



NORTH CAROLINA
DEPARTMENT OF
INFORMATION
TECHNOLOGY

Division of Broadband and Digital Equity

**2022-2024
COMPLETING ACCESS TO BROADBAND (CAB)
PROGRAM GUIDANCE DOCUMENT**

Funded by the Federal American Rescue Plan Act

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About the N.C. Department of Information Technology

The mission of the N.C. Department of Information Technology (NCDIT) is to promote a stronger North Carolina that connects customers, citizens, business, education, and government. NCDIT provides technology services to state agencies and is charged with closing the digital divide by expanding availability of broadband services and promoting the adoption of affordable, high-speed internet.

The NCDIT Division of Broadband and Digital Equity is responsible for expanding access to broadband infrastructure, supporting affordability, advancing digital literacy, and building digital equity in North Carolina. The Division houses two offices, the Broadband Infrastructure Office and the Office of Digital Equity and Literacy, charged with ensuring that every North Carolinian has access to an affordable, high-speed internet connection. The goals of the division are to ensure by 2025 that 98 percent of households have high-speed internet access, 80 percent of households subscribe to high-speed internet, and 100 percent of households with children subscribe to high-speed internet.

The Broadband Infrastructure Office (the office) serves as a statewide resource for broadband expansion and first-responder communications. The office works collaboratively with state, federal, local, private, and nonprofit partners to draw attention to the digital divide in the state and work to close the gap by administering rural broadband grant programs, facilitating partnerships with broadband providers, gathering data to identify unserved areas, and providing policy and technical guidance to local and state leaders.

Disclaimer

The office reserves the right to amend this guidance pursuant to feedback from potential applicants and legislative changes amending the governing law. The information contained in this document is not legal or professional advice. While the office is available to answer questions and will attempt to help you resolve any concerns, we cannot provide legal advice to applicants, and you should consult with professional advisors concerning specific matters relevant to your application.

1. PROGRAM SUMMARY

NCDIT's Broadband Infrastructure Office (the office) is issuing this updated guidance for the Completing Access to Broadband (CAB) program established by Section 38.6 of [Session Law 2021-180](#) and codified at N.C.G.S. § 143B-1373.1.

Within the office, this program is one of three primary broadband infrastructure programs utilizing American Rescue Plan Act (ARPA) funds to deploy last-mile broadband infrastructure to unserved and underserved households and businesses within North Carolina. The programs include the Growing Rural Economies with Access to Technology (GREAT) grant program; the CAB program, and the Stop-Gap Solutions program.

The GREAT grant program provides incentive funds to broadband providers to deploy infrastructure to unserved locations in North Carolina. The office launched the ARPA-funded GREAT grant program round in 2022 with awards announced in 2022 and 2023. Identifying unserved locations to be served by the GREAT Grant program allows for identification of eligible areas for the CAB program.

The CAB program is a competitive bidding program that provides an opportunity for individual North Carolina county governments to partner with NCDIT to fund broadband infrastructure projects in unserved and underserved areas of each county. The program is codified in N.C.G.S. § 143B-1373.1, established by S.L. 2021-180, and amended by S.L. 2022-6, S.L. 2022-74 and S.L. 2023-134.

The office has developed program guidelines for N.C. county governments that intend to partner with NCDIT on this program, as well as for broadband service providers that are interested in participating. This document is based on the enabling statutes for the CAB program and applicable federal guidance and outlines the general parameters of the program. The office may release additional guidance updates that focus on the process for issuing individual county-level scopes of work.

Key definitions as defined in legislation for the CAB program may be found within the relevant sections of the document.

A. Funding Source and Availability

Session Law 2021-180 appropriated \$400 million of ARPA funds for the CAB program and established the CAB Fund in the N.C. Department of Information Technology. N.C. [Session Law 2021-180](#) and the corresponding appropriations committee report established the use of Coronavirus State Fiscal Recovery Funds (SFRF) for this program, and the use of the Coronavirus Capital Projects Funds (CPF) from the American Rescue Plan Act (ARPA) of 2021 for use in the GREAT and Stop-Gap Solutions programs.

[Session Law 2022-6](#) allows the department flexibility to transfer funding between the office's three primary infrastructure programs – the GREAT Grant program, the CAB program and the Stop-Gap Solutions program. With this flexibility, the department plans to utilize both Coronavirus Capital Projects Funds (CPF) and State Fiscal Recovery Funds (SFRF) to make up the \$400 million allocation for CAB.

The office will administer these funds in accordance with the requirements of state law and the [U.S. SFRF Treasury Guidance](#), such as the [Final Rule](#), [the FAQs](#), and [the Compliance and Reporting Guidance](#) or [US CPF Treasury Guidance](#) and [the CPF FAQs](#). Both sources of funds will follow applicable compliance requirements of the [Uniform Guidance \(2 CFR 200\)](#).

In general, the office plans to utilize and exhaust State Fiscal Recovery Funds for CAB projects first and will use Capital Projects Funds for remaining county CAB projects. The office will confirm the funding source with county partners and bidders in any award documents. All bidders accepting

awards must adhere to all relevant federal compliance requirements.

B. The CAB Fund and Participating Counties

The CAB program creates a partnership between NCDIT (and the office) and any county that wishes to participate. All counties are encouraged to consider these individual partnerships with the state to take advantage of this opportunity.

The CAB Fund is a special revenue fund established by legislation in the N.C. Department of Information Technology. Dollars within this fund consist of SFRF and CPF funds appropriated to the CAB program. No county may receive more than \$8 million dollars in aggregate funding from the CAB Fund in any single fiscal year.

A county that participates in this partnership program with the office may request funding under this section for either:

- a GREAT Grant project that was not awarded a grant in the [2021-2023 GREAT Grant program](#). (See [Section 2](#) for additional details on this process), or
- a defined eligible CAB project that is mutually identified by the county and the office.

Eligible Counties: All counties within North Carolina are eligible for participation in the CAB program, with the following exception based on statute: A county that (i) is a development tier three area, as provided in the annual ranking performed by the N.C. Department of Commerce pursuant to N.C.G.S. § 143B-437.08 for the 2023 calendar year and (ii) has utilized federal funding for broadband infrastructure projects on or after May 1, 2021, with the exception of funds expended under the CAB program or the GREAT Grant program, shall be ineligible for participation in the CAB program. There are no tier designations associated with the CAB program.

