (c) Guyed or (d) Other during this reporting period?		NA										
17b-6. Average cost per tower installed		0										
17b-7. Total spend on Tower deployment this reporting period		0										
17b-8. Total spend on microwave deployment this reporting period		0										
17b-9. If you answered "Other" to question 17b-5 or if it is a combination of multiple types, please provide a detailed narrative description detailing what type of tower or what combination of towers is used for the project and the their associated costs. (200 words or less).												
17b-10. Please provide the digital mappings (e.g., CAD, Revit, KMZ, KML) for the microwave nodes created during this reporting period.												
SATELLITE	17c. Satellite	Year 1		Year 2		Year 3		Year 4		Year 5		
		Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	Period 1	Period 2	
	17c-1. What satellite provider is being used?											
	17c-2. What is the estimated capacity of the satellite link (i.e. throughput)?											
	17c-3. What is the associated cost to use this satellite service?											
17c-4. Please provide any additional information about the Satellite deployment (200 words or less)												
17c-5. Please provide the digital mappings (e.g., CAD, Revit, KMZ, KML) for the satellite network accessed during this reporting period.												
CERTIFICATIONS	Certifications											
	18. Please provide certification evidencing compliance with Federal labor and employment laws along with the requirements of Infrastructure Investment and Jobs Act and Middle Mile Grant Program, for the bi-annual period for which this report is being filed.	I certify that Zayo Group, LLC is in compliance with Federal labor and employment laws along with the requirements of the Infrastructure Investment and Jobs Act and Middle Mile Grant Program, for the biannual period for which this report is being filed.										
	19. Please provide certification evidencing compliance with the Build America, Buy America Act. The Build America, Buy America Act requires that all of the iron, steel, manufactured products (including but not limited to fiber-optic communications facilities), and construction materials used in the project or other eligible activities are produced in the United States unless a waiver is granted.	Not Applicable										
MIDDLE MILE GRANT PROGRAM BI-ANNUAL REPORT CERTIFICATION	20. I certify to the best of my knowledge and belief that this report is correct and complete for performance of activities for the purposes set forth in the award documents.											
	20a. Typed or Printed Name and Title of Authorized Certifying Official:	Joel Daly, SVP Government Programs & Product Strategy						20c. Telephone (area code, number and extension):	[REDACTED]			
	20b. Signature of Certifying Official:	Joel Daly						20d. Email Address:	joel.daly@zayo.com			
								20e. Date:	10/30/23			



INTERNET FOR ALL

Finding of No Significant Impact

Zayo Group, LLC (08-40-MM216)



U.S. Department of Commerce
National Telecommunications and Information Administration

Finding of No Significant Impact

National Telecommunications and Information Administration

Middle Mile Grant Program

Zayo Oregon-NorCal-Nevada Middle Mile

Overview

This document serves as the Finding of No Significant Impact (FONSI) for the following project awarded by the National Telecommunications and Information Administration (NTIA). NTIA has completed the sufficiency review of the recipient's Environmental Assessment (EA) and has determined that the project will not have a significant impact on the environment. The FONSI contains information related to the review.

Recipient Name:	Zayo Group, LLC
Grant Project Name:	Zayo Oregon-NorCal-Nevada Middle Mile
Grant Award No.	08-40-MM216
Program Location:	Oregon, Northern California, Western Nevada

Program Summary

The NTIA awarded a grant for Zayo Group, LLC, through the Middle Mile (MM) Grant Program, authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title IV, Section 60401, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (Infrastructure Act or Act), also known as the Bipartisan Infrastructure Law. The MM program provides funding to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the Internet (commonly referred to as the "last mile") and to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network. The Zayo Group, LLC project is called Zayo Oregon-NorCal-Nevada Middle Mile and proposed activities are scheduled to occur in Oregon, Northern California, and Western Nevada.

Zayo Group, LLC completed an EA for the Bureau of Land Management (BLM) for this Project in May 2022. NTIA reviewed the EA, determined it is sufficient, and adopted it as part of the development of this FONSI.

The Project includes:

- Construction and installation of a fiber optic communication system beginning in Prineville, Oregon and terminating in Reno, Nevada.
- Three 1.25-inch-diameter, high-density polyethylene (HDPE) conduits will be bundled and buried in a single furrow/trench along existing roads and highway Rights-of-Way (ROW) in South-Central Oregon, Northeast California, and Western Nevada.

