



## South Carolina 2021 Rural Broadband Grant Program

### Overlap with Federally Funded Projects: Competitive Challenge Process

May 13, 2021

**GOAL: Efficient utilization of state funding to expeditiously advance broadband deployment in unserved areas of the State of South Carolina.**

For the purposes of the 2021 Rural Broadband Grant Program (RBGP) only, the Office of Regulatory Staff will review a Challenge submitted on the basis that a currently *unserved* area is the subject of a federally funded project subject to the provisions set forth below.

It is in ORS's sole discretion whether to accept a Challenge and if accepted, **no contract or agreement is made or implied by the acceptance of a Challenge for the RBGP.** Nor will the acceptance of a Challenge for the RBGP be construed as precedential in the event of any potential future state or federal broadband infrastructure funding.

#### **Submitting a Challenge:**

1. Challenges must be submitted by midnight eastern standard time Monday, May 17<sup>th</sup>.
2. The ISP presents evidence to ORS regarding an existing federally funded wireline broadband project (i.e. USDA ReConnect, FCC Rural Digital Opportunity Fund.)
3. The ISP presents ORS with a shapefile and/or KMZ file that clearly shows the area of conflict between the RBGP Eligible and/or Contiguous Counties and their existing funded project. An affidavit shall be provided by an officer of the ISP that the ISP project is funded.
4. At the time the Challenge is filed, ISP presents ORS with a detailed, quarter by quarter, Census Block Group engineering timeline that demonstrates overall project completion by **October 31, 2022**. This report must be filed by the ISP's engineering/construction team leader and separately endorsed by an officer of the ISP. (see attached)
5. ORS may recognize a challenge for work which can be completed in full by Oct. 31, 2022.
6. Wireline challenges will not prevent grant awards to high quality fixed wireless projects. The existence of fixed wireless service may not be used to challenge wireline deployments and fixed wireless challenges will not be accepted.
7. ISP reports on progress within 30 days of the end of each calendar quarter. Failure to report results in the challenge being voided. Report must be filed by the same ISP

engineering/construction team leader that submitted the original plan. ORS has the option to inspect projects with 2 business days' notice.

8. RBGP Challenges only apply to the RBGP Grant Program.
9. Failure of the ISP to complete reporting as described above, absent a force majeure event, shall result in future challenges not being accepted by ORS.
10. Challenges based on federally funded wireline broadband projects must be made to unserved areas on the SC Broadband Map not later than May 17, 2021. Challenges must clearly show the ISP intends to provide service within the "unserved" area by October 31, 2022, in the absence of state funding, in order to be considered.
11. An ISP that challenges an unserved area on the basis that it will be served within the grant period through a federally funded wireline broadband project may not receive state funds, directly or indirectly, for that same project.
12. To file a challenge, an ISP must be current on all other reporting requirements to ORS. This includes the obligation to submit their most-recent FCC Form 477 submissions and to update ORS with these documents within the challenge timeline.
13. ORS may accept a challenge as information that enables ORS to utilize limited state funding in the most efficient manner. Notwithstanding a valid challenge, ORS in its sole discretion, may grant an application that includes a challenged area, or portion thereof, if ORS determines granting the application is in the public interest and accelerates internet deployment.

***Challenges should be submitted to [Broadband@ORS.SC.GOV](mailto:Broadband@ORS.SC.GOV).***

# South Carolina 2021 Rural Broadband Grant Program Challenge Timeline



Report Date

Quarter	Census Block Group ID	Planned			Actual			Notes
		Start Date	End Date	% Compl	Start Date	End Date	% Compl	

**Engineering/Construction Team Leader**

Signed \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**Corporate Officer**

Signed \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_