BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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In the Matter of the Nebraska Public Service Commission, on its own motion, to administer the Precision Agriculture Infrastructure Grant Program in the 2024-2025 program year. Application No. C-5600

ORDER ISSUING ADDITIONAL GRANT AWARDS

Entered: June 24, 2025

BY THE COMMISSION:

The Nebraska Public Service Commission ("Commission") opened this docket on its own motion on August 6, 2024, to implement the Precision Agriculture Infrastructure Grant Act, Neb. Rev. Stat. §§ 86-1401 et seq (the "Act") in the 2024-2025 program year. On November 19, 2024, following a comment period and a hearing in this matter, the Commission issued an order setting forth the application materials and schedule for the Precision Agriculture Infrastructure Grant Program ("PRO-AG") in 2024 ("Nov. 19 Order").

On April 15, 2025, the Commission issued grant awards in this proceeding ("April 15 Order"). However, because not all available funds were awarded, the Commission reopened the grant application period. These applications were considered under the same criteria and using the same guidance set forth in the Program Guide previously issued in the Nov. 19 Order.

Applications Received; Review of Applications

Pursuant to the April 15 Order, applications for grant awards were due to the Commission by May 6, 2025. The Commission considered applications filed under two subprograms, Connectivity and Devices and Technology. The Commission received eight applications prior to the deadline. Seven applications were submitted for awards in the Connectivity subprogram, while one application was submitted for award in the Devices and Technology subprogram. Late filed applications were not considered.

Commission staff performed an initial review of applications for eligibility and completeness. Pursuant to the April 15 Order, staff contacted applicants for clarification in the case of any unclear information or other minor defects in the applications. Applicants were allowed to supplement or modify their applications until June 10, 2025. Following that date, applications containing substantial defects or missing required materials were not considered for funding. Additionally,

Page 2

applications filed by persons or entities ineligible for funding pursuant to Neb. Rev. Stat. § 86-1404(1) were not considered. The remaining applications were reviewed in accordance with the weighted scoring system set forth in the Nov. 19 Order in this docket as described below.

Devices and Technology Subprogram

Upon review of the single applications submitted in the Devices and Technology subprogram, the Commission determined that the application was eligible for funding, as follows:

Applicant Name	Project Name	Total Project Costs	Applicant Match Amount	Applicant Match %	Grant Award
Walters Ag, LLC	Trimble Connected Tech	\$ 6,180.00	\$ O	0%	\$ 6,180.00

The Commission finds that the above-listed award should be made in the Devices and Technology subprogram, subject to the terms and conditions listed in this order.

Connectivity Subprogram

Seven applications were submitted in the Connectivity subprogram. However, upon review of the applications submitted, the Commission has determined that none of the Connectivity applications can be funded, as they do not meet program requirements. Specifically, Neb. Rev. Stat. § 86-1404(2) provides that "[g]rants shall only be used to provide . . . [a]dequate precision agriculture connectivity to on-farm structures and devices, including, but not limited to, tractors, combines, irrigation systems, livestock facilities, and farm offices." Neb. Rev. Stat. § 86-1403 further provides that "[t]he purposes of the program are to ... [p]rovide high-speed Internet service to farm sites as defined in section 77-1359 in unserved areas of the state as defined in section 86-1302." Additionally, pursuant to the Program Guide issued in Connectivity applications from Agricultural this program, Cooperatives, Agronomists, or Agricultural Producers only if submitted in partnership with a Provider as defined by Neb. Rev. Stat. § 86-1402(4).

Page 3

None of the applications submitted meet the criteria set forth above for funding. For the applications submitted by Inventive Wireless of Nebraska, LLC dba Vistabeam and Agrasoft LLC, the locations sought to be served by these applications all appear to be served as shown on the most recent Broadband Data Collection map. These applications do not qualify because Connectivity applications must seek to provide high-speed Internet service unserved areas of the state. Additionally, Agrasoft LLC is listed on its application as an Agricultural Producer, but the application is not made in partnership with a provider as required by the Nov. 19 order and accompanying Program Guide. Agrasoft LLC is therefore not an entity eligible for Connectivity funding.