Prior to NTIA adoption of the BLM EA, Zayo privately funded construction for large portions of the project in Oregon and Nevada. California project segments have not been constructed except for one in line amplification hut because Zayo is waiting for State Public Utilities

Finding of No Significant Impact



[Zayo Group, LLC (08-40-MM216)]

Commission approval. Rural access equipment still needs to be installed along the entire route including Oregon, California, and Nevada.

Based on a review of the analysis in the EA, NTIA has determined that the project, implemented in accordance with the preferred alternative, and incorporating best management practices (BMPs) and protective measures identified in the EA, will not result in any significant environmental impacts. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required. The basis for this determination is described in this FONSI.

Additional information and copies of the Executive Summary of the adopted BLM EA and NTIA FONSI are available to all interested persons and the public through the NTIA website (www2.ntia.doc.gov/) and the following contact:

Amanda Pereira

Environmental Program Officer, Grants Management and Compliance
Office of Internet Connectivity and Growth (OICG)
National Telecommunications and Information Administration
U.S. Department of Commerce Room 4874
1401 Constitution Avenue, NW Washington, DC 20230



Project Purpose and Need

The purpose of the project is to improve the quality of rural broadband in south-central Oregon, northeastern California, and western Nevada. This project would provide broadband connectivity from the Prineville hub to Bend, La Pine, and Lakeview in Oregon; Alturas and Susanville in California; and the greater Reno/Sparks metropolitan area. The project is important to these communities for providing redundant and alternative bandwidth services to resolve reliability issues the residents experience due to their limited bandwidth infrastructure options.

To meet the needs of a truly redundant system, the fiber-optic line needs to provide expanded and alternative bandwidth in the case of an emergency or catastrophic event, such as fire and windstorms. It also needs to be separate from existing infrastructure. This is to ensure that it is not vulnerable to the same outages that the current corridors are susceptible to.

Project Description

The Proposed Action (preferred alternative) consists of three 1.25-inch-diameter, high-density polyethylene conduits that are bundled for installation and buried in a single furrow/trench. The bundle of three conduits would be installed along the majority of the route, with additional conduits installed at the following locations for added redundancy; this would not change the conduit footprint or installation method:

- The location from the Oregon/California state line to Davis Creek, California, would have four conduits.
- The location from Davis Creek, California, to Alturas, California, would have six conduits.
- The location from Alturas, California, to Standish, California, would have five conduits.

The fiber-optic line would link distribution lines throughout the system. Related facilities would include buried fiberglass handholes or vault bodies, or both, used to house fiber-optic splice cases and pedestals; these would provide access for maintenance. Precast utility vaults would protect and provide access to fiber-optic utility cabling.

Except where conduits may be attached to bridges, the conduits and handholes/vault bodies would be buried approximately 36 inches, with access lids at the ground surface. The conduits and handholes/vault bodies would be placed, in part, approximately 5 to 8 feet off the edge of the existing pavement or gravel road. The exception would be in areas where the line is required to be at the edge of the ROWs to avoid sensitive features, or as required by another approving agency. Vaults would be installed approximately every 2,500–3,500 feet along the entire alignment, resulting in approximately 144 to 202 vaults.

Construction is anticipated to take approximately 10 months to complete. The proposed alignment would be within previously disturbed areas in existing ROWs, to the extent feasible; however, if vegetation has regrown in the previously disturbed ROWs, some minor vegetation clearing may be required, using hand tools, such as clippers and chainsaws. Removing trees or shrubs outside the road ROWs is not anticipated.

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The project assumes a 20-foot-wide construction corridor would be necessary on one side of the road, depending on site-specific conditions and resource concerns. The long-term corridor width for operation and maintenance would average 10 feet.

Staging areas would not be cleared, flattened, graded, or stripped of topsoil. Equipment would run over the existing disturbed ground surface. No long-term (multiple days, but not to exceed one week) project staging or laydown areas are proposed within ROWs; however, short-term (1 or 2 days), overnight staging of equipment on existing disturbed ground within the ROWs may be needed at locations identified and approved in advance by the appropriate authority. Several potential staging areas have been identified, but final locations would be determined in consultation with the appropriate approving authority. See the adopted BLM EA for further details on the proposed action.