The statute requires the office to give funding priority to counties receiving less than an aggregate of \$8 million in ARPA funds allocated from the federal government directly to the participating county.

Nothing within the CAB program or this guidance document shall be deemed to grant authority for a county to own, operate, or otherwise control broadband infrastructure contracted under this program.

2. FUNDING OF ELIGIBLE UNFUNDED GREAT GRANT PROJECTS

The CAB statute outlines two paths for county governments to participate in the CAB program. A county government may request funding from the CAB Fund for:

- An unfunded GREAT Grant project (from the most recent round of grant awards under N.C.G.S. § 143B-1373), or
- For a defined eligible project area that is mutually identified by the county and the office.

Applications received in the 2021-2023 GREAT Grant program exceeded the demand of the \$350 million available for funding. After review of the GREAT applications (including vetting for eligibility, completeness, financial solvency and match, eligible locations after the protest process, and scoring), projects with the highest scores were funded utilizing the \$350 million available. As of early July 2023, NCDIT awarded or contingently awarded all the \$350 million in ARPA State Fiscal Recovery Funds (SFRF) appropriated to the GREAT program by N.C. Session Law 2021-180. While over 125 projects were awarded or contingently awarded out of this \$350 million, a number of unfunded applications remained.

The office contacted counties with eligible unfunded GREAT Grant applications to determine whether they wished to use a portion of their CAB Fund allocation to fund the eligible GREAT project. NCDIT, in collaboration with counties and at their request, subsequently awarded over \$26 million to sixteen unfunded GREAT projects using CAB funds.

Projects awarded through this process are required to comply with the GREAT statutes and guidance, use the partnership structure, matching funds, scoring metrics, and contract developed for the GREAT projects, and will be monitored according to standards and processes in the GREAT program. All GREAT grant projects in the 2021-2023 funding round are funded using ARPA State Fiscal Recovery Funds (SFRF), regardless of whether those projects are awarded out of the \$350 million appropriated to GREAT or out of the \$400 million appropriated to CAB. Therefore, the federal rules for administration of these projects will be the same. GREAT projects funded through the CAB Fund will be reported to the U.S. Department of Treasury and the N.C. General Assembly under the CAB program.

For counties that chose to fund an unfunded GREAT Grant project through this process, the award amount will count towards the county's CAB Fund allocation for the fiscal year. No county may receive more than \$8 million in aggregate funding from the CAB Fund in any single fiscal year. Counties may use any amount remaining of that \$8 million allocation to pursue mutually-identified CAB projects with NCDIT. There is no matching requirement for the county for CAB-funded GREAT projects except for any county financial partnerships approved under the GREAT application.

Additional CAB requirements outlined within this guidance document do not apply to the above CAB-funded GREAT projects.

3. FUNDING OF MUTUALLY IDENTIFIED CAB PROJECTS

Counties that wish to identify and award new projects using the CAB program must partner with NCDIT to institute a competitive process for providers to bid on broadband infrastructure deployments. Participating counties will work with the office to identify eligible project areas and develop the scope of work to procure the construction, installation, and operation of broadband infrastructure in the targeted project areas. Projects require matching investments from counties and the selected broadband service providers.

A project area is defined in the CAB statute as an eligible area that is jointly determined by a requesting county and the office as requiring project funding under the CAB program to further complete the deployment of broadband service in the county.

Participation by broadband providers in the Completing Access to Broadband program requires a two-phase process.

- Participation in the relevant statewide IT Convenience Contract
- Participation in county-level scopes of work

A. Statewide IT Convenience Contract

In June 2023, the N.C. Department of Information Technology released a Request for Proposals (RFP) for Broadband Expansion and Access to qualify broadband providers for participation in infrastructure programs including the Completing Access to Broadband program, the Broadband Pole Replacement program and additional infrastructure programs.

The outcome of the Broadband Expansion and Access RFP is the creation of a statewide IT convenience contract (09 NCAC 06B .0701(c)) to identify broadband service providers that have the financial, operational and technical capacity to deploy broadband infrastructure for the provision of internet service in unserved and underserved areas of the state. Applicants for the CAB program must participate and qualify under this convenience contract to be eligible for participation in CAB.

The RFP does not result in a direct project award but acts as a review of qualifications of broadband providers. Providers are evaluated on a pass/fail basis to determine eligibility to participate in subsequent scopes of work for broadband deployment services. Information

collected under the RFP may also be used as part of the evaluation process during the subsequent scope of work phase and for risk assessment purposes. Qualifying applicants will enter into a convenience contract with NCDIT that includes relevant state and federal terms and conditions.

Following award of the convenience contract, NCDIT will share with counties the list of broadband providers eligible to participate in the CAB program. Broadband providers successfully approved under this convenience contract are eligible to provide responses to county-level scopes of work for the CAB program. Scopes of work for individual CAB projects require competition.

B. County Scopes of Work

The office will prepare a scope of work document to solicit eligible broadband providers to submit responses for consideration for funding of CAB projects within the geographic boundaries of the county. The office will share the draft scope of work with the county and request feedback on the evaluation criteria and the county's broadband priorities prior to posting the solicitation. Counties are also encouraged to participate in mutually-identifying project areas as described in the section [Identification of Eligible Locations and Prioritization of Areas](#). Counties that participate in the CAB program must provide matching funds for the projects using ARPA funds or nonrestricted general funds. Participating counties must identify an "up to" county contribution amount and indicate the source of funds. This "up to" amount will be referenced in the scope of work.

A participating county will identify up to two representatives to serve on the evaluation team for review of the broadband providers' responses to the scope of work. Members of the evaluation team must agree to commit the time needed to review responses in an efficient manner to move toward the award. The evaluation team members should have the authority from the county to participate in the selection of an award winner and should ensure they have no personal or professional conflicts of interest with respect to any prequalified providers.