Two other applicants, Shamrock Rock Farms and James Usasz filed applications in the Connectivity subprogram. However, upon review of the applications, the technology sought to be employed would not be used to provide precision agriculture connectivity to unserved areas of the state. Rather, these applications appeared to be seeking funds for the purchase of devices and technology. These applications were therefore not considered for funding. The Commission therefore is unable to award precision agriculture connectivity grants based on the applications submitted.

Issuance of Grant Awards; Project Completion

The Commission finds that, upon review of the submitted applications, the above-listed application filed by Walters Ag, LLC ("Walters Ag") should be awarded funding. Walters Ag must submit a completed 2025 PRO-AG Acknowledgement and Attestation Form, bearing a handwritten signature, on or before **July 11, 2025, at 5:00 p.m. Central Time** with service to <u>psc.broadband@nebraska.gov</u>. A copy of the Acknowledgement and Attestation Form is available on the Commission website and is attached to this Order as Attachment A.

As previously set forth in this program, ninety percent of grant funds awarded will be processed for distribution upon award of the grant and receipt of the Acknowledgement and Attestation Form.¹ All grant awards are subject to verification

¹ PRO-AG grant payments will be distributed within the Commission's monthly telecommunications payment process upon receipt of the necessary forms. Processing time for distributions may vary, and delays may occur if the required forms have errors or missing information, or if they are not returned timely.

Page 4

that expenses incurred are reimbursable, and conditionally awarded grants may be rescinded if adequate documentation cannot be provided. In order to ensure prompt distribution of funds, awardees must submit to the Commission their State of Nebraska W-9 and ACH enrollment form on or before **July 11, 2025, at 5:00 p.m. Central Time**. Awardees may contact Commission staff at <u>psc.broadband@nebraska.gov</u> for guidance in completing this process.

The remaining ten percent (10%) of funds will be distributed to awardees upon successful completion of the project and compliance with all requirements of the grant. The awardee must complete the listed project on or before June 24, 2026. Awardees must submit Certification of Project Completion а to psc.broadband@nebraska.gov. All documentation of project completion is due on or before June 24, 2026, at 5:00 p.m. Central Time. A copy of the Certification of Project Completion is available on the Commission website and is attached to this Order as Attachment B.

The awardee is hereby advised that failure to complete the approved project by June 24, 2026, may result in civil or administrative penalties, including, but not limited to, repayment of the grant award. The awardee is further advised that should any equipment sought to be purchased with grant funds be added to the federal Covered List, the grant may become ineligible for funding or be subject to further requirements, including the replacement of prohibited equipment or the return of grant funds.²

Quarterly Reporting; Annual Report Requirements

During implementation and construction of the awarded projects, all awardees are required to submit quarterly reports to the Commission regarding the implementation of the project. A Progress Report Form is available on the Commission website and is attached to this Order as Attachment C. Quarterly reports are due by 5:00 p.m. Central Time on the fifteenth day of the first month following each quarter, or the first business day thereafter, beginning on **September 15, 2025**. Following completion of project construction or implementation, quarterly reporting may end, as awardees will then begin reporting on an annual basis.

² See Nov. 19 Order, Attachment E, Attestation for DJI Drone Applicants.

Page 5

All awardees are required to submit an annual report on the usage and maintenance of equipment funded through the 2025 PRO-AG grant. Devices and Technology awardees must keep all equipment funded with PRO-AG grants in service for a minimum of five years after project completion. All necessary maintenance and repairs for the funded equipment must be performed at the cost of the awardee.

Annual reports should also include a description of the benefits to Nebraska obtained by the project. The annual reports are required for a period of five years after project completion. A template for the annual report submissions will be available on the Commission website and is attached to this order as Attachment D. should be submitted to the Commission via Reports e-mail to psc.broadband@nebraska.gov by 5:00 p.m. Central Time on July 1 of each year, or the first business day thereafter, beginning on July 1, 2026. The final report will be due to the Commission on July 1, 2030.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application filed in this program by Walters Ag, LLC for the Trimble Connected Tech project shall be funded. Walters Ag, LLC shall be required to complete the project by **June 24, 2026**, unless granted an extension by order of the Commission. Walters Ag, LLC shall be subject to annual reporting requirements as set forth above.

