

Exhibit D

The NTIA requires Eligible Entities like ORS to establish interim buildout milestones, enforceable as conditions of the subgrant, sufficient to ensure that subgrantees are making reasonable progress toward meeting the four-year deployment deadline of the BEAD program. Details are provided in the sections that follow.

Maximum Capacity Completion Payment for all Project Areas, as Defined in Exhibit A: \$

Maximum Subscription Rate Payment for each Project Area:

<u>Project Area Number</u>	<u>Maximum Subscription Rate Payment</u>
Project Area 1	\$
Project Area 2	\$
Project Area 3	\$

Project Milestones and Payment Schedule

I. Milestone 1: Capacity Completion Payment

Subgrantee is eligible to receive 50% of the Grant amount upon demonstration all Project Areas, as defined in Exhibit A, are complete and operational, and capacity is available for all BSLs in all Project Areas.

To be eligible to receive a Milestone 1 payment, Subgrantee must demonstrate all Project Areas are complete and operational, capacity is available for all BSLs in all Project Areas, and submit the following to the satisfaction of ORS:

- a. Finalized network design plans, including schematics and specifications;
- b. Copies of all acquired rights-of-way, easements, permits, and regulatory approvals;
- c. NEPA/NHPA record(s) of decision, or equivalent;
- d. The items listed in Section V. E. 1) of the Grant Agreement;
- e. The affidavit below which includes a statement that Subgrantee can initiate broadband service that meets the requirements of the Grant Agreement within ten (10) business days of a request to any BSL in the Project Areas, as defined in Exhibit A, with no charges or delays attributable to extension on the service, in addition to meeting all other requirements of the Grant Agreement, service-related or otherwise; and
- f. ORS reserves the right to request additional evidentiary proof the network is complete and operational, examples may include but not be limited to speed and latency test data collected in accordance with NTIA guidance.

II. Milestone 2: Subscription Rate Payment

Subgrantee is eligible to receive the Subscription Rate Payment portion of its Grant Amount through subscription rate disbursements on a quarterly basis for each Project Area, as defined in Exhibit A, for a maximum of five (5) years after demonstrating all Project Areas are complete and operational and capacity is available for all eligible BSLs in all Project Areas and up to the Maximum Subscription Rate Payment for that Project Area. The quarterly subscription rate disbursement for a given Project Area will be calculated by dividing the Maximum Subscription Rate Payment for a Project Area by

the number of eligible BSLs in the Project Area and multiplying the result by the number of newly subscribed eligible BSLs in a given quarter. A newly subscribed eligible BSL is a BSL listed in the Project Area on Exhibit A that has not previously subscribed to service with Subgrantee. For example, if the total Grant amount for a project area is \$1,000,000, the maximum Subscription Rate Payment is \$500,000, there are a total of 1,000 eligible BSLs in the Project Area, there are 100 newly subscribed eligible BSLs in the quarter, and the Subgrantee met the other requirements for receiving a disbursement, the Subgrantee would receive a Subscription Rate disbursement of \$50,000 for that Project Area for that quarter. The maximum amount of subscription rate disbursements Subgrantee may receive is 50% of the Grant amount for a Project Area ("Maximum Subscription Rate Payment"). Once a Subgrantee demonstrates the number of newly subscribed eligible BSLs equals or exceeds 40% of the BSLs in a Project Area, Subgrantee shall be eligible receive the remaining amount of the Maximum Subscription Rate Payment not previously disbursed and no further subscription rate disbursements shall be made. Regardless of whether Subgrantee has received the Maximum Subscription Rate Payment, no further Subscription Rate disbursements shall be made after five (5) years from the date Subgrantee demonstrates all Project Areas are complete and operational and capacity is available for all eligible BSLs in all Project Areas.