NCDIT will publicly post the scope of work and lead the evaluation processes necessary to review and evaluate the responses received. The evaluation team will consist of the following members:

- NCDIT Broadband Infrastructure Office – minimum of two members
- The county – up to two members unless participation is waived by the county

In addition, a procurement specialist will assist with guiding team members through the evaluation process. Responses will be evaluated per the requirements listed within the CAB legislation, the CAB Guidance, and the scope of work. The evaluation team will recommend awards to NCDIT. The evaluation team may decline to recommend award of any projects if it determines that the bids received do not fulfill the needs of the county.

The state will utilize a best value procurement process, with the selection of a broadband provider offering the best trade-off between price and performance, where quality is considered an integral performance factor. Award decisions will be based on multiple factors such as: total cost; the evaluated technical merit of the vendor's proposal; the vendor's past performance; and the evaluated probability of performing the requirements stated in the solicitation on time, with high quality, and in a manner that accomplishes the stated business objectives and maintains industry standards compliance.

C. Identification of Eligible Locations and Prioritization of Areas

Per the CAB legislation, a county may participate in the CAB program with a defined eligible project area that is mutually identified by the county and the office. As explained in the mapping sections of this guidance, the Eligible Locations layer of the CAB Planning Tool will contain all unserved and underserved Broadband Serviceable Locations (BSLs) which are eligible for

inclusion within the scopes of work for each county. A county may choose to prioritize certain geographic areas, within its county geographic boundaries, as areas to receive priority for CAB project deployments.

In determining these priority areas, counties may wish to consider factors such as high numbers of unserved or underserved locations, geographic challenges, vulnerable populations, community input, specific Community Anchor Institutions, or others. Counties should submit these priority areas to the office as data files consisting of specific Broadband Serviceable Locations or as hexagons. If data files cannot be compiled by the county, the county may provide a narrative description of priority areas with clear data sources that could be easily identified and mapped by the office. Counties are strongly encouraged to prepare any priority area data files directly. Additional mapping needs from the office may require additional time in finalizing mapping locations for the county.

Once finalized by the office and the participating county, the mapped priority geographic areas will be publicly viewable in the CAB Planning Tool, and a downloadable CSV file of the priority areas will be available to broadband providers responding to the scope of work for the county. Counties that do not wish to provide priority areas may simply communicate to the office that there is no county-level prioritization of areas for the scope of work. See the [mapping section](#) of this guidance for additional details on this process.

D. CAB Project Awards

The secretary of NCDIT may award grants from the CAB Fund for projects meeting the criteria established by statute and within this guidance document. An award under the CAB program will result in a contract between NCDIT and the selected broadband provider. Upon execution, NCDIT will share a copy of the award document with the county and will reflect the amount of funding awarded, including the NCDIT portion, the county portion, and the broadband provider match calculated by legislated match requirements. Within 45 days of receipt of the executed award document(s), the county shall transfer the required funding to NCDIT. Details for the transfer of funding to NCDIT will be provided to the county along with the award documentation.

A broadband service provider selected for a project shall enter into an agreement with the office that shall include the project description, timelines, benchmarks, proposed broadband speeds, and any other information and documentation the office deems necessary. All proposed broadband speeds must meet or exceed the federal guidelines for use of ARPA (P.L. 117-2) funds.

The office shall provide project oversight, and upon completion of established benchmarks in the project agreement, the office shall disburse funds from the project account to the broadband service provider.

4. ELIGIBLE COSTS AND SPEED REQUIREMENTS

The CAB program is designed to fund infrastructure builds to unserved and underserved areas. Funding for CAB projects may include costs directly related to the construction of broadband infrastructure and does not include overhead or administrative costs. Monies awarded from the CAB Fund shall be used for infrastructure and infrastructure costs, as those terms are defined in N.C.G.S. § 143B-1373(a).

Project funds (from the CAB Fund and match) should be utilized for the deployment phase of the project, not the subsequent years of service. Eligible costs do not include recurring operating costs or maintenance, or sales and marketing of services. These eligible project costs apply to CAB Funds awarded to CAB program projects, as well as to all matching funds provided by the broadband provider and the county. In addition, grant and matching funds can only support project costs in the approved

project area.

Infrastructure must meet the required speed thresholds as defined below. In addition, in line with priorities under the federal funding rules, investments in fiber may receive priority within the evaluation criteria for any CAB projects.

- **Infrastructure:** Existing facilities, equipment, materials, and structures that an entity has installed either for its core business or public enterprise purposes. Examples include, but are not limited to, copper wire, coaxial cable, optical cable, loose tube cable, communication huts, conduits, vaults, patch panels, mounting hardware, poles, generators, battery and cabinet, network nodes, network routers, network switches, microwave relay, microwave receivers, site routers, outdoor cabinets, towers, easements, rights-of-way, and buildings or structures owned by the entity that are made available for location or collocation purposes.
- **Infrastructure costs:** Costs directly related to the construction of broadband infrastructure for the extension of broadband service for an eligible project, including installation, acquiring or updating easements, backhaul infrastructure, and testing costs. The term also includes engineering and any other costs associated with securing a lease to locate or collocate infrastructure on public or private property or structures, but not including actual monthly lease payment. The term does not include overhead or administrative costs.

A. Speed Requirements for Deployments

All proposed broadband speeds must meet or exceed the federal guidelines for use of American Rescue Plan Act (P.L.117-2) funds. Eligible projects must be designed to *reliably* meet or exceed symmetrical 100 Mbps download and 100 Mbps upload speeds upon completion. In cases where it is not practicable, because of excessive cost of the project or geography, or topography of the area to be served by the project: eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps to 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed by Dec. 31, 2026.

In assessing speed capabilities for the purposes of defining transmission speeds for completed infrastructure, the federal concept of “reliably,” within the ARPA broadband funding should be considered. Areas where broadband transmission speeds cannot be *reliably* delivered may not meet the above speed requirements. Projects and technologies that demonstrate the concept of broadband service being “reliably” provided may receive priority within the evaluation criteria for any CAB program projects.