Rural access network equipment will be installed along the entire route (Oregon, California, Nevada).

Analysis of Alternatives

NTIA conducted a review of the recipient's analysis of alternatives for implementing the project to meet the purpose and need, including a review of the "no action" alternative, where applicable. Each alternative was evaluated for impacts against the "no action" alternative and impacts from other alternatives, as a component of selecting the preferred alternative. The following summarizes the alternatives analyzed in the EA.

No Action Alternative: This alternative represents conditions as they currently exist in Oregon, California, and Nevada. Under the no action alternative, new middle mile infrastructure would not be constructed. Many rural communities would continue to be unserved or underserved with respect to broadband internet access.

Alternatives Considered but Not Carried Forward: The recipient also considered the following alternatives:

1. Installing aboveground, pole-mounted lines as an alternative to subsurface construction. The disadvantages of an aerial line are the increased visual disturbance, increased risk of outages from natural disasters or vandalism, and increased operation and maintenance costs. For these reasons and because it would be technically or economically infeasible, aerial construction was generally dismissed as a practicable alternative.
2. The Proposed Action is the shortest route considered. The applicant considered other routes, but all were longer than the proposed alignment, given the service requirements to connect the fiber-optic line through Bend and La Pine, Oregon; thus, longer routes were generally dismissed as practicable alternatives because they were economically infeasible.

Findings and Conclusions

The recipient's NTIA adopted BLM EA and supporting environmental and historic preservation documentation analyzed existing conditions and environmental consequences of the preferred alternative, other alternatives, and the no action alternative for potential impacts in the major resource areas of Noise, Air Quality (including greenhouse gases [GHGs]), Geology and Soils,



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Water Resources, Biological Resources, Historic and Cultural Resources, Aesthetic and Visual Resources, Land Use, Infrastructure, Socioeconomic Resources, and Human Health and Safety. The results of the analysis are summarized in the table below:

Resource Area	Preferred Alternative	Preferred Alternative	No Action Alternative	No Action Alternative
	No Significant Impact	Significant Impact	No Impact	Significant Impact
Noise	X		X	
Air Quality (including greenhouse gases [GHGs])	X		X	
Geology and Soils	X		X	
Water Resources	X		X	
Biological Resources	X		X	
Historic and Cultural Resources	X		X	
Aesthetic and Visual Resources	X		X	
Land Use	X		X	
Infrastructure	X		X	
*Socioeconomic Resources		X		X
*Human Health and Safety		X		X

*Construction of the preferred alternative is anticipated to provide beneficial impacts to socioeconomic resources and human health and safety. The no action alternative is anticipated to have negative impacts to these resource categories.

The sections that follow provide a brief narrative for those resource areas where there has been a potential impact indicated in the table above or provide a summary of the results of required consultation with the appropriate agency or agencies.

Noise

This project will have no impact on noise during long-term operation. However, short-term increases in ambient noise levels are expected during the construction period. Noise impacts to the Greater Sage Grouse (GRSG) were reviewed, but any noise associated with the project will occur next to the highway which has the potential to be louder than the actual work itself. Based on these considerations, no significant impacts on noise are expected to occur as a result of project implementation.

Air Quality

Vehicles will not be operating on bare soil. When equipment operates on bare soil, dust control will be used to prevent track out. Any sediment on paved roadways will be swept back into the project area and stabilized. Water for dust control may be used to prevent migration of sediment to paved surfaces. With these measures in place, the project is not expected to result in significant adverse impacts to air quality.



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Geology and Soils

Soils within the project area are predominately classified as hydrologic group D, soils having a very slow infiltration rate and high to very high runoff potential. Soils are predominately classified as sandy loam, clay, or gravelly with a low erosion potential. The construction plan limits the length of time soils will be disturbed by immediately filling in trench dug for line placement. Silt fencing will be used to delineate the perimeter of directional drilling pits and soil stockpiles. This linear project is along the paved ROW. Equipment/vehicles will not operate on bare soils thus preventing the track out of sediment. With these measures in place, the project is not expected to result in significant adverse impacts on geology or soils.

