



Nebraska Capital Projects Fund (CPF) Grant Application

RECEIVED
By *carrie.gans* at 4:23 pm, Feb 24, 2023

Section I: Applicant Details

Original Revised

1. Applicant name:	Eagle Broadband Investments, LLC dba Vyve Broadband		
2. Applicant type:	Provider		
3. Applicant street address:	Four International Drive, Suite 330		
3a. Applicant city:	Rye Brook		
3b. Applicant state:	New York		
3c. Applicant zip code:	10573		
4. Applicant contact (first and last name):	Jordan Hume		
5. Applicant e-mail:	Jordan.Hume@vyvebb.com		
6. Applicant phone number:	(914) 234-8329		
7. Provider name:	Eagle Broadband Investments, LLC dba Vyve Broadband		
8. Provider contact (first and last name):	Travis Kohlrus		
9. Provider e-mail:	Travis.Kohlrus@vyvebb.com		
10. Provider phone number:	(785) 301-2096		
11. Legal representative name (must be an attorney licensed to practice law in Nebraska or an attorney admitted to practice pro hac vice for purposes of this program):	Michael Kuzma		
12. Legal representative e-mail:	mkuzma@hilgersgraben.com		
13. Legal representative phone number:	402-603-1460		
14. Applicant's Nebraska ETC status:	Not applicable		
15. Does the applicant currently report through FCC Form 477 speeds of at least 100/100 Mbps provided to customers within the State of Nebraska?	Yes	15a. If yes, does the applicant clearly offer the minimum 100/100 Mbps speeds required on their public-facing website:	Yes
15b. Provide the service provider's website URL that reflects the minimum 100/100 Mbps speeds currently available. Also, provide instructions on how to view available speeds, if not a direct link:	https://vyvebroadband.com/internet/ Visitors to our website can enter zip code 68920 to see an example of our Nebraska service offerings.		
16. Does the applicant currently participate in FCC's Affordable Connectivity Program (ACP)?	Yes		

17. Does the applicant commit to participating in FCC's ACP program, or subsequently identified subsidy program, for as long as the funded infrastructure is in use?	Yes
18. Applicant's System for Award Management (SAM) Unique Entity Identifier (UEI):	MLFRUVF7A4D6

Section II: Project Details

1. Project name:	Genoa East Expansion		
2. Project location description (the cities/communities where the project(s) will take place):	Unincorporated community east of Genoa, NE in Platte County		
3. Estimated number of locations served in project area:	3a. Unserved (<25/3 Mbps): 0	3b. Underserved (<100/20 Mbps): 28	3c. Total: 28
4. Technology type(s) to be deployed in project area:	Gigabit fiber (RfOG)		
5. Current maximum connection speed bandwidth in project area (Mbps):	100/10 Mbps wireless	6. Projected minimum connection speeds at completion (Mbps):	105/105 Mbps
7. Monthly customer rate for proposed 100/100 Mbps service:	\$49.99/month (before promotions/ACP)	7a. Does the rate plan for the proposed project area impose data or usage caps?	No
7b. Does the rate plan for the proposed project area involve throttling speeds after usage limits are reached?	No	7c. Does the rate plan for the proposed project area involve metered or "pay as you go" service model?	No
7d. Does the rate plan for the proposed project area impose early termination fees?	No	7e. Does the rate plan for the proposed project area lock customers into a particular plan or term with a long term contract?	No
8. Maximum speeds all serviceable locations in project area will be capable to be scalable to upon completion:	960/105 Mbps	9. Expected project completion date:	6 months from award date
10. Project geographic contiguity type:	Contiguous	11. If noncontiguous, are the areas included from the same exchange or adjacent exchanges?	NA
12. Total project costs (based on allowed costs):	\$ 569,686.00	13. NBBP grant amount requested:	\$ 524,111.00
14. Does the project involve any portion of deployment on tribal land?	No	NOTE: If the answer to 14 is "yes," proof of tribal consent must be provided to the Commission no later than April 24, 2023.	
15. Congressional District in which the project will take place:	Congressional District 1	16. If Congressional District 3, is the project area only serving locations within a city of the second class or village?	NA

Attach/Include:

Please label attachments as follows: “[Applicant Name]_[Project]_[Attachment Letter].” If it is necessary to submit multiple attachments under one attachment letter category, label the attachments to identify the separate attachments. Ex. “[Applicant Name]_[Project]_[Attachment Letter]_1”, “[Applicant Name]_[Project]_[Attachment Letter]_2”, etc.