- **Reliably:** U.S. Department of Treasury FAQ 6.11 addresses this. Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>. The FAQ states, “The use of ‘reliably’ in the IFR provides recipients with significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can actually and consistently meet the specified thresholds of at least 25Mbps:3Mbps — i.e., to consider the actual experience of current wireline broadband customers that subscribe to services at or above the 25 Mbps:3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.” The Final Rule states, “Consistent with further guidance issued by Treasury, in determining areas for investment, recipients may choose to consider any available data, including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information they deem relevant. In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive internet service at or above the speed thresholds at all

hours of the day, whether factors other than speed such as latency, jitter, or deterioration of the existing connections make their user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier), and other factors related to the services to be provided by the project. In addition, recipients may consider the actual experience of current broadband customers when making their determinations; whether there is a provider serving the area that advertises or otherwise claims to offer broadband at a given speed is not dispositive.”

5. FUNDING STRUCTURE AND REQUIRED MATCHING FUNDS

Mutually-identified CAB program projects require funding from three sources:

- the CAB Fund (which provides the state’s portion of the funding)
- the broadband provider selected for the project, and
- the participating local county government.

As stated in subsection (d) of the CAB statute:

- the CAB Fund may provide up to thirty-five (35%) of the project cost;
- a broadband provider selected for a project under a mutually-identified CAB project may provide up to thirty percent (30%) of the total estimated project cost; and
- and the county requesting the project shall be responsible for at least 35% of the project costs.

Counties that participate in the CAB program must provide matching funds for the projects using ARPA funds or nonrestricted general funds as their source of matching funds. No county may receive more than \$8,000,000 in aggregate funding from the CAB Fund in any single year.

A. Required Matching Funds

The percentage of matching funds required from the broadband provider and the county varies depending on the amount of federal ARPA funds allocated from the federal government directly to the participating county. In-kind contributions are not eligible to satisfy the match requirement. The match can only be used for the eligible activities within the program. Matching fund requirements for the CAB program are not related to the score for the project as they are under the GREAT Grant program.

Matching fund requirements are set in the CAB statute and are separated into the categories below:

1) Counties receiving \$8 million or more in ARPA funding:

Responsibilities for the total estimated project cost are below:

Direct ARPA Funds Received by County	Broadband Provider Responsibility	County Responsibility	State Responsibility
\$8 million or more	Up to 30%	At least 35%	Up to 35%

2) Counties receiving less than an aggregate of \$8 million in ARPA funding:

For a county receiving from the federal government less than an aggregate of \$8 million in federal ARPA funds, a broadband service provider selected for a project shall provide not less than 15% of the total estimated project cost. If a broadband service provider provides more than 15% of the total estimated project cost, the state and

county cost responsibilities shall be equally apportioned.

The counties that are eligible for this category and the match requirements will be divided into sub-categories based on the amount of ARPA funds received by the county and match provided by the broadband provider. Matching fund requirements in this section are separated into the following sub-categories:

i. Sub-Category 1 – Counties receiving \$4 million to \$8 million in ARPA funding and the Broadband Provider Match is exactly 15%.

Responsibilities for the total estimated project cost are below:

Direct ARPA Funds Received by County	For Broadband Provider Match of:	County Responsibility is:	State Responsibility is:
\$4 million to \$8 million	15% exactly	10%, minimum	Up to 75%

ii. Sub-Category 2 - Counties receiving \$4 million to \$8 million in ARPA funding and the Broadband Provider Match is more than 15 percent.

Responsibilities for the total estimated project cost are below:

Direct ARPA Funds Received by County	For Broadband Provider Match of:	County Responsibility is:	State Responsibility is:
\$4 million to \$8 million	More than 15%	Half of remaining balance	Half of remaining balance

iii. Sub-Category 3 - Counties receiving \$250,000 to \$4 million in ARPA funding and the Broadband Provider Match is exactly 15%.

Responsibilities for the total estimated project cost are below:

Direct ARPA Funds Received by County	For Broadband Provider Match of:	County Responsibility is:	Then the State Responsibility is:
\$250,000 to \$4 million	15% exactly	5%, minimum	Up to 80%

iv. Sub-Category 4 – Counties receiving \$250,000 to \$4 million in ARPA funding and the Broadband Provider Match is more than 15%.

Responsibilities for the total estimated project cost are below:

Direct ARPA Funds Received by County	For Broadband Provider Match of:	County Responsibility is:	Then the State Responsibility is:
\$250,000 to \$4 million	More than 15%	Half of remaining balance	Half of remaining balance

B. Estimated CAB Project Costs

As CAB projects are developed for individual counties, project costs and project sizes can be better defined based on the amount of direct ARPA funds received by that county and the amount of funding the county has available to invest in the project. .

Notwithstanding the funding combinations included in the matching requirements section above, in the event CAB Fund monies are insufficient to fund a project, a county may increase its share of the total estimated project cost. Alternatively, the scope of the project may be adjusted to meet the level of available funding.

As stated previously in this guidance document, per statute, the maximum investment available per county from the CAB Fund is \$8 million in a fiscal year. Depending on the number of counties that choose to participate in the CAB program, the office will determine as the program moves forward whether any counties may be considered in a future fiscal year for additional funding beyond this initial maximum of \$8 million.

While there are too many variables to provide a definitive project size statewide, an example project size for a county receiving \$8 million or more in ARPA funding could be as follows:

Example: Responsibilities for a total estimated project cost of \$12 million:

	<i>ISP Responsibility</i>	<i>County Responsibility</i>	<i>State Responsibility</i>
Required %:	<i>Up to 30%</i>	<i>At least 35%</i>	<i>Up to 35%</i>
Amount Contributed:	<i>\$3.6 million</i>	<i>\$4.2 million</i>	<i>\$4.2 million</i>
Actual Percentage:	<i>30%</i>	<i>35%</i>	<i>35%</i>

C. Coordination of Funding

Once a project has been bid, awarded and an agreement executed with a broadband service provider, the county shall provide its portion of the total project costs to the office. This funding will be combined with CAB Funds awarded for the project and placed in a separate project account. Matching funds comprising the contribution from the broadband provider stay with the broadband provider.

Once a project is contracted and implementation has begun, the office shall disburse funds from the project account to the broadband service provider on a reimbursement basis, upon completion of established benchmarks in the project agreement. The percentage of matching funds required for contribution by the broadband provider must be maintained throughout the project as costs are incurred and reported.