IT IS FURTHER ORDERED that Walters Ag, LLC must immediately verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission. Walters Ag, LLC must also submit to the Commission a Grantee Acknowledgement and Attestation Form by July 11, 2025, at 5:00 p.m. Central Time. Payments shall not be disbursed to Walters Ag, LLC until the Acknowledgement and Attestation Form and the State of Nebraska W9/ACH form is received and processed.

IT IS FURTHER ORDERED that disbursement of the grant awards shall be conducted as described above. The amount distributed to Walters Ag, LLC shall not exceed \$6,180.00.

IT IS FURTHER ORDERED that Walters Ag, LLC shall submit quarterly reports on the implementation of the project on the fifteenth day of the first month following

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

Application No. C-5600

Page 6

each quarter, or the first business day thereafter, by 5:00 p.m. Central Time, beginning on **September 15, 2025**, and continuing until the project is completed.

IT IS FINALLY ORDERED that Walters Ag, LLC shall submit an annual report on the project as described above by 5:00 p.m. Central Time on July 1 of each year, or the first business day thereafter, and continuing for five years, with the first report due to the Commission by **5:00 p.m. Central Time on July 1, 2026,** and the final report due to the Commission on July 1, 2030.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 24th day of June, 2025.

COMMISSIONERS CONCURRING: Mamler M. ICTooker

NEBRASKA PUBLIC SERVICE COMMISSION

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ATTEST:

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Executive Director

PRO-AG Grant Program Acknowledgement and Attestation Form 2024-2025 Program Year – Second Application Window

Submit this form and any attachments via e-mail to psc.broadband@nebraska.gov.

Grantor:	 	
Grantee:	 	
Subprogram:	 	
Project Name:	 	

In accordance with Neb. Rev. Stat. §§ 86-1401 et seq., the Nebraska Public Service Commission ("Grantor" or "Commission"), in docket C-5600, has established a grant program known as the Precision Agriculture Infrastructure Grant Program ("PRO-AG") to promote and support precision agriculture initiatives in Nebraska. The Grantee has submitted an application to the Grantor for funding under the above-mentioned PRO-AG Subprogram for the above-mentioned Project Name, as described in the application submitted by the Grantee.

Grant Amount: The Grantor agrees to provide funding to the Grantee in the amount of [Amount in Dollars] ("Grant Amount") as described below for the implementation of the project described in the application.

Project Description: The Grantee shall implement the project in accordance with the project description outlined in the application submitted to the Grantor. Any material changes to the project scope must be approved in writing by the Grantor.

Term of Agreement: This Agreement shall commence on the date of signing and shall remain in effect until the completion of the project and the fulfillment of all obligations under this Agreement, unless terminated earlier as provided herein.

I, [Legal Name], an authorized agent acting on behalf of [Grantee], hereby acknowledge receipt of the PRO-AG grant awarded to [Grantee] by the State of Nebraska for the purpose of [Brief Description of Project]. [Grantee] understands and agrees to comply with all terms, conditions, and requirements outlined in the grant program guidelines, as well as any additional instructions provided by the Commission.

Conditions of Grant:

- Fund Distribution: Upon full execution of this agreement, the Grantee must submit their State of Nebraska W-9 and ACH enrollment form to the Commission by the deadline set forth in docket C-5600. Upon receipt of the W9/ACH, ninety percent (90%) of grant funds awarded will be processed for distribution. The remaining ten percent (10%) of funds will be distributed to the Grantee upon successful completion of the project and compliance with all requirements of the grant.
- 2. Use of Funds: The Grantee shall use the Grant Amount solely for the allowable costs for the purposes described in the application and shall not divert funds for any other use without the prior written consent of the Grantor.