Water Resources

Wetlands would be avoided by installing fiber-optic cable in conduits along bridges or by using Horizontal Directional Drilling (HDD). In addition, preventive measures, detailed in the stormwater pollution prevention plan would be implemented to ensure any construction-related erosion, sediment runoff, and discharge of other pollutants into adjacent waterways would not occur. Therefore, effects on wetlands and riparian vegetation are not likely, and any disturbance would be minimal and temporary.

Biological Resources

According to the USFWS Information and Planning Consultation (IPaC) tool, Endangered Species Act (ESA) species including one bird, one amphibian, three fish, one plant, and two insect species have the potential to occur in the project ROW. No critical habitats were identified for the wildlife species and the plant species (Webber’s ivesia) does have critical habitat.

Common Name	Scientific Name	Status
Birds		
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	Threatened
Amphibians		
Oregon spotted frog	<i>Rana pretiosa</i>	Threatened
Fish		
Lahontan cutthroat trout	<i>Oncorhynchus clarkii henshawi</i>	Threatened
Lost river sucker	<i>Deltistes luxatus</i>	Endangered
Shortnose sucker	<i>Chasmistes brevirostris</i>	Endangered
Insects		
Carson wandering skipper	<i>Pseudocopaodes eunus obscurus</i>	Endangered
Monarch butterfly	<i>Danaus plexippus</i>	Candidate
Plants		
Webber’s ivesia	<i>Ivesia webberi</i>	Endangered

NTIA’s analysis of the BLM EA revealed that further analysis needed to occur to determine effects to the ESA listed fish species, Yellow-billed cuckoo, Oregon spotted frog, Webber’s ivesia, and Carson wandering skipper. The NTIA undertook a Biological Assessment for the Oregon spotted frog, Webber’s ivesia, and Carson wandering skipper.

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The Lahontan cutthroat trout, Lost River sucker and Shortnose sucker all subsist in aquatic environments. There would be no direct or indirect impact to water resources therefore the NTIA made a no effect call for these three species.

The federally listed Webber's ivesia is not located within the ROW and would not be directly affected. This Action Area occurs approximately 1,180 feet from the edge of 5-acres of Webber's ivesia occupied habitat and approximately 370 ft from the edge of one, 122-acre unit of its designated critical habitat. The Action Area is also adjacent to the western boundary of this unit of Webber's ivesia designated critical habitat. However, the habitat within the Action Area is frequently disturbed as it's within ROW and along the road shoulder.

In addition, Best Management Practices (BMPs) detailed in the BLM BA for Webber's ivesia would be implemented to ensure any potential indirect effects from construction- and maintenance-related activities would not occur. These BMPs would minimize the potential that construction- and maintenance-related activities would result in further noxious and invasive plant establishment and spread, increased wildfire risk, or plant and habitat damage due to inappropriate herbicide use.

None of the reasonably foreseeable future actions are anticipated to occur at the same time as the Proposed Action. Also, the Proposed Action would have no impacts, or it would have minimal temporary impacts. The Proposed Action includes implementation of BMPs and stipulations to minimize impacts. Therefore, there would be no impacts on Webber's ivesia or its designated critical habitat from the BLM ROW that would occur later in time or farther removed in distance.

Yellow-billed Cuckoos use wooded habitat with dense cover and water nearby, including woodlands with low, scrubby, vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes. In the West, nests are often placed in willows along streams and rivers, with nearby cottonwoods serving as foraging sites. Vegetation removal is limited to minor clearing of grasses and shrubs, if necessary, through Modoc National Wildlife Refuge and no trees with a diameter at breast height (dbh) >8 inches would be allowed to be removed through National Forest Units. This project would not impact riparian habitat, therefore the NTIA made a determination of no effect for this species.

Although there are Saltgrass communities within the Action Area, these vegetation communities are not suitable habitat for the species, as determined by the BLM during coordination in April of 2020. The Project will have no direct or indirect impacts to Carson wandering skipper habitat due to the Project impacts occurring within road right-of-way which is frequently disturbed; therefore, the Project will have no effect on Carson wandering skipper or its habitat. Carson wandering skipper does not currently have any designated critical habitat.

For the Oregon Spotted Frog, the Action Area occurs adjacent to suitable habitat for this species which is associated with Paulina Creek where it crosses U.S. Highway 97 near La Pine, Oregon. Project design features have been established to avoid impacts outside the disturbed OR Department of Transportation (DOT) road shoulder, minimize disturbance by using HDD methods and seasonal restrictions; therefore, there are no direct or indirect effects on this species or its habitat, as they will be avoided. The habitat within the Action Area is frequently disturbed as it's within the disturbed OR DOT road shoulder and work will be confined to these areas; therefore, the NTIA determined the Project will have no effect on this species or its habitat.