6. CAB PROJECT AREAS

CAB program projects must deploy broadband infrastructure to **unserved** and **underserved** households and businesses at specific locations. The CAB legislation includes the following definitions related to project areas: **Broadband Service, Eligible Area, Project Area, Unserved or Underserved.**

- **Broadband Service:** terrestrially deployed internet access service with transmission speeds of at least 25 megabits per second (Mbps) download and at least 3 megabits per second upload (25:3). Terrestrially deployed technologies are generally understood to

include wired infrastructure (such as fiber, coax, copper) and fixed wireless. In assessing the delivery of transmission speeds for purposes of defining unserved areas, the federal definition of “reliably”, within the American Rescue Plan Act’s broadband funding, should also be considered. Areas where broadband transmission speeds are not delivered reliably may be considered unserved.

- **Eligible Area:** An area that is unserved or underserved in a county. A county that (i) is a development tier three area, as provided in the annual ranking performed by the N.C. Department of Commerce pursuant to G.S. 143B-437.08 for the 2023 calendar year and (ii) has utilized federal funding for broadband infrastructure projects on or after May 1, 2021, with the exception of funds expended under the CAB program or the GREAT grant program, shall be ineligible for participation in the CAB program.
- **Project Area:** An eligible area that is jointly determined by a requesting county and the Broadband Infrastructure Office within the N.C. Department of Information Technology as requiring project funding under the CAB program to further complete the deployment of broadband service in the county.
- **Unserved or underserved:** A location within a county that has no deployment of broadband service or that has internet access service that does not meet the definition of broadband service. Areas where a private provider has been designated to receive funds through other state or federally funded programs designed specifically for broadband deployment shall be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency’s regulations governing the funding program.

For the purposes of the CAB program and based on federal parameters under ARPA, the office is treating unserved broadband serviceable locations as those without availability of at least 25 megabits per second (Mbps) download and 3 Mbps upload fixed internet service through qualifying fiber, cable, or qualifying licensed fixed wireless service; and underserved broadband serviceable locations as those with available service equal to or greater than 25 Mbps download and 3 Mbps upload, but less than 100 Mbps download and 20 Mbps upload through qualifying fiber, cable, or qualifying licensed fixed wireless service. A full explanation of eligible locations and project areas follows below.

A. Key Mapping Components

The Broadband Infrastructure Office and its partner, the NCDIT Center for Geographic Information and Analysis (CGIA), have published the NC CAB Planning Tool in the broadband section of the NC OneMap at: <https://www.nconemap.gov/pages/broadband> for use in this program. Within this tool, there is a data layer reflecting Eligible Locations for the CAB program. Respondents to the CAB scopes of work must use this map to identify eligible unserved and underserved locations for CAB projects.

To develop the develop and finalize the Eligible Locations data layer, the CAB program requires multiple stages of broadband mapping processes. Key mapping components include the following:

- FCC’s Broadband Data Collection Process
- Confirmation of Broadband Protected Areas
- Publication of CAB Planning Tool and Eligible Locations Layer
- Statewide Protest Process for CAB
- County Prioritization of Areas
- County-Level Protest Process

- Utilization of CAB Data Exchange
- Development of Project Areas by Respondents

B. FCC's Broadband Data Collection Process

For the CAB program, the Broadband Infrastructure Office is using data from the Federal Communication Commission's Broadband Data Collection (BDC) system. In late 2022, the Federal Communications Commission (FCC) first released data from its new BDC system to collect and publish data on broadband availability across the country (<https://www.fcc.gov/BroadbandData>). Broadband providers are required to submit data on broadband availability to the FCC every six months. Availability data is reported for all locations across the country where fixed broadband service is or could be installed. This dataset of locations is referred to as the "Fabric" of locations. The locations are referred to as Broadband Serviceable Locations (BSLs). The Fabric is developed by CostQuest in consultation with the FCC. The Fabric of locations is updated twice a year. Challenges to the Fabric or the availability status of a BSL can be submitted to the FCC. Broadband providers, state governments and local governments that want to utilize the BDC data must have a license from CostQuest to use the Fabric. Further information on the CostQuest Fabric can be found here: <https://www.costquest.com/broadband-serviceable-location-fabric/>

For the CAB program, the Broadband Infrastructure Office is using data from the BDC system and BSLs from the Fabric as the starting foundation for determining eligible locations. Modifications to the BDC data are described in the [CAB Planning Tool and Eligible Locations layer section](#) below.

C. Broadband Protected Areas

Locations that are funded with public dollars for broadband deployment may be ineligible for additional publicly-funded broadband deployment investments if the initial investment would deem a location to be considered "served." These locations or areas are commonly referred to as "protected areas." Per the CAB legislation, *"areas where a private provider has been designated to receive funds through other state or federally-funded programs designed specifically for broadband deployment shall be considered served if such funding is intended to result in construction of broadband in the area within 18 months or for the duration of the federal funding program for that area, or if the funding recipient is otherwise in good standing with the funding agency's regulations governing the funding program."* N.C.G.S. § 143B-1373.1(a)(6).

Data on broadband protected areas is published in both the Broadband Funding map for North Carolina and also within the CAB Planning Tool. With the significant amount of federal funding available for broadband deployment projects disbursed through multiple federal, state and local programs, the Broadband Infrastructure Office will be working on a continual basis to capture and publish accurate data on funded/protected areas. In summer 2023, the FCC released the online Broadband Funding Map to publish data on federally-funded broadband deployment projects (available here: <https://www.fcc.gov/economics-analytics/funding-map>).

In December 2023, the Broadband Infrastructure Office and its partner, the NCDIT Center for Geographic Information and Analysis (CGIA), published a Broadband Funding Map for North Carolina to capture broadband deployment projects funded with federal, local-government or state dollars. The Broadband Funding Map is published on NC OneMap at <https://experience.arcgis.com/experience/c46fb30bdfb7465fb204a1748b023a38>.

Data for North Carolina's map comes from multiple sources including award data from the FCC's Broadband Funding Map, from broadband providers directly, and from the Broadband Infrastructure Office. For projects funded with federal dollars, the office utilized the FCC data; however, the office will work with broadband providers directly to ensure that the FCC data is

accurate, granular and comprehensive. For projects funded with local government dollars, the office is asking broadband providers to provide data on these funded areas to ensure that the projects are captured, and additional awards are not made for the same locations.