Project Name:

- 3. **Project Completion and Documentation:** The Grantee must complete the listed project by the required deadline. Upon completion, the Grantee must submit a Certification of Project Completion, successful speed testing results if applicable, and invoices to justify allowable expenses to psc.broadband@nebraska.gov. All documentation of project completion is due prior to the completion deadline.
- 4. **Speed Testing Requirements:** Grantees in the Connectivity subprogram are required to offer broadband Internet service at minimum speeds of 100 Mbps download / 20 Mbps upload in the project area for at least five years following the grant award. Speed testing results must be submitted to the Commission no later than 90 days following project completion and annually thereafter.
- 5. Reporting Requirements: The Grantee shall provide regular progress reports to the Grantor in accordance with the reporting schedule outlined in the PRO-AG program guidelines. During implementation and construction of the awarded project, the Grantee must submit quarterly reports to the Commission regarding the construction of the project. Quarterly reports are due by 5:00 p.m. Central Time on the fifteenth day of the first month following each quarter, beginning on October 15, 2025. Following completion of project construction, quarterly reporting may end, and the Grantee will then begin reporting on an annual basis. Annual reports should include a description of usage and maintenance of equipment funded through the 2024 PRO-AG grant and the benefits to Nebraska obtained by the project. Reports are required for a period of five years after project completion and must be submitted to the Commission by July 1 of each year, or the first business day thereafter, beginning on July 1, 2026.
- 6. **Compliance:** The Grantee shall comply with all applicable laws, regulations, and guidelines governing the use of grant funds and the implementation of the project. This Agreement shall be governed by and construed in accordance with the laws of the State of Nebraska.
- 7. **Audit:** The Grantee agrees to maintain accurate records of all expenditures related to the project, including the use of grant funds and any committed matching funds, and to make such records available for audit by the Grantor or its authorized representatives upon request.
- 8. **Repayment Provision**: If the Grantee fails to complete the project as specified in this Agreement or fails to fulfill any other obligations hereunder, the Grantee shall repay to the Grantor the full amount of the grant funds disbursed, plus any accrued interest, within 30 days of written demand by the Grantor.
- 9. **Termination**: The Grantor reserves the right to terminate this Agreement at any time upon written notice to the Grantee if the Grantee fails to comply with any of the terms and conditions herein.
- 10. **Indemnification**: The Grantee agrees to indemnify and hold harmless the Grantor from any claims, damages, liabilities, or expenses arising out of or related to the Grantee's use of grant funds or the implementation of the project.

Project Name:

Grantee Signature: By signing this form, I attest that:

- 1. The information provided in the grant application, including all supporting documents, is true, accurate, and complete to the best of my knowledge and belief.
- 2. I understand that any false statements or misrepresentations may result in termination of the grant award and/or civil, criminal, or administrative penalties.
- 3. The Grantee will use the grant funds solely for the purposes described in the approved application and in accordance with the budget submitted with the application.
- 4. The Grantee will maintain detailed records of all expenditures related to the project and will provide documentation as requested by the Commission for auditing purposes.
- 5. The Grantee will adhere to the completion deadlines specified in the grant program guidelines and will notify the Commission promptly of any delays or changes to the project timeline.
- 6. The Grantee will submit all required progress reports, certifications, and other documentation in a timely manner as specified by the Commission.
- 7. The Grantee hereby attests that the Grantee does not use and will not use during the term of this agreement any equipment prohibited for use by the Federal Communications Commission pursuant to 47 U.S.C. § 1601. Any use of prohibited equipment shall constitute a breach of this Agreement and may result in termination of the grant, repayment of grant funds, and/or other legal consequences.
- 8. The Grantee agrees that the devices, technology, and/or connectivity funded by the grant shall not be sold or transferred to another party for a period of five years following the grant award, unless otherwise agreed upon in writing by the Grantor. Any attempted sale or transfer in violation of this provision shall be considered a breach of this Agreement.
- 9. The Grantee understands that failure to comply with the terms and conditions of the grant program may result in the withholding or repayment of grant funds, as well as other penalties and sanctions as determined by the Commission.

Grantee Signature:	Date:	
Printed Name:		
Title (if applicable):		
Organization (if applicable):		

Attach/Include:

 <u>W9/ACH form</u>: Successful applicants must provide a W9/ACH form to verify required documentation for receipt of ACH payments from the State of Nebraska is on file with the Commission. This form can be found on the Nebraska Department of Administrative Services website: <u>https://das.nebraska.gov/accounting/forms/ACH_W9_Fillable.pdf</u>

PRO-AG Grant Program Certification of Project Completion Form 2024-2025 Program Year

Submit this form and any attachments via e-mail to psc.broadband@nebraska.gov.

