

Authorization ID: #AUTH_ID#
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Use Code: #USE_CODE#

RUS Certification Form – Telephone Facility

FINANCING OR ELIGIBLE FOR FINANCING OF TELEPHONE FACILITIES
PURSUANT TO THE RURAL ELECTRIFICATION ACT OF 1936, as amended.

Forest Service serial number of Application or Authorization:

Date of Application submission to Forest Service:

A Basic Applicant Identification

1 Name of Applicant/Holder:

2 Address:

3 Name of Contact Person:

4 Telephone: _____

E-Mail Address: _____

B Forest Service Office Contact Information

Name: _____ Title: _____

E-Mail Address: _____ Telephone: _____

Forest/District: _____

Address: _____

http://jan.ucc.nau.edu/~cvm/latlon_find_location.html

<http://atlas.mapquest.com/maps/latlong.adp>

Latitude: _____

Longitude: _____

D RE Act Financing Determination – facilities financed

- 1 Has Applicant/Holder obtained financing for this specific facility pursuant to the Rural Electrification Act of 1936, as amended? (This includes RUS loans made by the Telecommunications Infrastructure Loan Program under Title II and III of the Rural Electrification Act of 1936 or by the Rural Broadband Loan Program under Title VI of the Rural Electrification Act of 1936). **(Please note that Broadband Initiatives Program (BIP) financing is not under the RE Act, but under the American Recovery and Reinvestment Act (ARRA) of 2009, Pub. L. 111-5, 123 Stat. 115 (2009).)**

Yes _____ No _____

If no, move on directly to section E.

If yes, fill out the following (and skip Section E)

- 2 Provide the borrower designation and loan designations under which the facility was financed and the year the loan was made:

Borrower / Loan designation number and year:
_____ (i.e., MT 500 Q loan, 1987)

- 3 Provide any details that will help confirm that this facility received RE Act financing:

(For example, this facility was called “Vincennes Remote” in the Q loan. In this request, we refer to it as “Bear Mountain,” the designation used by BLM.)

E RE Act Financing Determination for facilities not include in an RUS loan under the RE Act

For facilities that are not included in a loan made by RUS under the RE Act, complete this section. You will be contacted if we determine that additional information is required.

(Please note that Broadband Initiatives Program (BIP) financing is not under the RE Act, but under the American Recovery and Reinvestment Act (ARRA) of 2009, Pub. L. 111-5, 123 Stat. 115 (2009).)

- 1 Under which Rural Development Financing Program do you believe this facility is eligible for financing? Answer both questions (a) and (b) below.

- (a) The Telecommunications Program: Yes____ No_____

If yes, specifically describe how the service provided by the facility would be eligible under that Program (Link to Telecom Loan regulations:

http://www.rurdev.usda.gov/RDU_Regulations_Telecommunications.html ; specifically see regulation 1735 and 1737 on that website).

In particular, describe the population(s) served by the facility and provide a map showing the location of the population(s). Provide the percentage of users (customers) served by the facility that are located outside an incorporated or unincorporated city, village or borough having a population of over 5,000 and discuss whether there are any competitive providers already providing the same service.

- (e) Does the service area to be served by the facilities currently have telephone service? Provide name of the company providing telephone service in the area, if applicable?

Yes _____ No _____

Name of Phone Company: _____

- (f) How many service providers are currently providing broadband service in the proposed service area to be served by the proposed facilities? (To qualify for broadband service the minimum rate-of-data transmission shall be 3 Mb/s, download plus upload speeds, for both fixed and mobile broadband service)

Number of Broadband Providers: _____

- (g) What percentage of the subscribers is under-served? (Underserved-household is a household in an area where broadband service is not offered, or where broadband service is only offered by one incumbent service provider.)

Under-served Percentage: _____

- (h) Does the broadband speed for the service for which the facilities are proposed meet the required minimum bandwidth of 5 Mb/s for both fixed and mobile service to the customer for both download plus upload speeds?

Yes _____ No _____

Specify Proposed Bandwidth: _____ MHz

- (i) List the services to be provided and associated bandwidth for both download plus upload speeds.

F Rural Utilities Service Certification

Based upon the information provided, the Rural Utilities Service certifies that the facility
_____ **is** _____ **is not**
financed or eligible for financing pursuant to the Rural Electrification Act, as amended.

Approved by: _____ Date: _____

Director,
Advanced Services Division
Telecommunications Program

G. Comments (attach additional pages as necessary):

Appendix I -**2012 Right-of-Way Rent Exemption
for Facilities on Federal Land**

Per FLPMA, "rights-of-way shall be granted, issued, or renewed, without rental fees, for electric or telephone facilities, eligible for financing pursuant to the Rural Electrification Act of 1936, as amended..."[source: <http://www.blm.gov/flpma/FLPMA.pdf> - page 39 - Section 504 (g).]

Based on FLPMA, *facilities* (not companies) are rent exempt when they are eligible to receive financing under the RUS loan programs listed below. Loans are made to provide service in rural areas. The application for an exemption needs to demonstrate the benefit of the facilities are for eligible rural areas.

- 1 Telecommunications Infrastructure Loan Program (Title II and III of the Rural Electrification Act of 1936, for telephone service in rural areas

(Rural area - an area not included within the boundaries of any incorporated or unincorporated city, village or borough having a population exceeding 5,000 inhabitants. The population figure is obtained from the most recent data available, such as from the Bureau of the Census and Rand McNally and Company. For purposes of the "rural area" definition, the character of an area is determined as of a time the initial loan for the system is made.

- 2 Rural Broadband Loan Program (Title VI of the Rural Electrification Act of 1936) for service with a broadband-lending-speed¹ in rural areas.

(Rural area is any area, as confirmed by the latest decennial census by the U.S. Census Bureau, which is not located within:

- (a) City, town, or incorporated area that has a population of more than 20,000 people; or
- (b) An urbanized area contiguous and adjacent to a city or town with a population of more than 50,000 people. An urbanized area comprises a densely populated territory as defined in the latest decennial census)

Facilities are eligible for financing if they serve subscribers in a service area that meets the following requirements:

- (a) The service area is completely contained within a rural area;

- (b) At least 25 percent of the households in the service area are underserved-households². Broadband borrowers that apply to upgrade existing broadband facilities in its existing service area are exempt from this requirement;
- (c) No part of the service area has three or more incumbent broadband service providers. Incumbent service providers, including borrowers and grantees, which apply to upgrade existing broadband facilities in existing service territories are exempt from the requirement unless they are eligible for funding under Titles II and III of the RE Act.
- (d) No part of the funded service area overlaps with the service area of current RUS borrowers and grantees;

Notes:

- (1) ***Lending Speed.*** Until otherwise revised in the Federal Register, for applications in FY 2011, to qualify as broadband service, the minimum rate-of-data transmission shall be 3 Mb/s (download plus upload speeds) for both fixed and mobile broadband service and the broadband lending speed will be a minimum bandwidth of 5 Mb/s for both fixed and mobile service to the customer (download plus upload speeds).
- (2) **Underserved-household** is a household in an area where broadband service is not offered, or where broadband service is only offered by one incumbent service provider.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.