For projects funded with state dollars, the office is using its own grant award data but is also working with grantees to ensure all locations are accurately captured. Previous state broadband deployment awards have been awarded and mapped with either census block, parcel or AddressNC data. (AddressNC is the Next-Gen 911 addressing dataset for the state.) As the FCC has moved to Broadband Serviceable Locations, the office has worked in 2023 to translate protected locations/areas to the BSL Fabric for the prior state awards. The office is currently working with grantees to ensure they understand this crosswalk process for protecting areas that were funded prior to the use of BSLs.

The office will continue to coordinate with broadband service providers to compare data and ensure that the Broadband Funding Map reflects the most accurate data possible, including:

- Any federally-funded areas that may be missing from the FCC's Broadband Funding Map
- Any corrections needed to protected areas based on the process to crosswalk data to Broadband Serviceable Locations
- Any locations inside known protected areas that are outside of scope for that funding program and therefore still un/underserved
- Any locally-funded areas that should be protected
- Any BSL's representing Community Anchor Institutions (CAIs) that are served by the provider but that are not correctly or fully represented with maximum available speeds in the FCC National Broadband Map's Broadband Data Collection. This is for any BSL records that were excluded from the BDC filing system due to categorization as CAI, or any BSL records for qualifying CAIs that do not retain broadband availability data in the FCC map due to a BSL Flag field value of "False."

Data in the North Carolina Broadband Funding Map can be filtered by county, program, grantee and project ID. Once data is filtered it can be downloaded to a CSV file format which will include the Location IDs for a particular project area. Broadband providers or local governments downloading the data must have a CostQuest license allowing use of the data to map the locations of a project area utilizing these Location IDs.

Broadband providers wanting to submit data for identifying or further verifying funded areas must utilize the CAB Data Exchange secure online upload process outlined in this Guidance document. A broadband provider awarded a project area may submit data to the office to request the funded project area be deemed a protected area. For consideration as a protected area, a broadband provider should submit a comma delimited CSV file of the Location IDs of BSLs that will be served with a minimum of 100mb/s download and 20mb/s upload service through fiber, cable, or qualifying licensed fixed wireless technologies because of public funding for this project. Once the data is verified, funded project areas may be reflected or updated on the NC Broadband Funding Map as protected project areas. Broadband providers should use this same process for submission of project areas that warrant slight adjustments in specific BSLs that fall within a project area.

Broadband providers submitting data on funded/protected areas must have a CostQuest license that allows them to capture Location IDs for these BSLs. Questions on protected area data should be emailed to broadbandmapping@nc.gov.

D. CAB Planning Tool and Eligible Locations Layer

The Eligible Locations Layer in the CAB Planning Tool utilizes data from the FCC's BDC system to identify locations unserved and underserved with broadband. While the BDC system provides foundational data for determination of eligible locations, the office also evaluates technology

types or other factors that may limit the ability to serve a location with broadband and incorporates this assessment into the mapped data, consistent with the U.S. Department of Treasury guidance. The office then displays the locations using the FCC's Broadband Serviceable Location Fabric. A direct link to the CAB Planning Tool is: <https://www.arcgis.com/apps/dashboards/0968e0d6753b4eb59b0b70ebb361f2cb>.

The Eligible Locations Layer for use in the CAB program in the first half of 2024 is utilizing data from the FCC's November 2023 data release and Version 3 of the Fabric. The office has implemented the following data modifications to the Eligible Locations Layer, based on an application of the U.S. Department of Treasury's policy about reliability and scalability of service and known limitations of various technology types:

- FTTH: served where speeds meet or exceed thresholds
- Cable: served where speeds meet or exceed thresholds
- DSL: unserved
- Unlicensed Fixed Wireless: unserved
- Licensed Fixed Wireless:
 - Over Mobile Networks: unserved
 - Over traditional fixed wireless networks: underserved
 - Licensed By Rule: unserved

The Eligible Location Layer of the CAB program reflects the following: unserved broadband serviceable locations are those without availability of at least 25 megabits per second (Mbps) download and 3 Mbps upload fixed internet service through qualifying fiber, cable, or qualifying licensed fixed wireless service. Underserved broadband serviceable locations are those with available service equal to or greater than 25 Mbps download and 3 Mbps upload, but less than 100 Mbps download and 20 Mbps upload through qualifying fiber, cable, or qualifying licensed fixed wireless service.

The eligible unserved and underserved locations are displayed in the CAB Planning Tool's Unserved and Underserved maps to allow visualization of the locations at lower zoom levels. Unserved and underserved eligible locations in the map can be filtered by county and downloaded as a CSV file. Due to the licensing of the CostQuest location fabric, direct download of the spatial data is prohibited. However, Location IDs can be downloaded and broadband providers or local governments with a CostQuest license can then map the locations utilizing the Location IDs. The eligible locations can also be directly downloaded as a CSV file from https://dit-cqia-outgoing.s3.amazonaws.com/NC_CAB_Eligible_BSLs.zip.

Within the Eligible Locations Layers, eligible locations for both unserved and underserved BSLs will be aggregated in a county to level 6 and level 8 H3 hexbins. This aggregated hexbins layer is also available as download or a streaming map service on the NC OneMap Broadband page. Each hexbin will have the following summary data fields:

- Total BSLs
- Number of Unserved Locations
- Percent Unserved
- Number of Underserved Locations
- Percent Underserved
- Number of Locations served by Fiber Broadband Service with speeds of 100/20
- Percent served by Fiber Broadband Service with speeds of 100/20
- Number of Locations served by Cable Broadband Service with speeds of 100/20
- Percent served by Cable Broadband Service with speeds of 100/20
- Number of Locations served by Licensed Fixed Wireless Service with speeds of 100/20
- Percent served by Licensed Fixed Wireless Service with speeds of 100/20

The initial Eligible Locations Layer was published in December 2023. The office will conduct a process to receive protests from broadband service providers disputing whether a particular location in the map is unserved with broadband. See [Statewide Protest Process for CAB](#). Protected Area data is also displayed in the Eligible Locations Layer and updated periodically per the Broadband Protected Areas processes described in this guidance.