To be eligible to receive a Quarterly Milestone payment for a Project Area, Subgrantee must submit the following to the satisfaction of ORS:

- a. Quarterly reports per Project Area detailing the eligible BSLs that subscribed to service;
- b. The items listed in Section V. E. 1) of the Grant Agreement;
- c. The affidavit below which includes a statement that Subgrantee can initiate broadband service that meets the requirements of the Grant Agreement within ten (10) business days of a request to any BSL in all Project Areas described in Exhibit A, with no charges or delays attributable to extension on the service, in addition to meeting all other requirements of the Grant Agreement, service-related or otherwise
- d. Speed and latency test data collected in accordance with NTIA guidance demonstrating speeds and latency meeting or exceeding minimum requirements outlined in the Grant Agreement for each newly subscribed BSL in the Project Area for the quarter detailing the exact eligible location; and
- e. Detailed proof the necessary equipment for receiving broadband service at each newly subscribed BSL was delivered to the newly subscribed BSL (i.e. Shipping Tracking number, installer invoice)

All payments are subject to the terms and conditions of the Grant Agreement. Furthermore, at the time of the execution of the Grant Agreement, it is understood by the Parties that reporting and grant disbursement requirements related to the BEAD program may not be fully known or established. Subgrantee acknowledges it will comply with all existing and future reporting and disbursement requirements, guidelines, and associated guidance established by the U.S. Department of Commerce, NTIA, any other authorized federal agency, ORS for the BEAD program, and the State. Subgrantee agrees to cooperate with ORS to fully meet any required reporting associated with the BEAD program.

Disbursement & Reporting Illustrative Examples

APPLICATION FOR DISBURSEMENT

Milestone 1: Capacity Completion Payment

Grantee Name:

State Vendor Number:

Date:

Project ID	Total Project Cost	Total Funds Awarded	Total Pre-Award Cost (Not to exceed \$100k)	Total BSLs Awarded	Total BSL Capacity Available	Amount of Disbursement Requested for Milestone Payment 1: <i>(not to exceed 50% of Total amount of Funds awarded for the Project Area)</i>
			Total			

By submitting this Application for Disbursement, Subgrantee certifies that, 1) all Project Areas, as defined in Exhibit A, are complete and operational, capacity is available for all BSLs in the Project Areas; and 2) Subgrantee eligible to receive, pursuant to the terms and conditions of the Grant Agreement, including the Project Milestones and Payment Schedule set forth in Exhibit D, the Milestone 1: Capacity Completion Payment of funds awarded from the South Carolina 2025 IIJA BEAD Grant Program it has requested. All invoices must include a signed statement by a Principal Officer of Subgrantee or other representative acceptable to ORS in its sole discretion certifying that all amounts set forth herein are true and accurate and in accordance with the Grant Agreement.

AFFIDAVIT OF COMPLETION
MILESTONE 1 PAYMENT: CAPACITY COMPLETION PAYMENT

STATE OF _____)

)

AFFIDAVIT

COUNTY OF _____)

Personally appeared before me the undersigned, _____, who being duly sworn, deposes and states as follows:

1. [SUBGRANTEE NAME], a [INSERT ENTITY'S LEGAL TYPE (E.G. CORPORATION, LIMITED LIABILITY COMPANY, ETC.) organized under the laws of the state of _____, entered into a Grant Agreement ("Agreement") with the South Carolina Office of Regulatory Staff ("ORS").

2. I am employed by Subgrantee as the _____. I am duly authorized by Subgrantee to make the statements contained in this Affidavit.

3. The Agreement was entered into pursuant to and in accordance with 2025 Act No. 69 (South Carolina Appropriations Bill for Fiscal Year 2025-2026), Part 1.B Proviso Section 73.8, which authorizes ORS to award grants from the federal Infrastructure Investment and Jobs Act ("IIJA") Broadband Equity Access and Deployment Program ("BEAD") to broadband service providers and other entities for authorized projects that achieve the purpose of expanding broadband infrastructure to households, businesses, and community anchor institutions in the State of South Carolina that are unserved or underserved by broadband services.

