



PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
505 VAN NESS AVENUE | SAN FRANCISCO, CALIFORNIA 94102
300 CAPITOL MALL | SACRAMENTO, CALIFORNIA 95814

08/02/2024

Brian Roberts
City & County of San Francisco, Department of Technology
brian.roberts@sfgov.org
Re: Fair Shake Internet

Dear **City & County of San Francisco, Department of Technology**,

Congratulations! The California Public Utilities Commission (Commission) is pleased to inform you that **City & County of San Francisco, Department of Technology**'s application for Last Mile Federal Funding Account (FFA) funding for the "**Fair Shake Internet**" project and grant request amount of \$ **10,393,500.00** has been approved.

Your application was received on **09/28/2023** and posted on the Commission's Last Mile Federal Funding Account webpage. Staff reviewed the applications referenced for compliance with Commission and federal rules, conducted fiscal and technical analysis, and determined your application meets the requirements for a grant under the program. On **07/11/2024** Commissioners considered your application and voted to approve your grant award in Resolution T-17829.

The award is predicated on **City & County of San Francisco, Department of Technology**'s agreement to construct its project as detailed in its application. In addition, **City & County of San Francisco, Department of Technology** also agreed to comply with all federal and state statutes, rules, and regulations covering broadband services and state contractual rules and regulations in accordance with [Decision \(D.\) 22-04-055, Appendix A: Federal Funding Account Program Rules and Guidelines](#). A summary of the performance, payment, and reporting requirements are summarized in the Attachment to this letter.

For CPUC Staff to begin processing the award, you must complete, sign, and submit the following forms:

1. Consent Form and
2. Either:
 - Government Agency Taxpayer ID Form (for government entities) or
 - Payee Data Record Form (for non-government entities)

You must submit these documents by uploading them to the [Broadband Grant Portal](#) within 30 days of the date of this letter. If these forms are not uploaded within the required timeframe, the award shall be rescinded.

All awards are contingent on available state budget appropriations funding and may be subject to Budget Letter 24-07.¹

¹In Budget Letter 24-07, issued on April 29, 2024, the Department of Finance suspended the authority to expend one-time funding provided in Section 2.00 of the Budget Acts of 2021, 2022, 2023, that meets certain criteria.

Thank you for your application and please direct any questions to FederalFundingAccount@cpuc.ca.gov. We appreciate your efforts to provide service to our fellow Californians.

Sincerely,

A handwritten signature in black ink that reads "Maria Isabel Ellis". The signature is written in a cursive, flowing style.

Maria Isabel Ellis
Deputy Director of Broadband

ATTACHMENT

Summary of Last Mile Federal Funding Account Grant Program Reporting Requirements

The award is contingent on the **City & County of San Francisco, Department of Technology**'s agreement to construct the proposed project as detailed in its application. The grant award is also contingent upon fulfilling the requirements as specified in [Decision \(D.\) 22-02-055, Appendix A: Federal Funding Account Program Rules and Guidelines](#). These requirements include, but are not limited to, execution and performance, payment, and reporting requirements. The following summarizes the requirements in [D. 22-02-055, Appendix A: Federal Funding Account Program Rules and Guidelines](#), but does not replace them. Awardees must submit all reporting documents through the Broadband Grant Portal.

Execution and Performance

City & County of San Francisco, Department of Technology must sign and submit the Consent Form agreeing to the terms of the award **within 30 calendar days from the date of this letter**. Failure to submit the signed Consent Form within the required timeframe will result in the Commission deeming the award null and void.

City & County of San Francisco, Department of Technology must complete the project within 18- or 24-months, in accordance with the terms of the award. The Awardee must notify the Communications Division of any delays in the project completion or if the awardee is unable to complete the project within the required timeframe. The Commission may reduce or withhold payment, and / or impose penalties for failure to satisfy this requirement.

City & County of San Francisco, Department of Technology must communicate in writing to the Communications Division's Director regarding any changes to the substantive terms and conditions underlying the Commission's approval of the award (such as changes to a work plan or budget) at least 30 days before the anticipated change. Substantive changes may require approval by either the Communications Division's Director or by Commission Resolution before becoming effective.

Payment and Payment Requests

Awardees can request payments as the project is progressively deployed. Requests for payments may be submitted at the following intervals:

- 10 percent completion
- 35 percent completion
- 60 percent completion
- 85 percent completion
- 100 percent completion

Payments are based on submitted receipts, invoices, and other supporting documentation showing expenditures incurred for the project in accordance with the approved budget included in the Awardee's application.

