

INSTRUCTIONS FOR FCC FORM 5634
Uniendo a Puerto Rico Fund and Connect USVI Fund
Application
OMB Control No. 3060-XXXX

Overview

The application for the Uniendo a Puerto Rico Fund and the Connect USVI Fund, FCC Form 5634, is designed to obtain information from applicants that will be used to determine whether the applicant is technically and financially capable of meeting the terms and conditions of Stage 2 of these programs. The Federal Communications Commission (FCC) will also use information provided in the application to evaluate and select winning competitive proposals to provide fixed and broadband telecommunications service in Puerto Rico and the United States Virgin Islands (Territories). For more information regarding the Uniendo a Puerto Rico Fund and the Connect USVI Fund, please refer to the FCC's Report and Order, FCC 19-95, (*PR-USVI Stage 2 Order*) and the Wireline Competition Bureau's (Bureau) Public Notice (DA 20-133) released on February 6, 2020.

Applicants must provide the information detailed below and in the Uniendo a Puerto Rico Fund and USVI Fund Procedures Public Notice in order to be authorized to receive support.

Applications must be submitted by [[6:00 p.m. ET on MM DD, 2020]].

FCC Form 5634 Instructions

Each applicant must submit one application, including required attachments detailed herein, for each territory in which it seeks Stage 2 fixed support. Each application will include all competitive proposals for the geographic area(s) in which the applicant seeks support within the territory.

Applicant Information

1. *Date Submitted.* Provide the date the applicant is mailing, hand-delivering, or submitting via electronic mail FCC Form 5634, including all required attachments, (Application) to the FCC.
2. *Applicant Legal Classification.* Provide the legal classification of the applicant (e.g., corporation, general partnership) by marking the appropriate circle. If the applicant is an individual, mark "Individual."
3. *Entity Name.* Provide the legal name of the applicant.
4. *FCC Registration Number (FRN).* Provide the applicant's FRN. If the applicant does not yet have an FRN, the applicant must register to receive a FRN using the FCC's website at <https://apps.fcc.gov/coresWeb/>.
5. *Jurisdiction of Formation.* If the applicant is an entity, provide the applicant's jurisdiction of formation. Otherwise, write "N/A."
- 6-12. *Address Line 1 and 2, City, State, Zip Code, Email, and Phone.* Provide the street address, email, and phone number associated with the applicant. You may not use a P.O. Box.

Contact Information

13. *Name.* Provide the name of the point of contact for the applicant who will be sent all correspondence concerning the application.
14. *Organization.* Provide the name of the contact's organization or business if different from the applicant.
- 15-21. *Address Line 1 and 2, City, State, Zip Code, Email, and Phone.* Provide the street address, email, and phone number associated with the applicant's point of contact. A P.O. Box may not be used for the point of contact.

Agreements

22. Applicants must provide information regarding any agreements relating to the applicant's participation in the Stage 2 competition. If the applicant has any disclosable agreements, it must identify each agreement using an identifying unique name, the name of each party to the agreement, and the type of agreement. If the other party(ies) to the agreement have a FRN, please provide that FRN with the name of the party(ies). If necessary, in a separate attachment to the application, please briefly describe each disclosed agreement. If the applicant does not have any disclosable agreements, please enter "None" on the first row in this section of the application.

Ownership Information

23. *Disclosable Interest Holders.* Under the Commission's rules, applicants are required to provide information regarding the ownership or other interest in the applicant. Sections 1.2112(a) and 54.315(b)(2)(i) list the disclosable interest holders (DIHs) that must be reported in the application. These DIHs include any individual or entity that directly or indirectly owns and/or controls the applicant, such as:

- (1) the real party or parties in interest in the applicant or application;
- (2) each party holding 10% or more of stock in the applicant;
- (3) each limited partner whose interest is 10% or greater;
- (4) general partners;
- (5) each member of a limited liability company whose interest is 10% or greater; and
- (6) each party holding indirect ownership interests in the applicant equaling 10% or greater.

For each DIH of the applicant, provide the name, type of entity, FRN (if applicable), the DIH's jurisdiction of formation (for an entity) or citizenship (for an individual), and the percent interest of the applicant held. For DIHs that are individuals, write "Individual" as the type of entity. If there is insufficient space to provide a complete list of DIHs, provide a complete list of DIHs in an attachment to the form.

The Commission's rules require that holders of both direct and indirect interests must be reported, which may include insulated interest holders and holders of non-voting stock/equity in the applicant. If there are any DIHs with indirect ownership of the applicant, provide a separate attachment showing the relationship between those DIHs and the applicant. The attachment should provide an overview of the ownership chain that links the indirect owner(s) to the long-

form applicant, e.g., indirect owners A and B own 50% of holding company Z, and holding company Z owns 100% of the applicant.

