

Authorization ID: #AUTH\_ID#  
Contact ID: #HOLDER\_ID#  
Expiration Date: #EXPIRATION\_DATE#  
Use Code: #USE\_CODE#

FS-2700-38 (09/2020)  
OMB No. 0596-0082

**DOCUMENTATION OF ELIGIBILITY FOR FINANCING BY THE RURAL UTILITIES SERVICE  
UNDER THE RURAL ELECTRIFICATION ACT**

**AUTHORITY: Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.***

<Delete all user notes before printing.>

<Read Appendix A before completing this form.>

Forest Service authorization ID, if applicable: \_\_\_\_\_

Date of acceptance of application by the Forest Service: \_\_\_\_\_

**A. DEFINITIONS.** The following definitions apply to this form:

1. Broadband Service. For purposes of this form and Rural Utility Service (RUS) financing under the Rural Electrification Act (REA), broadband service having a minimum rate-of-data transmission of 3 Mb/s and a minimum bandwidth of 5 Mb/s (download and upload speeds) for both fixed and mobile broadband service.
2. Underserved Household. An underserved household in an area where broadband service is not offered or is offered by only one provider.

**B. APPLICANT IDENTIFICATION.**

1. Name of Applicant/Authorization Holder: \_\_\_\_\_
2. Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Name of Contact Person: \_\_\_\_\_
4. Telephone: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**C. FOREST SERVICE OFFICE CONTACT INFORMATION.**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
Forest/District: \_\_\_\_\_  
Address: \_\_\_\_\_

**D. FACILITY OR EQUIPMENT DESCRIPTION.**

1. Describe the facilities or equipment. If they serve more than one purpose, describe each purpose separately. Include in detail the services to be provided by the facilities or equipment. Use additional

pages if necessary.

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Examples of facility or equipment descriptions:

(a) Powerline facility equipment, including electric distribution or transmission line structures and associated communications equipment that supports operation and maintenance of the electric distribution or transmission lines.

(b) System (antenna and transmitter/receiver) for providing internet access.

2. Legal description of location on National Forest System lands:

State: \_\_\_\_\_ County: \_\_\_\_\_  
Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Secs: \_\_\_\_\_ Principal Meridian: \_\_\_\_\_

3. Description of location on National Forest System lands by latitude and longitude in degrees, minutes, and seconds (DD/MM/SS) or decimal form (DD.DDD). Latitude and longitude can be determined from mapping software, as well as many publicly available sources.

Latitude: \_\_\_\_\_  
Longitude: \_\_\_\_\_

**E. FINANCING FROM THE RUS UNDER THE REA.**

1. Has the applicant/authorization holder obtained financing from RUS under the REA for the facilities or equipment described in section D of this form, including loans made by RUS under the Telecommunications Infrastructure Loan Program under Title I and III of the REA or under the Rural Broadband Loan Program under Title VI of the REA.

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, skip to section E of this form.

If yes, fill out the following, and skip section E.

2. Provide the borrower designation and loan designations under which the facilities or equipment were financed and the year the loan was made:

Borrower/Loan designation number and year: \_\_\_\_\_ (e.g., MT 500 Q loan, 1987)

3. Provide any details that will help confirm that the facilities or equipment received financing from RUS under the REA (for example, the facility is called "Vincennes Remote" in the Q loan. In this document, it is called "Bear Mountain."):

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**F. REA FINANCING DETERMINATION FOR FACILITIES OR EQUIPMENT NOT INCLUDED IN AN RUS LOAN UNDER THE REA.** For facilities that are not included in a loan made by RUS under the REA, complete this section. You will be contacted if we determine that additional information is required.

1. Under which rural development financing program do you believe the facilities or equipment described in section D are eligible for financing? Answer both questions (a) and (b) below.

(a) The telecommunications program: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe how the services provided by the facilities or equipment would be eligible under that program. The telecommunications loan regulations can be found at the following website: <https://www.rd.usda.gov/programs-services/telecommunications-programs>; in particular, see regulation 1735 and 1737 on that website.

Describe the populations served by the facilities or equipment and provide a map showing the location of the populations served. Provide the percentage of customers served by the facilities or equipment that are located outside an incorporated or unincorporated city, village, or borough having a population of over 5,000 and identify any competitive providers providing the same service.

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(b) The broadband loan program: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, specifically describe how the services provided by the facilities or equipment would be eligible under that program. See Appendix A. For more information, refer to the following websites:

(1) Broadband Loan Program: The following website provides information on the broadband loan program: <https://www.rd.usda.gov/programs-services/telecommunications-programs/rural-broadband-access-loan-and-loan-guarantee>.

(2) Application Guide: An application guide for the broadband loan program can be found at [http://www.rurdev.usda.gov/UTP\\_FarmBillAppGuide.html](http://www.rurdev.usda.gov/UTP_FarmBillAppGuide.html).

Describe the populations served by the facilities or equipment described in section D and provide a map showing the location of the populations served. Provide the percentage of customers served by the facilities or equipment that is located outside an incorporated or unincorporated city, village, or borough having a population of over 20,000 and identify any competitive providers providing the same service.

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(c) Is the applicant or authorization holder currently an RUS broadband service borrower?

Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If the applicant or authorization holder is currently an RUS broadband service borrower, are the facilities or equipment described in section D proposed for an upgrade in an area with broadband service that was financed by the RUS broadband loan program?

Yes \_\_\_\_\_ No \_\_\_\_\_

(e) Does the area to be served by the facilities or equipment described in section D currently have telephone service? Provide the name of the company providing telephone service in the area, if applicable.

Yes \_\_\_\_\_ No \_\_\_\_\_

Name of Telephone Company: \_\_\_\_\_

(f) How many providers are providing broadband service as defined in section A in the area to be served by the facilities or equipment described in section D?

Number of Broadband Service Providers: \_\_\_\_\_

(g) What percentage of the households in the area to be served by the facilities or equipment described in section D is underserved per the definition in section A?

Percentage of Underserved Households: \_\_\_\_\_

(h) Do the services to be provided by the facilities or equipment described in section D meet the definition of a broadband service in section A?

Yes \_\_\_\_\_ No \_\_\_\_\_

Specify Proposed Bandwidth: \_\_\_\_\_ MHz

List the services to be provided and their speed and bandwidth for both download and upload.

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**G. RURAL UTILITIES SERVICE DETERMINATION.**

Based upon the information provided, RUS certifies that the facilities or equipment described in section D:

\_\_\_\_\_ **are** \_\_\_\_\_ **are not** eligible for financing by RUS under the REA.

\_\_\_\_\_  
Director  
Advanced Services Division  
Telecommunications Program

Date: \_\_\_\_\_

**H. COMMENTS (attach additional pages as necessary):**

## APPENDIX A

### LAND USE FEE EXEMPTION FOR FACILITIES AND EQUIPMENT ON NATIONAL FOREST SYSTEM LANDS THAT RUS DEEMS ELIGIBLE FOR FINANCING UNDER THE REA

Section 504(g) of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1764(g), states that "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...."

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 broadband service as defined in section A of this form 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)

Applicants and authorization holders are eligible for financing if their facilities or equipment 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 households. 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; and
- (d) No part of the funded service area overlaps with the service area of current RUS borrowers and grantees.

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. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. The time required to complete this information collection is estimated to average 1 hour 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.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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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.