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The Proposed Action also would include implementation of BMPs and stipulations to minimize impacts. Therefore, there would be no impacts on migratory birds from timing or seasonal restrictions.

Historical and Cultural Resources

The BLM approved an Area of Potential Effect (APE) for considering potential effects to cultural resources resulting from the proposed project. The horizontal APE varies in width from 60 to 600 feet, depending on access, current land use, or disturbance; it averages 200 feet across. The APE includes previously surveyed areas and new surveys conducted for this project.

The APE defines all areas that may be affected from general construction activities, but no surface disturbance is proposed. The area of direct impact (ADI) defines the area that will be directly impacted by the placement of the fiber-optic line. An ADI for the project encompasses all areas of direct ground disturbance associated with construction, including all areas that would be subject to furrowing, trench installation, vault installation, and directional boring. The horizontal extent of the ADI is expected to not exceed 18 inches across for furrowing and trench installation. The vertical ADI for furrowing, trenching, and vault excavations would not exceed 42 inches, though deeper excavations would be required for directional boring to bypass sensitive areas or paved roads. The vertical ADI (height) would be approximately 11 feet for the in-line amplifier stations. Temporary staging areas would not require grading, grubbing, or clearing and would not be considered part of the ADI, though they would be confined to the ROW boundaries. The Nevada State Historic Preservation Office (SHPO) concurred with a No Historic Properties Affected determination April 27, 2022. The Oregon SHPO provided concurrence with a Section 106 determination of no adverse effect on December 21, 2022. The California SHPO concurred with a no adverse effect determination on June 16, 2023.

Potential tribal interests in the project area may include a wide range of overlapping economic, social, traditional, and religious practices and uses. There is a responsibility to consult with tribes to consider the conditions necessary to satisfy their concerns and to ensure they can continue traditional uses in interest areas. Confidential ethnographic studies have been prepared to support project consultation and an understanding of particular places and the tribal values associated with them.

The applicant (Zayo Group) conducted outreach and informal coordination with Native American tribes and requested information regarding the potential for affecting sensitive Native American resources, including traditional cultural properties and traditional cultural resources. The applicant sent letters to federally and non-federally recognized tribes with potential interest in the project area. The applicant also reviewed the National Register of Historic Places (NRHP), the Nevada State Register of Historic Places, the Oregon Historic Sites Database, the California Register of Historic Places (CRHR), and the California Sacred Lands File to identify any tribal resources that are already formally listed or recorded. The applicant also conducted informational meetings regarding the project with the Burns Paiute Tribe, the Klamath Tribes, the Pit River Tribe, and the Washoe Tribe, usually with the BLM in attendance.



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The Klamath, Burns Paiute, and Washoe Tribes reached out to the applicant requesting that a monitor work during testing efforts within ancestral lands. Zayo Group's consultant, Stantec, has accommodated requests for tribal monitors to be present during survey/testing and construction, and has incorporated reviews and information regarding tribal sensitivity into reporting efforts. Zayo Group LLC also worked with the Pit River Tribe regarding the XL Ranch ROW permit.

The BLM formally initiated consultation on the overall project, as well as on the Archaeological Resources Protection Act permit, through notification letters sent to the following tribes:

Burns Paiute Tribe	Confederated Tribes of the Warm Springs Reservation of Oregon
Klamath Tribes	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
Pit River Tribe	Washoe Tribe of California and Nevada
Greenville Rancheria	Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Susanville Indian Rancheria	Reno-Sparks Indian Colony, Nevada
Modoc Nation	Alturas Indian Rancheria of California

The BLM prepared a programmatic agreement (PA) with consulting parties including multiple Tribes and SHPOs. This programmatic agreement addresses a phased approach for submission of cultural resource compliance reports for each state. Communication and consultation efforts are continuing and will continue through the life of the project.

No reasonably foreseeable future major actions are anticipated to occur at the same time as the Proposed Action. Cultural resources or tribal values could be impacted from actions that are not subject to review or that are inadvertent. Also, with implementation of the measures outlined in the PA, the Proposed Action would result in a reduced potential for unmitigated impacts on cultural resources and tribal values in the ROW. Based on the above there would be no significant impacts to historic and cultural resources.