Per the CAB legislation (Section 38.7 of SL 2023-134), a county that (i) is a development tier three area, as provided in the annual ranking performed by the N.C. Department of Commerce pursuant to G.S. 143B-437.08 for the 2023 calendar year and (ii) has utilized federal funding for broadband infrastructure projects on or after May 1, 2021, is not eligible to participate in the CAB program. The office is relying on data from broadband providers or an impacted county directly to reflect ineligible counties in the CAB Planning Tool.

E. Statewide Protest Process for CAB

The Protest Process utilized for the CAB program will include two phases to ensure the opportunity for consideration of the most up-to-date broadband availability data. The two-phases include:

- Protests regarding statewide eligible locations upon publishing of the Eligible Locations Layer in the CAB Planning Tool
- Protests regarding eligible locations within a county prior to the procurement window for that county

The process for protests of the statewide map is outlined below.

Following publication of the statewide Eligible Locations Layer within the CAB Planning Tool, the office will open a protest window for a period of 20 calendar days. During this window a broadband service provider currently providing qualifying broadband service to a location reflected with no service, as unserved, or as underserved may submit a protest for that Broadband Serviceable Location on the grounds the BSL is served at speeds of 25/3 Mbps to less than 100/20 Mbps; or at speeds of 100/20 Mbps or higher. This is the only criteria by which a BSL may be protested under this program. A location is considered “served” if the internet carrier can provide broadband service to a location immediately or within 10 business days upon request and without cost to the customer other than standard connection fees.

With the use of the FCC’s BDC data which is submitted to the FCC by broadband providers and is granular to the location level, the office does not anticipate a significant amount of protests. It is anticipated that a broadband provider may submit a protest due to one of the following:

- Buildout more recent than available FCC data
- Errors or unintentional omissions in submission of BDC data to the FCC

The office will not accept protests based on “planned” service. The office also will not accept protests based on the technology type data modifications outlined in [Section 6.D. CAB Planning Tool and Eligible Locations Layer](#). The office reserves the right to deny an entire protest in bulk if any part of the protested BSLs is found to be protested with insufficient, inaccurate, unusable, or indecipherable supporting evidence, or if the protested BSL’s are not submitted in the required format.

Broadband providers wanting to submit data for consideration for a protest must utilize the CAB Data Exchange secure online upload process outlined in [Section 6.H](#). To submit a protest, broadband providers should utilize the Eligible Locations Layer to download the Location IDs of any BSLs being protested. The protesting party should then submit a comma delimited CSV file of these Location IDs of BSLs that should not be classified as no service, unserved or underserved locations due to supporting evidence from the broadband provider of the availability of higher levels of service.

Protests shall be submitted in writing, accompanied by all credible and relevant supporting documentation, including specific BSL, and detailed explanation and mapping demonstrating that the protesting broadband provider has installed infrastructure sufficient to provide broadband service to the specific addresses provided in the protest, along with an attestation that broadband service is available to the BSL indicated. The protesting party bears the burden of proof.

The protest shall be considered by the Broadband Infrastructure Office in connection with the statewide Eligible Locations Layer. Upon submission of evidence and explanation satisfactory to the office that the BSL is presently served, based upon the potential justifications listed above, the office may accept the protest and update the broadband availability status of the BSL in the Eligible Locations data layer. Any provider submitting a protest shall verify that the information in the protest is accurate and that the protest is submitted in good faith. As a means of resolving a protest, the office may utilize speed tests to determine if the BSL has access to broadband service.

The office will provide notice on its website at www.ncbroadband.gov to announce the dates of the statewide protest window. Protests may only be submitted during the protest window. Broadband providers submitting protest data must have a CostQuest license that allows them to capture Location IDs for BSLs being protested.

F. County Prioritization of Areas

Following the statewide protest process, counties wishing to prioritize geographic areas for their county-level scope of work should submit these priority areas to the office. See also [Section 3.C. Identification of Eligible Locations and Prioritization of Areas](#).

Counties can provide prioritized areas using BSL data directly, using hexagons or through narrative descriptions. As described above, broadband providers and local governments utilizing BSLs must have a CostQuest license allowing use of the data to map the locations of a project area utilizing Location IDs.

Counties that wish to prioritize areas should submit data as follows: participating counties will submit a CSV file listing BSL location IDs, or Level 8 H3 hexagons as provided for the program on NC OneMap, or a narrative describing their prioritized areas. Narratives can be accompanied by relevant polygons of interest. The office will then map this input and upon county approval, will publish priority areas in the CAB Planning Tool, as Level 8 H3 hexagons AND as BSLs within those hexagons.

If prioritization input from the county is at the BSL level, then the priority BSLs will be specifically indicated as priority locations for broadband providers and aggregation to the Level 8 H3 hexagons will be for public visualization purposes only. If prioritization input from the county is less granular than BSL or cannot be easily and accurately linked to specific BSLs, all eligible locations within the corresponding H3 hexagon(s) will be considered part of the prioritized area. If prioritization input from a county is in the form of a polygon other than the provided H3 hexagons, an overlay will be applied in which only eligible BSLs locating within the polygon described by county input will be considered part of the prioritized area. For public visualization and discussion purposes with entities that do not have a BSL fabric license, H3 hexagons overlapping the polygon of interest (partially or entirely) will appear as part of the prioritized area, even though only some of the BSLs within partially overlapping hexagons will be prioritized for the purpose of evaluating projects that broadband providers submit in response.

The final mapped priority geographic areas will be publicly viewable in the CAB Planning Tool and a downloadable CSV file of the eligible locations with BSL Location IDs will also include a field indicating which eligible unserved and underserved locations are part of the prioritized area(s).

For counties that do not provide areas of prioritization, the CAB Planning Tool will simply display all eligible unserved and underserved locations within the county.

A full outline of evaluation criteria for the scope of work will be included in the scope of work document directly. Priority areas will be one component of the evaluation criteria.