- A polygon shapefile polygon (.shp) reflecting the project area **must** be included. Any supporting files necessary to open the shapefile must also be attached. (Attachment Letter: A)
- A point shapefile which identifies serviceable locations in the project area **must** also be included. Any supporting files necessary to open the shapefile must also be attached. (Attachment Letter: B)
- Applicants that answered “Yes” to section I; field 15 should attach documentation that 100/100 Mbps speeds are currently delivered to customers in other areas served by the applicant and that those speeds are advertised. (Attachment Letter: C)
- Applicants that answered “Noncontiguous” in section II; field 10, should provide a statement explaining the reasoning for including noncontiguous areas. This should include an explanation regarding what natural connection the noncontiguous project areas have to each other. (Attachment Letter: D)
- Technical capability statement: Applicants must include a statement relating to their experience providing broadband, whether they currently provide broadband at the minimum 100/100 Mbps speeds, the useful life of the facilities, and how the project will be resilient and sustainable in the long-term. This statement should also include the number of technical staff that will be dedicated to serving the project area once the project is complete, the level of technical ability of staff, the technological components used and which components may require more frequent repair or replacement, a detailed description of the proposed network architecture including homes passed, fiber miles, and the specific technology to be used to provide service to end users, a description of the applicant’s technical capability to meet the requirement to provide a minimum 100/100 Mbps in all locations that receive grant funding, and their plans to meet the minimum statutory technical and speed requirements in place for the NBBP throughout the fifteen-year period, and how the service area will be maintained throughout the useful life of the facilities, and any other relevant technical expertise of the applicant. (Attachment Letter: E)
- Rate comparability details: Attach information demonstrating that the retail rates for the proposed service area are comparable to the applicant’s rates outside the project area for the same speed tiers of a minimum 100/100 Mbps or next highest tier if 100/100 Mbps is not offered. Additionally, information regarding the terms and conditions offered, and the terms of service must be provided. Specifically, a statement must be provided with the application detailing whether the plan involves data caps, throttling speeds after usage limits are reached, long-term contracts, Early Termination Fees, or metered “pay-as-you-go” service. (Attachment Letter: F)
- A business plan for the proposed network: The business plan should include: a description of any risk factors or legal challenges that must be addressed prior to or during the project in question, such as local zoning, right of way, tribal approval*, and permitting processes, and how the applicant intends to mitigate these risk factors or legal challenges, a financial analysis for the project including cash flow projections for the project for a minimum of 5 years including an explanation of revenue assumptions and take rate, a description of the plans for long-term maintenance of the network built through the grant, disclose any prior receipt of federally awarded grant funds for broadband deployment and provide copies of any past audits of federal awards, and community engagement demonstration. NOTE: Projections that do not reflect positive capitalization should include a written explanation as to how a project will be maintained over the life of the facilities. For projects that involve broadband development on tribal lands, permission from and approval by tribes is required and documentation of the approval must be provided to the Commission no later than April 24, 2023. (Attachment Letter: G)
- A funding breakdown for the grant must be attached in Excel format. This should include a proposed budget reflecting a clear and detailed breakdown of cost elements based on total allowable project costs. This should also include the total grant amount requested and detail any matching funds committed. (Attachment Letter: H)
- Non-ETC applicants attach the most current year’s audited financial statements. (Attachment Letter: I)
- A digital inclusion plan must be attached for consideration. The plan should specify: the applicant’s process to consult with community and consider affordability; a description of how the project will meet the objective of providing broadband infrastructure deployment within the project area to directly enable work, education, and healthcare monitoring; a description of how the project will address a critical need that resulted from or was made apparent or exacerbated by the COVID-19 public health emergency; identify any critical needs of the community intended to be served by the project, and how the project will be tailored to meet those