The percent of interest held in the applicant should reflect the DIH's aggregate ownership interests in the applicant (both direct and indirect). In some cases (e.g., circumstances where there is joint ownership or indirect ownership resulting in different owners sharing the same ownership interests), the sum of the percentages held by all DIHs collectively may exceed 100%. In other cases (e.g., a director with no ownership in the applicant), a DIH may have a zero percent ownership interest in the applicant.

24. *FCC Regulated Businesses (Held by Applicant)*. For each FCC Regulated Business held by the applicant, provide the name, a general description of its principal business, FRN (if applicable), and the percent interest held by the applicant. If there is insufficient space to provide a complete list of FCC Regulated Businesses held by the applicant, provide a complete list in an attachment to the form.

For purposes of this Form, an FCC Regulated Business includes entities that provide services subject to regulation under any provision in the Communications Act, as amended, in which the applicant or any disclosable interest holder holds a 10% or greater interest. An applicant must include in its application a description of the FCC Regulated Business' principal business and its relationship to the applicant, generally expressed as the percent of interest held directly by the applicant or the disclosable interest holder in the FRB. See 47 C.F.R. § 1.2112(a)(7).

Required Attachments to Form 5634

25. *Operational History*. An applicant is eligible for participation in Stage 2 of the Uniendo a Puerto Rico Fund or the Connect USVI Fund if the applicant provided voice or broadband service in the applicable territory where it is seeking support since at least the time period required for filing the June 2018 FCC Form 477. An applicant must have filed a FCC Form 477 as required during the relevant time period for June 30, 2018; December 31, 2018; June 30, 2019; or December 31, 2019. An applicant must attach as an exhibit to this Form a general description that includes the number of years it has been operating in the territory and identify the services it has provided.

26. *ETC Designation*. Mark whether the applicant is an eligible telecommunications carrier (ETC) in areas where it is seeking Uniendo a Puerto Rico Fund or Connect USVI Fund Stage 2 support.

If the applicant has already been designated as an ETC in the areas where it is seeking Stage 2 support, mark "yes" and attach the relevant designation order to the application.

If the applicant has *not* yet been designated as an ETC in areas where it is seeking Stage 2 support, mark "no." The applicant must apply for and obtain ETC designation in the relevant areas from the applicable jurisdictional authority, and then separately submit the relevant ETC designation order to the FCC, along with a certification from an officer of the applicant certifying that the applicant has been designated as an ETC in the areas where it is seeking Stage 2 support. Submit any such documentation and certification no later than 60 days after the Bureau announces the winning applicant(s), upon being designated as an ETC, by paper or electronically, in accordance with the filing information below.

27. *Financial Qualifications and Project Funding Documentation*. Provide as part of the application an applicant's (or its parent company's) financial documentation demonstrating that the applicant

is reasonably qualified to meet its obligations for Stage 2 support (e.g. unaudited or audited financial statements from the prior fiscal year).

The applicant must further provide in an attachment to the form an exhibit describing how the required construction will be funded, in addition to funding from Stage 2 support. The description should include the estimated project costs for all facilities that are required to complete the project, including the costs of upgrading, replacing, or otherwise modifying existing facilities to expand coverage or meet performance requirements. The estimated costs must be broken down to indicate the costs associated with each proposed service area and must specify how Stage 2 support and other funds, if applicable, will be used to complete the project. The exhibit must include financial projections demonstrating the applicant's ability to cover the necessary debt service payments over the life of any loan(s).

28. *Network Design Documentation.* Provide an initial overview and detailed description of the applicants network design in separate attachments to the Form. The initial overview shall provide a an exhibit describing how the technology and system design the applicant intends to use will deliver voice and broadband service, including a network diagram, (*i.e.*, showing how the central office is connected to particular municipios, islands, or census blocks) which must be certified by a professional engineer. The professional engineer must certify that the network is capable of delivering, to at least 100% of the required number of locations in each relevant geographic area, voice, and broadband service that meets the requisite performance requirements. *See* 47 C.F.R. § 54.1507. There must be sufficient capacity to meet customer demand at or above the prescribed levels during peak usage periods. Entities proposing to use wireless technologies also must provide a description of their spectrum access in the areas for which they seek support and demonstrate that they have the required licenses to use that spectrum, if applicable.
29. *Price and Minimum Performance Requirements.* Provide detailed information in Schedule B of this Form regarding proposed price point, network performance, including speed tier, usage allowance, latency, and resiliency and redundancy for each geographic area that the applicant seeks Stage 2 fixed support. Applicants are not required to submit a proposal for every geographic area in a territory.

The price point percentage for a geographic area may be specified with up to two decimal places, e.g., 98.44% of the reserved price, to indicate the minimum amount of support an applicant will accept for a geographic area. Applicants may not submit a price point greater than the reserve price for the geographic area determined by the Bureau.

The network speed tier indicates the proposed broadband service that meets the minimum performance standards in the geographic area. Applicants must specify the specific speed, usage allowance, and latency for each proposed geographic area. Applicants need not propose the same network performance measures for each geographic area it proposes to provide service.

