



# ***Rapid Refinance Telecommunications Loan and Loan Guarantee Program Application Guide***

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## Introduction and General Information

The USDA-Rural Development Telecommunications Program assists the private sector in developing, planning and financing the construction of telecommunications and broadband infrastructure in rural America. The Farm Security and Rural Investment Act of 2002 (the “Farm Bill”) modified the Rural Electrification Act of 1936 (the “Act”) by adding a new section to allow the Telecommunications Program to provide loans and loan guarantees to bring broadband service to rural communities. Loans and loan guarantees for the construction, improvement and acquisition of broadband facilities and equipment are available through the Broadband Program, one of the operational divisions of the Telecommunications Program. For more information on the Broadband Program, including a copy of the Notice of Funds Availability for Fiscal Year (FY) 2004, please go to <http://www.usda.gov/rus/telecom/broadband.htm>.

The Farm Bill also authorized the use of loan and loan guarantee funds from the Telecommunications Program’s traditional infrastructure program to be used to refinance outstanding obligations on previously awarded telecommunications loans, if the use of proceeds for that purpose will further the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities. The new ***Rapid Refinance*** Program has been developed in response to that statutory change.

The ***Rapid Refinance*** Program allows an existing borrower to refinance the outstanding balances on any previously approved infrastructure program loans including hardship, cost-of-money, and RTB. The refinancing can be accomplished with any of the types of loans or loan guarantees currently offered by the infrastructure program. The Farm Bill changes to the RE Act removed the 40% limitation on the percentage of a particular loan or loan guarantee that can be for refinancing; however, to utilize the ***Rapid Refinance*** Program, you must request a 100% refinancing loan. If you want to request refinancing as part of a financing package that includes other loan purposes, you need to use either our traditional application procedure or the RUS Xpress expedited process, if applicable.

➤ ***Types of Financial Assistance Available for the Rapid Refinance program***

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The following types of loans can be used to refinance outstanding infrastructure program indebtedness under the **Rapid Refinance** program (applicants requesting refinancing must meet the TIER and subscriber density requirements set forth in 7 CFR Part 1735 for the type of loan being used; TIER and density calculations will be based on the most recent calendar year Form 479):

1. RUS Hardship Loans
2. Concurrent RUS Cost-of-Money / Rural Telephone Bank (RTB) Loans
3. Federal Financing Bank (FFB) Loan Guarantees

These loans may be used to refinance existing RUS Hardship, RUS Cost-of-Money, and RTB loans, **but cannot not be used to refinance FFB loans.**

➤ ***Maximum Loan Amount***

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There is no maximum loan amount for the **Rapid Refinance** program.

➤ ***Loan Maturity***

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Loans will be refinanced under the **Rapid Refinance** program for a period no longer than the remaining life on the loans being refinanced. Shorter maturities may be selected.

➤ ***Interest Rates Available***

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To view the most current interest rates available for comparable maturities, go to the Federal Reserve Statistical Release web page at the following address and click on the appropriate viewer format under Current release:

<http://www.federalreserve.gov/releases/H15>

Under the heading “US Government Securities” and subheading ‘Treasury constant maturities,’ locate the maturity period and corresponding interest rate as of that date. Please note, this is for information purposes only. The actual interest rate for your loan will be determined on the date of advance of funds.

➤ ***Contact Information***

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RUS borrowers applying for a loan under the **Rapid Refinance** program should consult with their RUS General Field Representative (GFR) prior to submitting an application. The GFR will visit the applicant and offer assistance as needed. A listing of the GFRs and Area Directors with the appropriate contact information is included with this application guide as Attachment 8. Information about the Telecommunications Program, this application guide and copies of the required forms can be retrieved electronically via the internet at:

<http://www.usda.gov/rus/telecom/index.htm>

## Applying for a Loan

### ***Loan Processing***

Completed loan and loan guarantee applications to be considered under the *Rapid Refinance* program must be submitted in accordance with the requirements as set forth in this application guide.

Please note that these application requirements apply only to the *Rapid Refinance* program. For guidance on completing a loan application which does not qualify under these procedures, please contact the GFR in your area (Attachment 8).

### ***Applicant Eligibility and Loan Purposes***

An applicant must be an existing RUS telecommunications borrower.

Under the *Rapid Refinance* program, the Telecommunications Program will make loans and loan guarantees **only to refinance outstanding infrastructure loans (but not FFB loan guarantees)** to further the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities.

The applicant must describe, in Item No. 7, Purpose of Loan, of the RUS Form 490 (Attachment 2), how the proceeds (or savings) from this refinancing will be used to further broadband deployment in eligible rural communities.

For purposes of a *Rapid Refinance* loan:

**Broadband Service** means any technology identified by the Administrator as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video. During fiscal year 2004, to qualify as broadband service, the minimum rate-of-data transmission shall be 200 kilobits/second in the customer's connection to the network, both from the provider to the customer (downstream) and from the customer to the provider (upstream).