needs, including the carrier's efforts to ensure members of the community to be served will be able to afford the services offered and must describe any discounts and/or support programs to be offered for low-income individuals; specify how the project will impact access to and use of information and communication technologies within the communities it serves, including individuals and communities that are the most disadvantaged; include the pricing structure of the 100/100 Mbps plan being offered to low-income subscribers in addition to the availability of Lifeline or Affordable Connectivity Program (ACP) discounts and any additional terms and conditions of service; include evidence of outreach efforts to relevant stakeholders (community leaders, community members, civic organizations, etc.) in the areas they are wishing to serve. (Attachment Letter: J)

Applications proposing to use technology other than fiber or proposing to use a combination of fiber and other technologies, must include an attestation from a qualified engineer describing the speed capabilities of the proposed technology, and should provide the following: (1) How the proposed spectrum can meet or exceed the relevant performance requirements at peak usage periods. Clearly identify the licensed and unlicensed spectrum that will be used; (2) Provide the calculations used for each frequency band, to design the last mile link budgets in both the upload and download directions at the cell edge using the technical specifications of the expected base station and customer premise equipment. Submit assumptions regarding fading statistics, cell edge probability of coverage, and cell loading for each relevant performance tier; (3) Provide detailed radio access network (RAN) infrastructure information used to generate the coverage maps for each unique cell including longitude, latitude, antenna height, antenna orientation, antenna down-tilt, antenna model, antenna system configuration, effective radiated power, operating spectrum amount, operating spectrum type, and operating radio technology; (4) Describe the underlying propagation model used to prepare the coverage maps and how the model incorporates the operating spectrum, antenna heights, distances, fading statistics, terrain resolution, and clutter resolution. Additionally, for applicants proposing to use fixed wireless technology, applicants must include: (1) tower location shapefiles for existing and planned towers; (2) shapefile polygon demonstrating coverage for the planned and/or existing networks that will be used to meet the BEAD public interest obligations, including where the upload and download speeds will meet or exceed the required speeds (100/100 Mbps), and showing that coverage encompasses the locations included in Attachment B. (Attachment Letter: K, K1 (tower locations), and K2 (propagation data)).

Match source documentation: A table detailing the confirmed matching fund commitments by source must be included. Documentation of the match source(s) should also be provided. This could include but is not limited to a signed contribution certification for community partner match, NUSF census block information (in Excel format), documentation regarding timeline for RDOF deployment, justification for the value of any in-kind contributions such as labor, equipment, and inventory on hand. (Attachment Letter: L)

Other supporting documentation (if applicable), such as supplemental speed test data, letters of support from members of the community, supplemental financial information such as the most recent year's federal tax return, etc. (Attachment Letter: M)

APPLICANT CERTIFICATION: By signing this statement, the applicant certifies that the information submitted on the application and all supporting documents are true and correct. The applicant agrees to offer broadband internet in the project area for fifteen years after receipt of grant funding and commits to maintaining minimum speed capability of 100Mbps/100Mbps in all locations for which the applicant will receive support for the fifteen years after receipt of grant funding. The applicant agrees to perform and adhere to all grant requirements, and to comply with all state and federal regulations and requirements pertaining to this program. In addition, the applicant agrees not to use equipment prohibited by the FCC within the network, to maintain the rates reflected in their application within the project area for a minimum of five years following completion of the project, to submit network speed testing information as prescribed by the Commission, and to complete the project build within eighteen months following the grant award unless granted an extension.

Travis Kohlrus

02/23/2023

Printed Name of Authorized Person

Date

Regional Vice President of Operations

Title of Authorized Person

Travis Kohlrus

Signature of Authorized Person

Digitally signed by Travis Kohlrus
Date: 2023.02.23 14:45:06 -08'00'

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