Applicants must provide specific information related to the redundancy and resiliency measures proposed for each geographic area as measured in network miles. Applicants specify the total amount of network miles for the geographic area and the amount of network miles for each network resiliency technology measure employed, *i.e.*, buried fiber, aerial fiber, standard poles, composite poles, fixed wireless, in the same geographic area. Applicants further provide the amount of network miles within the geographic measure that include redundancy or diversity measured covered.

Applicants that propose to deploy satellite technology must specify the number of locations served by backup or diversity measures.

30. *Disaster Preparation and Response Plan.* Provide a Disaster Preparation and Response Plan (DPRP) that addresses in detail how an applicant intends to prepare for and respond to disasters in Puerto Rico or the U.S. Virgin Islands. The DPRP must address five required criteria: (1) Strengthening Infrastructure; (2) Ensuring Network Diversity; (3) Ensuring Backup Power; (4) Network Monitoring; and (5) Emergency Preparedness.
31. *Letter of Credit Commitment Letter.* Provide a letter of credit commitment letter from a bank acceptable to the Commission, as set forth in 47 C.F.R. § 54.1508, committing to issue an irrevocable stand-by letter of credit, in the required form, to the applicant. The letter must, at a minimum, provide the dollar amount of the letter of credit and the issuing bank's agreement to follow the terms and conditions of the Commission's model letter of credit in Appendix B of the *PR-USVI Stage 2 Order*.

Certifications

- 32-33. *Signature and Date.* After confirming the certification statements, sign and date in the spaces provided to certify the statements on behalf of the applicant. An authorized officer of the applicant may sign on behalf of the applicant.
- 34-35. *Printed Name of Authorized Position and Title/Position of Authorized Officer.* Provide the name and title/position of the authorized person signing the application.
- 36-38. *Phone, Email, and Employer.* Provide the phone number, email address, and employer of the authorized person signing the application.

Schedule A Instructions

Each applicant must submit one Schedule A for each of its Disclosable Interest Holders (DIH).

Basic Information

1. *Entity or Individual Name.* Provide the legal name of the DIH.
2. *Disclosable Interest Holder Legal Classification.* Provide the legal classification of the DIH (e.g., corporation, general partnership) by marking the appropriate circle. If the DIH is an individual, mark "Individual."
3. *FCC Registration Number (FRN).* Provide the DIH's FRN if applicable. You have the option of providing the FRN of a DIH, but an FRN is not required. If the DIH does not yet have an FRN, the Disclosable Interest Holder may register to receive one on the FCC's website at <https://apps.fcc.gov/coresWeb/>.
4. *Jurisdiction of Formation/Country of Citizenship.* If the DIH is an entity, provide its jurisdiction of formation. If the DIH is an individual, provide the individual's country of citizenship.

- 5-9. *Address Line 1 and 2, City, State, and Zip Code.* Provide the address, email, and phone number associated with the DIH.

Type of Interest in Applicant

10. Indicate the DIH's type(s) of interest in the applicant by checking all applicable boxes.

Type of Ownership Interest in Applicant

11. If the DIH has an ownership interest in the applicant, indicate the type(s) of ownership interest by checking all applicable boxes. Specify whether the type of ownership interest is voting or non-voting, managing or non-managing, insulated or non-insulated, or convertible or non-convertible, as applicable.

FCC Regulated Businesses

12. *FCC Regulated Businesses (Held by Disclosable Interest Holder).* For each FCC Regulated Business held by the DIH, provide the name, description of its principal business, FRN (if applicable), and the percent interest held by the DIH. If there is insufficient space to provide a complete list of FCC Regulated Businesses held by the DIH, provide such a complete list in an attachment to the form. See 47 C.F.R. § 1.2112(a)(7).

Filing Information

Applications must be submitted by electronic mail.

Electronic Mail Filing. Electronic applications must be sent to ConnectAmerica@fcc.gov.

Further Questions

For additional information about FCC Form 5634, contact the Wireline Competition Bureau, Telecommunications Access Policy Division, at ConnectAmerica@fcc.gov or (202) 418-7400.

FCC Notice for Individuals Required by the Privacy Act and the Paperwork Reduction Act

Part 3 of the Commission's Rules authorize the FCC to request the information on this form. The purpose of the information is to determine whether applicants can meet the terms and conditions of Connect America Phase II support. The information will be used by the Universal Service Administrative Company and/or the staff of the Federal Communications Commission, to evaluate this form, to provide information for enforcement and rulemaking proceedings and to maintain a current inventory of applicants. No authorization can be granted unless all information requested is provided. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form may be made available for public inspection after the Commission staff completes its review. However, consistent with the Commission's limited information procedures in place for the Uniendo a Puerto Rico Fund and the Connect USVI Fund, certain information may be withheld from routine public inspection even after support is authorized. If a request for public inspection under the Commission's rules is made for an applicant's information, the applicant will be notified and then must justify the continued confidential treatment of the information if it objects to the disclosure.

The public reporting for this collection of information is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-XXXX), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-XXXX.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.