4. The Agreement requires the Subgrantee to complete the Project as defined by and pursuant to the terms and conditions of the Agreement, including its Exhibits and attachments.

5. The requirements for receiving a Milestone 1: Capacity Completion Payment and maximum amount are set forth in the Agreement, including the Project Milestones and Payment Schedule in Exhibit D to the Agreement. Furthermore, the maximum amount of pre-award costs and associated expenses that may be eligible for reimbursement is \$100,000.

6. I hereby attest that Subgrantee complied with the Agreement and all applicable provisions set forth in the IIJA; guidelines; guidance; supplemental guidance; policy notices;

executive orders; state, federal, and local laws and regulations; and permits throughout the duration of the Project.

7. Subgrantee hereby certifies it can initiate broadband service that meets the requirements of the Grant Agreement within ten (10) business days of a request to any BSL in the Project Areas, with no charges or delays attributable to extension on the service, in addition to meeting all other requirements of the Grant Agreement, service-related or otherwise.

8. I hereby affirm and certify that all Project Areas are complete and operational and capacity is available for all BSLs in all Project Areas for [PROJECT AREA IDENTIFIER] in accordance with the terms and conditions of the Agreement, all requirements for receiving a Milestone 1: Capacity Completion Payment have been met, and that Subgrantee therefore is entitled to the disbursement of a Milestone 1 Payment in the amount of \$_____ pursuant to the terms of the Agreement.

Name

Title [Principal Officer or other representative acceptable to ORS]

SWORN to before me, this ____ day of 20____

Notary Public of the State of _____

My Commission expires:_____

EXHIBIT D

Disbursement & Reporting Illustrative Examples

APPLICATION FOR DISBURSEMENT

MILESTONE 2: QUARTERLY SUBSCRIPTION RATE DISBURSEMENTS

Grantee Name:

State Vendor Number:

Date:

Project ID	Total Project Cost	Milestone 1 Payment Amount	Funds Awarded	Date of Completion	Total BSLs Awarded	Number of Newly Subscribed BSLs in Project Area to Date Since Project Area Complete and Operational	Percent of Total Awarded BSLs in Project Area that are Newly Subscribed BSLs	Amount of Disbursement Requested
				Total				

By submitting this Application for Disbursement, Subgrantee certifies that 1) that capacity is available and the Project, as defined in Exhibit A, is capable of providing reliable broadband service as outlined in the Grant Agreement and associated Exhibits to all BSLs in the Project Areas; 2) the information provided in the table above is complete and accurate; 3) Subgrantee is eligible to receive pursuant to the terms and conditions of the Grant Agreement, including the Project Milestones and Payment Schedule set forth in Exhibit D, the disbursement of funds requested

above from the South Carolina 2025 IIJA BEAD Grant Program; and 4) Subgrantee has provided ORS all items required to receive the disbursement of funds requested above.

DRAFT

**AFFIDAVIT OF COMPLETION AND ELIGIBLE EXPENSES
MILESTONE 2: QUARTERLY SUBSCRIPTION RATE DISBURSEMENTS**

STATE OF _____)

)

AFFIDAVIT

COUNTY OF _____)

Personally appeared before me the undersigned, _____, who being duly sworn, deposes and states as follows:

1. [SUBGRANTEE NAME], a [INSERT ENTITY'S LEGAL TYPE (E.G. CORPORATION, LIMITED LIABILITY COMPANY, ETC.)] organized under the laws of the state of _____, entered into a Grant Agreement ("Agreement") with the South Carolina Office of Regulatory Staff ("ORS").

2. I am employed by Subgrantee as the _____. I am duly authorized by Subgrantee to make the statements contained in this Affidavit.