G. County-Level Protest Process

Once county priority areas are identified and published in the CAB Planning Tool, and a scope of work for the county is finalized and approved, the county-level protest window will be opened for the county.

As outlined previously, the Protest Process utilized for the CAB program includes two phases to ensure the opportunity for consideration of the most up-to-date broadband availability data. The two-phases include:

- Protests regarding statewide eligible locations upon publishing of the Eligible Locations Layer in the CAB Planning Tool
- Protests regarding eligible locations within a county prior to the procurement window for that county

The process for county-level protests is outlined below.

The CAB legislation states that “in conjunction with the bid process, a proposed project area shall be posted on the Department’s website for a period of at least 10 days. Upon submission of credible evidence, a broadband service provider may request a project scope adjustment to the office in accordance with G.S.143B-1373(e). Upon a finding that the evidence submitted by the broadband service provider is credible, the office shall work with the county to amend the scope of the project.” N.C.G.S. § 143B-1373.1(c).

Although there is a statewide protest process upon publishing of the statewide Eligible Locations Layer in the CAB Planning Tool, the office will open a second protest window for a period of 10 calendar days for the Eligible Locations for an individual county, just prior to the opening of the procurement window for that county. This county-wide map of eligible BSLs represents the possible project areas for responding to a scope of work for a county. Because the procurement process for individual counties will be implemented in a rolling process, this county-level protest window allows the office to accept protests and ensure the map reflects the most up-to-date broadband availability data just prior to receiving responses to a scope of work for that county.

During this county-level protest window a broadband service provider currently providing qualifying broadband service to a location reflected with no service, as unserved, or as underserved may submit a protest for that Broadband Serviceable Location on the grounds the BSL is served at speeds of 25/3 Mbps to less than 100/20 Mbps; or at speeds of 100/20 Mbps or higher. This is the only criteria by which a BSL may be protested under this Program. A location is considered “served” if the internet carrier can provide broadband service to a location immediately or within 10 business days upon request and without cost to the customer other than standard connection fees.

With the use of the FCC’s BDC data which is submitted to the FCC by broadband providers and is granular to the location level, the office does not anticipate a significant amount of protests. It is anticipated that a broadband provider may submit a protest due to one of the following:

- Buildout more recent than available FCC data
- Errors or unintentional omissions in submission of BDC data to the FCC

The office will not accept protests based on “planned” service. The office also will not accept protests based on the technology type data modifications outlined in [Section 6.D. CAB Planning](#)

[Tool and Eligible Locations Layer](#). The office reserves the right to deny an entire protest in bulk if any part of the protested BSLs is found to be protested with insufficient, inaccurate, unusable, or indecipherable supporting evidence, or if the protested BSLs are not submitted in the required format.

Broadband providers wanting to submit data for consideration for a protest must utilize the CAB Data Exchange secure online upload process outlined in this Guidance document. To submit a protest, broadband providers should utilize the Eligible Locations Layer to download the Location IDs of any BSLs being protested. The protesting party should then submit a comma delimited CSV file of these Location IDs of BSLs that should not be classified as no service, unserved or underserved locations due to supporting evidence from the broadband provider of the availability of higher levels of service.

Protests shall be submitted in writing, accompanied by all credible and relevant supporting documentation, including specific BSL, and detailed explanation and mapping demonstrating that the protesting broadband provider has installed infrastructure sufficient to provide broadband service to the specific addresses provided in the protest, along with an attestation that broadband service is available to the BSL indicated. The protesting party bears the burden of proof.

The protest shall be considered by the Broadband Infrastructure Office in connection with the Eligible Locations data for that county. Upon submission of evidence and explanation satisfactory to the office that the BSL is presently served, based upon the potential justifications listed above, the office may accept the protest and update the broadband availability status of the BSL in the Eligible Locations data layer. Any provider submitting a protest shall verify that the information in the protest is accurate and that the protest is submitted in good faith. As a means of resolving a protest, the office may utilize speed tests to determine if the BSL has access to broadband service.

The office will provide notice on its website at www.ncbroadband.gov to announce the dates of the protest window for an individual county. Protests may only be submitted during the protest window. Broadband providers submitting protest data must have a CostQuest license that allows them to capture Location IDs for BSLs being protested.

H. Utilization of CAB Data Exchange

To support the exchange of information for the CAB program, the office has established cloud storage folders for the secure upload of files to private folders that are only accessible to the broadband provider or to the county to which they are assigned.

These folders should be used by broadband providers for the following data exchange purposes:

- Confirmation of Broadband Protected Areas
- Statewide Protest Process for CAB
- County-Level Protest Process

These folders should be used for the following data exchange purposes by county governments that are participating in CAB:

- County Prioritization of Areas

CAB data exchange folders may also be used for additional sharing of information with a county in relation to evaluating responses to scopes of work.

Upon the identification of the correct data contact person(s) at each participating broadband provider or county, secure login credentials and instructions will be provided individually to this contact. These credentials can then be used to upload the necessary files from an internet

browser. Files should be uploaded using the NCDIT Broadband Data Exchange Web Application at <https://assets.gis.nc.gov/apps/ncbio-data-exchange/index.html>. Protested and protected locations must be contained in separate files and labelled as such.

Designated data contacts (including name, email and phone number) should be emailed to broadbandmapping@nc.gov. A shared resources folder will also be available within the CAB Data Exchange, containing relevant downloadable file templates, data submission instructions, and any other resources relevant to CAB.

I. Development of CAB Project Areas by Respondents

Once county priority areas are identified and published in the CAB Planning Tool, a scope of work for the county is finalized and approved, and the county-level protest window has concluded, the procurement window for the county will open. The scope of work for the county will be published online along with the final Eligible Locations layer in the CAB Planning Tool.

When submitting proposed CAB projects in response to county scopes of work, broadband providers can propose to serve any eligible unserved and/or underserved locations in the county. Project locations must be submitted as a CSV file listing the BSL location IDs within the proposed project. Projects must be located “within or on” county boundaries and cannot go outside the county. Project areas do not need to be contiguous, and non-contiguous locations can be submitted as either part of a larger project or as smaller groups in separate projects.

Additional instructions for submission of project areas will be included in the scope of work, along with the evaluation criteria for evaluating project areas.