Awardees must submit a project completion report to request final payment. The final 15 percent (from 85 to 100 percent) will not be paid without an approved completion report.

Monthly Contractor Reporting

California Public Utilities Code section 281(1)(1)(A-C) requires Awardees to report monthly to the Commission the following information throughout the construction phase:

- The name and contractor’s license number of each licensed contractor and subcontractor² undertaking a contract or subcontract in excess of \$25,000 to perform work on a project funded or financed pursuant to this section.
- The location where a contractor or subcontractor described in subparagraph (A) will be performing that work.
- The anticipated dates when that work will be performed.

Monthly Construction Verification Progress Reports

Awardees must submit monthly construction verification reports. Within six weeks of the date on this award letter, Awardees must submit:

1. A construction schedule showing key permitting and construction milestones.
2. A high-level design in an acceptable geographic information system (GIS) format.

Each month thereafter the construction verification progress reports must include:

- An updated schedule for the build
 - Must show permitting and construction start and completion times based on an Awardee-defined segmentation of the build.
 - Segmentation must be sufficiently sized to show progress and correspond with payment intervals.
- Geotagged photos showing key construction progress and completion,
- Updated As-Builts, and
- Optical time-domain reflectometer (OTDR) reports for construction completed sections.

The geotagged photos, along with the As-Builts and OTDR reports, will be used to track completion of the project and verify the construction schedule, construction activities, and to expedite project reimbursement. Details for the GIS deliverable, schedule format, and geotagged photos can be found in the FFA Construction Verification documentation.

As part of the project completion report, Awardees will also be required to provide:

- Updated GIS file showing deviations from originally submitted high-level design
- As-Built files showing construction prints and work completed
- OTDR reports for all fiber terminations

Quarterly Reports

Awardees must submit quarterly progress reports to the Commission by the due dates shown below. Quarterly Reports must contain the information required in D.22-02-055, Appendix A, Section 14.

²Licensed contractor or subcontractor means any contractor that holds a Contractor’s License through the Contractors State License Board (<https://www.cslb.ca.gov/>).

Reporting Period	Project Information Due to CPUC
July 1 – September 30, 2024	October 6, 2024
October 1 – December 31, 2024	January 7, 2025
January 1 – March 31, 2025	April 6, 2025
April 1 – June 30, 2025	July 6, 2025
July 1 – September 30, 2025	October 6, 2025
October 1 – December 31, 2025	January 7, 2026
January 1 – March 31, 2026	April 6, 2026
April 1 – June 30, 2026	July 6, 2026
July 1 – September 30, 2026	October 6, 2026
October 1 – December 31, 2026	January 31, 2027

Awardees are responsible for contacting the Commission at FederalFundingAccount@cpuc.ca.gov if the information cannot be submitted on time.

The quarterly reports requirement is separate and in addition to the monthly contractor reports and the payment requests.

Annual Reports

Awardees must annual reports that include the speed, pricing, subscription data (including number of customers enrolled in the Affordable Connectivity Program (ACP), low-cost, and low-income broadband plans), and any data allowance information on all offered plans.

The report must also include a weblink with information on the recipient’s income-qualified and affordable plans. The associated webpage should provide all plan information, ways to subscribe, and any necessary forms. Additional guidance detailing Federal reporting requirements will be provided post-award.

Termination

The Commission or the Awardee may terminate a grant award at any time by delivering ten days written notice to the other party. In the event that the Awardee terminates the grant award, it will be required to refund within 30 days of the termination all payments received for work not completed or not accepted by the Commission.

Post-Completion Sale or Transfer

For three years after project completion, an Awardee must notify the Commission within five days of determining that the Awardee is planning to sell or transfer its assets. The Awardee shall also provide documentation, including an affidavit stating that the new entity will take full responsibility and ownership to comply with the requirements of the Last Mile Federal Funding Account grant and requirements of the U.S. Treasury Department. Returning a signed Consent Form is acceptance of these terms.

Additionally, Awardees seeking to transfer assets must file a Tier 2 Advice Letter with the following information:

- Purchase price
- Copy of the agreement

- Binding agreement from the purchaser or lessee to fulfill the terms and conditions relating to the project after such sale or lease
- An explanation as to how the transaction would be in the best interests of those served by the project.

Additional Information

Reporting requirements and guidelines are subject to change, and CPUC may define additional requirements. Any additional requirements will be posted on CPUC's [website](#).