3. The Agreement was entered into pursuant to and in accordance with 2025 Act No. 69 (South Carolina Appropriations Bill for Fiscal Year 2025-2026), Part 1.B Proviso Section 73.8, which authorizes ORS to award grants from the federal Infrastructure Investment and Jobs Act ("IIJA") Broadband Equity Access and Deployment Program ("BEAD") to broadband service providers and other entities for authorized projects that achieve the purpose of expanding broadband infrastructure to households, businesses, and community anchor institutions in the State of South Carolina that are unserved or underserved by broadband services.

4. The requirements for receiving a Milestone 2: Quarterly Subscription Rate Disbursement and maximum amount are set forth in the Agreement, including the Project Milestones and Payment Schedule in Exhibit D to the Agreement.

5. Subgrantee hereby certifies to ORS that Subgrantee can initiate broadband service within ten (10) business days of a request to any covered BSL in the Project Areas, with no charges or delays attributable to extension on the service, in addition to meeting all other requirements of the Grant Agreement, service-related or otherwise.

6. Subgrantee hereby certifies all information in the Application for Disbursement accompanying this Affidavit is complete and accurate.

7. I hereby attest that Subgrantee complied with the Agreement and all applicable provisions set forth in the IIIA; guidelines; guidance; supplemental guidance; policy notices; executive orders; state, federal, and local laws and regulations; and permits throughout the duration of the Project.

8. I hereby affirm and certify that all Project Areas are complete and operational and capacity is available for all BSLs in all Project Areas for [PROJECT AREA IDENTIFIER] in accordance with the terms and conditions of the Agreement, all requirements for receiving the Milestone 2: Quarterly Subscription Rate Disbursement have been met, and that Subgrantee therefore is entitled to the disbursement requested in the accompanying Application for Disbursement in the amount of \$_____ pursuant to the terms of the Agreement.

Name

Title [Principal Officer or other representative acceptable to ORS]

SWORN to before me, this ____ day of 20____

Notary Public of the State of _____

My Commission expires:_____

BUILD AMERICA BUY AMERICA (BABA)

All Infrastructure Investment & Jobs Act (IIJA), Broadband Equity, Access & Deployment Program (BEAD) Subgrantee will be subject to the Build America, Buy America preference requirements set forth in section 70914 of the Build America Buy America (BABA) Act.

Organization Name:	«Legal_EntityOrganization_Name»
Project Number:	«Project_Number_Format_XXXXX»
Project Name:	«Project_Name»
Period of Performance (Start Date to End Date, DD/MM/YYYY):	

Domestic Preferences in Procurement:

To the extent required by the BEAD Grant Agreement and applicable law, Subgrantee certifies all materials used in the project complies with the Build America Buy America Act and Subgrantee complied with the preference requirements for the procurement or use of goods, products, or materials produced in the United States as described in 2 C.F.R. § 200.322 and Executive Order 14005 Ensuring the Future is Made in All by All of America's Workers (January 25, 2021), unless an applicable waiver applied.

I understand that a false statement on this certification shall be regarded as a material breach of the Agreement. I also acknowledge that ORS may request any additional information or documentation it deems necessary to demonstrate compliance in the form of an audit or otherwise pursuant to its ability to effectively administer the BEAD Program on behalf of the State of South Carolina.

Printed Name & Title (Principal Officer or other representative acceptable to ORS) Date

Signature

Initial:_____

NARRATIVE OF OUTCOMES AND ACCOMPLISHMENTS

To finalize this award, you are required to provide ORS with a narrative of the outcomes and accomplishments related to the funds spent for the specific purpose as stated in the Grant Agreement.

1. Organization/Project Information	
Organization Name:	[Add Entity Name Here]
Project Number:	
Project Name:	

2. Outcomes and Accomplishments:
<p>[Add Outcomes and Accomplishments Here]</p>

Initial:_____

By signing below, I certify all the information provided above is true and accurate to the best of my knowledge.

Printed Name & Title (Principal Officer or other representative acceptable to ORS) Date

Signature

DRAFT

Initial:_____