**Eligible Rural Community** means any incorporated or unincorporated place in the United States that has no more than 20,000 inhabitants based on the most recent available population statistics of the Bureau of the Census.

## **Completing the Loan Application**

This section addresses all of the information that must be submitted for an application to be complete and considered for financing. An application checklist for completeness has been included with the guide as Attachment 1.

- A. Application for Telecommunications Loan or Loan Guarantee (RUS Form 490)*
- B. List of Notes to be Refinanced*
- C. Financial Statements*
- D. Federal Forms and Certifications*

### ***A. RUS Form 490, “Application for Telecommunications Loan or Loan Guarantee”***

This form is included as Attachment 2. The applicant must describe, in Item No. 7, Purpose of Loan, how the proceeds (or savings) from this refinancing will be used to further broadband deployment in eligible rural communities.

### ***B. List of Notes to be Refinanced***

A listing of all of the Notes from previously approved Telecommunications program loans that you are applying to refinance needs to be included in the format provided in Attachment 3. If you do not have all of the required data readily available, contact your GFR or the Area Director listed in Attachment 8 for assistance.

### ***C. Financial Statements***

The Telecommunications Program will approve a loan only if, in its sole judgment, the loan will be repaid according to its terms and within the time agreed. Although a **Rapid Refinance** loan should always improve the financial condition of the borrower by lowering the interest rate on debt, that does not eliminate the need of the Telecommunications Program to make certain findings concerning the borrower’s financial condition.

The Form 479 for the most recent calendar year and the audited financial statements for the most recent fiscal year will meet that need. If an applicant has not submitted the most recent calendar year's Form 479 and the most recent fiscal year's audited financial statements, they must be prepared and submitted before a **Rapid Refinance** loan may be made.

#### ***D. Federal Forms and Certifications***

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All of the following forms and certifications must have original signatures for an application to be considered complete. Copies of these forms have been included at the end of this application guide as Attachments.

##### ***Forms and Certifications that must be submitted with each application:***

1. RUS Form 490, Application for Telephone Loan and Loan Guarantee, Attachment 2;
2. List and Details Regarding Notes to be Refinanced; Attachment 3;
3. **Rapid Refinance** Application Certifications; Attachment 4;
4. Certification Regarding Lobbying, Attachment 5;
5. Certification Regarding Debarment, Suspension, and Other Responsibility Matters- Primary covered Transactions, Attachment 7.

##### ***Forms and Certifications required for FFB loan requests:***

1. Statement for Loan Guarantees and Loan Insurance, Attachment 6.  
For FFB loans, this form should be used in place of number 4 above.

***Rapid Refinance Telecommunications Loan and  
Loan Guarantee Program  
Federal Forms and Attachments***

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## LOAN APPLICATION CHECKLIST

All of items listed below must be included with your application. Use this checklist to be sure you have not overlooked anything:

- RUS Form 490
- List and Details Regarding Notes to be Refinanced
- Rapid Refinance Certifications
- Form 479 for the previous calendar year and audited financial statements for the previous fiscal year (Do not check box if already on file)
- Certification Regarding Lobbying
- Certification Regarding Lobbying for FFB Loans
- Certification Regarding Debarment

# USDA-RD *Rapid Refinance* Loan and Loan Guarantee Program Application Guide

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0079. The time required to complete this information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