Grantee:	 	
Subprogram:	 	
Project Name:	 	
Completion Date:	 	

In accordance with Neb. Rev. Stat. §§ 86-1401 et seq., the Nebraska Public Service Commission ("Grantor" or "Commission"), in docket C-5600, has established a grant program known as the Precision Agriculture Infrastructure Grant Program ("PRO-AG") to promote and support precision agriculture initiatives in Nebraska. The Grantee was awarded a grant for funding under the above-mentioned PRO-AG Subprogram for the above-mentioned Project Name, as described in the application submitted by the Grantee. Grantees are subject to a twelve-month completion deadline after the date on which the grant is awarded. A project will be considered complete when the project can fulfill the primary operations that it was designed to perform.

All documentation of project completion must be submitted within twelve months after the date of award, unless granted an extension by order of the Commission.

I, [Legal Name], an authorized agent acting on behalf of [Grantee], hereby certify that the PRO-AG project titled [Project Title] has been completed in accordance with the terms and conditions outlined in the grant agreement and program guidelines. I attest that:

- 1. The project objectives and activities described in the grant application have been successfully accomplished.
- 2. All grant funds were used solely for the purposes described in the approved application and in accordance with the budget submitted with the application.
- The project has been completed within the specified timeframe as outlined in the grant agreement, or any approved extensions granted by the Nebraska Public Service Commission (PSC).
- 4. The on-farm connectivity infrastructure (for Connectivity Subprogram) or devices and technology (for Devices and Technology Subprogram) funded by the grant are fully operational and serving the intended purposes.
- 5. Any required speed testing (for Connectivity Subprogram) has been conducted, and the results demonstrate that the connectivity meets or exceeds the required speeds as specified in the grant agreement.

Project Name:

- 6. The Grantee will maintain detailed records of all expenditures related to the project and will provide documentation as requested by the Commission for auditing purposes. All necessary documentation, including invoices, receipts, progress reports, and other supporting materials, have been maintained and will be provided to the NPSC upon request for auditing purposes.
- 7. The Grantee does not use and will not use during the term of this agreement any equipment prohibited for use by the Federal Communications Commission pursuant to 47 U.S.C. § 1601. Any use of prohibited equipment may result in termination of the grant, repayment of grant funds, and/or other legal consequences.
- 8. The Grantee agrees that the devices, technology, and/or connectivity funded by the grant shall not be sold or transferred to another party for a period of five years following the grant award, unless otherwise agreed upon in writing by the Grantor. Any attempted sale or transfer in violation of this provision shall be considered a breach of this Agreement.
- 9. The information provided, including all supporting documents, is true, accurate, and complete to the best of my knowledge and belief.
- 10. I understand that any false statements, misrepresentations, or omissions made in this certification may result in civil, criminal, or administrative penalties, including but not limited to the withholding or repayment of grant funds.

Grantee Signature:	Date:	
Printed Name:		
Title:		
Organization (if applicable):		

PRO-AG Grant Program Quarterly Progress Report Form 2024-2025 Program Year – Second Application Window

Submit this form and any attachments via e-mail to <u>psc.broadband@nebraska.gov</u> by the fifteenth day of the first month following each quarter, or the first business day thereafter, by 5:00 p.m. Central Time, beginning on October 15, 2025, and continuing until the project is completed.

Grantee:	 	 	
Subprogram:	 	 	
Project Name:	 	 	
Reporting Period:	 	 	

In accordance with Neb. Rev. Stat. §§ 86-1401 et seq., the Nebraska Public Service Commission ("Grantor" or "Commission"), in docket C-5600, has established a grant program known as the Precision Agriculture Infrastructure Grant Program ("PRO-AG") to promote and support precision agriculture initiatives in Nebraska. The Grantee was awarded a grant for funding under the above-mentioned PRO-AG Subprogram for the above-mentioned Project Name, as described in the application submitted by the Grantee. This report is to provide an update to the Grantor regarding the implementation of the project.

Attach any supporting documents, such as photos, data reports, or additional information relevant to the progress report. Please attach additional pages if needed.

Project Overview: Provide a brief overview of the project, including its objectives and the technologies/devices implemented and/or the connectivity infrastructure implemented.