Land Use

Right of Way (ROW) permits were obtained by Zayo Group, LLC from the following agencies: BLM; Modoc National Wildlife Refuge; Bureau of Indian Affairs (BIA), Northern California Agency; California, Nevada, and Oregon Departments of Transportation (DOT). Special Use Permits were obtained from the Fremont-Winema and Humboldt-Toiyabe National Forests. The California project received final approval under the California Environmental Quality Act (CEQA). Other state and local permits are obtained as well.



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Cumulative Impacts

As described throughout this FONSI, the project will not have significant adverse impacts on any of the environmental resource areas evaluated in the EA. As such, no cumulative impacts on the environment are anticipated.

Public Comment

A letter was sent to interested parties notifying them of the availability of the Draft EA and giving the web address to access the EA and unsigned BLM FONSI. In addition, a notice was posted in the local newspaper and/or a press release was issued for each of the affected BLM district offices on March 18, 2022. The BLM received four comments. These comments are available for review at the BLM Lakeview District Office; 1301 South G Street; Lakeview, OR 97630. None of these comments were substantive. Two of the comments were generally supportive of the project. One of the comments listed specific requests in terms of cultural resources. One of the requests reminded the BLM and applicant to follow proper water permitting regulations within the State. The cultural resources requests are addressed in the stipulations that are in place as part of the PA (Appendix I of the BLM EA).

Mitigation

The following mitigation measures will be implemented as part of this project:

1. BMPs detailed in the BLM EA Appendix on page C-9 for Webber's ivesia would be implemented to ensure any potential indirect effects from construction- and maintenance-related activities would not occur. These BMPs would minimize the potential that construction- and maintenance-related activities would result in further noxious and invasive plant establishment and spread, increased wildfire risk, or plant and habitat damage due to inappropriate herbicide use.
2. The use of herbicides, which harm or kill Webber's ivesia pollinators, must not be used during the bloom period of April 1 to June 1 in the areas that are within three (3) miles of designated critical habitat or occupied habitat.
3. Vegetation removal is limited to minor clearing of grasses and shrubs, if necessary, through Modoc National Wildlife Refuge and no trees with a diameter at breast height (dbh) >8 inches would be allowed to be removed through National Forest Units.
4. Prior to removal, all trees and vegetation would be surveyed by a qualified wildlife biologist to confirm the absence of nesting migratory birds during the bird breeding season. If nesting migratory birds are located, a 300-foot no-cut buffer would be enforced around the nest site until after the young have fledged. Spatial and temporal stipulations specific to each species of migratory birds are detailed in the EA Appendix C. Any additional raptor nests found would be subject to the restricted dates and buffer distances dependent on the species, as found in EA Appendix C. These measures would be implemented to avoid any disturbance to migratory birds and raptors during crucial nesting periods. Therefore, seasonal and spatial restrictions would minimize or avoid any effects on migratory birds.



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5. Cultural sites do exist in several areas along the route. These sites will be avoided by moving the running line to ensure no adverse impacts where possible, in the locations where this may not be possible the effect to the resources will either be minimized, mitigated, or resolved as determined in consultation with local tribes and as discussed in the PA and Treatment Plan attached to the BLM EA in Appendix I.
6. Zayo Group's consultant, Stantec, has accommodated requests for tribal monitors from the Klamath, Burns Paiute, and Washoe Tribes to be present during survey/testing and construction.
7. There are features within the Project Area listed or eligible for listing in the NRHP. However, any sites have been avoided, or potential impacts to sites have been minimized, mitigated, or resolved in consultation with local tribes and SHPOs. The PA and Treatment Plans can be found attached to the BLM EA in Appendix I.

Decision

NTIA concludes that constructing and operating the project as defined by the preferred alternative, identified BMPs, and protective measures, will not require additional mitigation. A separate mitigation plan is not required for the project. The analyses indicate that the Proposed Action is not a major federal action that will significantly affect the quality of the human environment. NTIA has determined that preparation of an EIS is not required.

Issued on October 20, 2023 by:

AMANDA
PEREIRA

Digitally signed by
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Date: 2023.10.20
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