U.S. Department of Agriculture Rural Utilities Service		
<h2 style="margin: 0;">APPLICATION FOR TELECOMMUNICATIONS LOAN OR LOAN GUARANTEE</h2>		
INSTRUCTIONS - Prepare two copies of this form. For further information, see RUS Bulletin 1737-3 and 7 CFR 1735 and 7 CFR 1737.		
1. NAME AND ADDRESS OF BORROWER ( <i>Street, City, State, Zip Code</i> )	2. TYPE OF ORGANIZATION ( <i>Check one</i> ) a. <input type="checkbox"/> COMMERCIAL CORPORATION b. <input type="checkbox"/> COOPERATIVE OR MUTUAL c. <input type="checkbox"/> PUBLIC BODY	
3. INDICATE THE LOAN MATURITY BEING REQUESTED ( <i>Check one</i> ) a. <input type="checkbox"/> _____ YEARS ( <i>Maximum of 35</i> ), b. <input type="checkbox"/> COMPOSITE ECONOMIC LIFE OF FACILITIES FINANCED PLUS 3 YEARS.	4. AMOUNT OF LOAN APPLIED FOR:	
5. NUMBER OF EXCHANGES: a. IN EXISTING SYSTEM ----- <input style="width: 50px;" type="text"/> b. TO BE FINANCED BY THIS LOAN ----- <input style="width: 50px;" type="text"/>	6. NUMBER OF SUBSCRIBERS: a. IN EXISTING SYSTEM ----- <input style="width: 50px;" type="text"/> b. TO BE ADDED DURING FORECAST PERIOD-- <input style="width: 50px;" type="text"/>	
7. PURPOSE OF LOAN ( <i>Explain the purposes for which loan funds are intended and state the amount required for each purpose.</i> )		
<b>FEDERAL DEBT DELINQUENCY CERTIFICATION</b>		
8. IS THE BORROWER DELINQUENT ON ANY FEDERAL DEBT? ( <i>Check one</i> ) <input type="checkbox"/> NO <input type="checkbox"/> YES ( <i>If yes provide explanatory information below.</i> ) <small>NOTE: Examples of debts include, but are not limited to, delinquent taxes, guaranteed or direct government loans (more than 31 days past due) and other administrative debts.</small>		
<b>APPLICANT CERTIFICATION</b> <b>FEDERAL COLLECTION POLICIES FOR COMMERCIAL DEBT</b>		
<p>The Federal Government is authorized by law to take any or all of the following actions in the event that a borrower's loan payments become delinquent or the borrower defaults on its loan:</p> <p>(1) Report the borrower's delinquent account to a credit bureau; (2) Assess additional interest and penalty charges for the period of time that payment is not made; (3) Assess charges to cover additional administrative costs incurred by the Government to service the borrower's account; (4) Offset amounts owed to the borrower under other Federal programs; (5) Refer the borrower's debt to the Internal Revenue Service for offset against any amount owed to the borrower as an income tax refund; (6) Refer the borrower's account to a private collection agency to collect the amount due; and (7) Refer the borrower's account to the Department of Justice for litigation in the courts.</p> <p>All of these actions can and will be used to recover any debts owed when it is determined to be in the interest of the Government to do so.</p>		
<b>CERTIFICATION</b>		
<i>I have read and understand the actions the Federal Government can take in the event that I fail to meet my scheduled payments in accordance with the terms and conditions of my agreements and certify that the information contained herein is accurate and complete to the best of my knowledge and belief.</i>		
SIGNATURE OF AUTHORIZED OFFICIAL	TITLE	DATE

RUS Form 490 (Rev. 09-2003)

## List and Details Regarding Notes to be Refinanced

1. RUS Notes to be Refinanced (includes Hardship loans):

Note Designator	Note Date	Stated Principal Amount	Maturity Date	Interest Rate
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1. RTB Notes to be Refinanced:

Note Designator	Note Date	Stated Principal Amount	Maturity Date	Interest Rate
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**Sample:**

Note Designator	Note Date	Stated Principal Amount	Maturity Date	Interest Rate
DC 501-A9	12/1/2004	\$5,000,000.00	12/31/2020	Determined by Advance

### ***Rapid Refinance* Application Certifications**

I, \_\_\_\_\_ (name of president) \_\_\_\_\_, am president of \_\_\_\_\_ (name of borrower) \_\_\_\_\_, (the “borrower”). I am duly authorized to make the following statements and certifications in support of the borrower’s Rapid Refinance application.

1. No default has occurred or is continuing under the borrower’s mortgage to the government and/or the Rural Telephone Bank (the “Bank”).
2. The borrower is requesting that a loan, loans, or loan guarantee be approved for it for the sole purpose of refinancing outstanding notes for telecommunications loan(s) or loan guarantee(s) previously awarded to the borrower under the Rural Electrification Act of 1936, as amended.
3. The borrower is requesting the following type(s) or loan(s) or loan guarantee (subject to the density and TIER restrictions in 7 CFR 1735): *(check all that apply)*
  - Hardship Loan
  - Concurrent Cost-of-Money Loan and Bank Loan
  - FFB Guaranteed Loan
4. I hereby certify that the data in this application are correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**LOBBYING CERTIFICATION**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Name of Authorized Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**LOBBYING CERTIFICATION**

**Certification for Loan Guarantees and Loan Insurance**

The undersigned certifies, to the best of his or her knowledge and belief, that:

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Organization Name

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Name of Authorized Official

---

Signature

---

Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS**

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**INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows

that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**CERTIFICATION**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Organization Name PR/Award or Project Name

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature Date

**RUS POINTS OF CONTACT  
Telecommunications Program**

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Southern Minnesota

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#### **STATES COVERED**

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Colorado  
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Northern Kansas

South Carolina  
Puerto Rico  
U.S. Virgin Islands

North Carolina  
Virginia

Southern Texas

Florida  
Georgia

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California  
Nevada

Southern Kansas  
Northern Oklahoma  
Federated States of Micronesia  
Commonwealth of the N. Marianas  
Islands  
Guam  
Hawaii  
Republic of the Marshall Islands  
Republic of Palau

Tennessee  
Northwest Georgia

Arkansas  
Louisiana

Mississippi  
Alabama