Progress Summary: Summarize the progress made during the reporting period, including key milestones achieved, challenges encountered, and any deviations from the project plan. (**If Connectivity Deployment:** Describe the deployment status of the on-farm connectivity network. Provide details on the infrastructure installed, connections made to on-farm structures/devices, and any network testing conducted.)

Challenges and Solutions: Identify any challenges faced during the reporting period and the strategies implemented to address them. This may include technical issues, logistical challenges, or other obstacles encountered during project implementation.

Future Plans: Outline the grantee's plans for the upcoming reporting period, including anticipated milestones, activities, and objectives to be achieved.

Attestation: By signing this document, I, an authorized agent acting on behalf of the above-named Grantee, attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

Grantee Signature:	Date:
Printed Name:	
Title:	
Organization (if applicable):	

PRO-AG Grant Program Annual Report Form 2024-2025 Program Year

Submit this form and any attachments via e-mail to <u>psc.broadband@nebraska.gov</u> by 5:00 p.m. Central Time on July 1 of each year, or the first business day thereafter, and continuing for five years after project completion.

Grantee:	 	
Subprogram:	 	
Project Name:	 	
Reporting Period:	 	

In accordance with Neb. Rev. Stat. §§ 86-1401 et seq., the Nebraska Public Service Commission ("Grantor" or "Commission"), in docket C-5600, has established a grant program known as the Precision Agriculture Infrastructure Grant Program ("PRO-AG") to promote and support precision agriculture initiatives in Nebraska. The Grantee was awarded a grant for funding under the above-mentioned PRO-AG Subprogram for the above-mentioned Project Name, as described in the application submitted by the Grantee.

PRO-AG grantees are required to submit an annual report on the usage and maintenance of the on-farm connectivity network or the grant-funded devices and technology. The annual report should include a description of the benefits to Nebraska obtained by the project. Connectivity Subprogram participants must also provide speed testing to demonstrate the continued ability of the network to provide the required speeds (see Speed Test Certification form).

Include any supporting documents such as speed tests, maintenance logs, performance reports, or other information relevant to this annual report. Please attach additional pages if needed.

1. Project Overview: Provide a brief overview of the project, including its objectives and the technologies/devices implemented and/or the connectivity infrastructure implemented.

2. Annual Usage Report: Discuss the usage of the grant-funded devices/technologies or connectivity infrastructure during the reporting period.

3. Annual Maintenance Report: Provide details on how the equipment is being maintained to ensure optimal performance and longevity. Explain any maintenance or repairs/replacement that occurred during the reporting period.

4. Performance Report:

<u>Device/Technology Subprogram:</u> Evaluate the performance of the devices and technology deployed as part of the project. Include information on reliability, functionality, and any issues encountered. <u>Connectivity Subprogram:</u> Provide an overview of the network performance during the reporting year, including key metrics such as speed, reliability, and coverage. Report on any upgrades or enhancements made to the network infrastructure. (NOTE: The Speed Test Certification Form must be submitted separately and include detailed reports on speed and latency testing, covering testing locations, duration, methodologies, and results.)

5. Future Plans: Outline the grantee's plans for the continued usage and maintenance of the devices and technology beyond the reporting period. Include any upgrades, expansions, or additional investments planned.

6. Impact Report: Discuss the impact of the devices/technology or connectivity infrastructure project. Specifically, outline the benefits to Nebraska as a result of the project. This may include improvements in technological innovation, access to data, economic development, societal impacts, as well as any improvements in agricultural practices, productivity, or efficiency resulting from the project. Include any upgrades, expansions, or additional investments within the reporting period. For Connectivity projects, please include reports regarding the impact on key operational locations (i.e., access to data/information/ services, precision agriculture adoption, improved productivity, etc.).

Attestation: By signing this document, I, an authorized agent acting on behalf of the above-named Grantee, attest under penalty of perjury that the information contained in this form and all supporting documents are true and accurate, and that I have undertaken due diligence to obtain knowledge regarding these claims. I understand that the submission of false information in this document shall be considered a violation of an order of the Commission, and may be subject to civil and/or criminal penalties.

Grantee Signature:	Date:
Printed Name:	
Title	
The	
Organization (if applicable):	
organization (if applicable).	