

TOWN OF FORESTVILLE
Door County, Wisconsin
RESOLUTION NO. 2023-03

**RESOLUTION AUTHORIZATION CREATION OF PUBLIC PRIVATE
PARTNERSHIP WITH CONNECT HOLDING II LLC d/b/a BRIGHTSPEED**

WHEREAS, Connect Holding II LLC d/b/a Brightspeed aka Brightspeed desires to commence a project consisting of the construction and operation of certain fiber optic assets to provide the most advanced infrastructure to the unserved and underserved residents of the Town of Forestville and

WHEREAS, the Town of Forestville desires to pursue Broadband Expansion Grants offered by and through the State of Wisconsin Public Service Commission, and

WHEREAS, the Town of Forestville considered Brightspeed's proven track record of community partnerships and their proposal to expand broadband to unserved and underserved areas of the Town of Forestville, and hereby recommends partnering with Brightspeed to pursue broadband expansion grants; and

WHEREAS, Brightspeed and the Town of Forestville desire to pursue and make application for any and all grant money available for broadband coverage; and

WHEREAS, Brightspeed and the Town of Forestville are willing and able to create a public private partnership to provide the latest advancements in broadband coverage, and to seek all available grants to provide and subsidize the cost of necessary broadband infrastructure; and

NOW THEREFORE BE IT RESOLVED that the Town of Forestville will, upon approval by the citizens of the Town, enter into appropriate arrangements with Brightspeed to deploy a fiberoptic network throughout the Town of Forestville, funded through municipal tax levy: and

BE IT FURTHER RESOLVED that the Town of Forestville cooperate with regional efforts, including collaboration with other municipalities and with Door County, that may be mutually beneficial in terms of efficiency, connectivity, or cost of financing broadband deployment; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Forestville, supports the application to the State of Wisconsin Public Service Commission for broadband expansion grants in partnership with Brightspeed; and


BE IT FURTHER RESOLVED that the Town Board of Forestville shall enter into an Agreement to Establish Public Private Partnership for the Purpose of Applying for a Broadband Expansion Grant, in a form substantially similar to the attached Exhibit A; and

BE IT FURTHER RESOLVED that the appropriate town officials are authorized and empowered to do all such acts and to execute, acknowledge, and deliver all such documents necessary or desirable to fulfill the intent of this resolution.

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Submitted by:

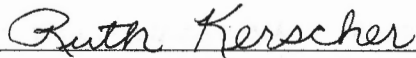
 _____, Chairman

I, Ruth Kerscher, Clerk for the Town of Forestville,

Door County, Wisconsin, hereby certify that the above

Is a true and correct copy of a Resolution adopted on the

16th day of October, 2023, by the Town Board Supervisors.

/s/  _____

Ruth Kerscher, Forestville Town Clerk

EXHIBIT A

TOWN OF FORESTVILLE Door County, Wisconsin

AGREEMENT TO ESTABLISH PUBLIC PRIVATE PARTNERSHIP FOR THE PURPOSE OF APPLYING FOR A BROADBAND EXPANSION GRANT

THIS PUBLIC PRIVATE PARTNERSHIP AGREEMENT ("Agreement") is made this 16th day of October, 2023, by and between the Town of Forestville, Door County, Wisconsin, a municipal corporation in the State of Wisconsin, and Connect Holding II LLC d/b/a Brightspeed. The Town and Brightspeed are collectively referred to as the "Parties".

RECITALS

- A. The Town seeks to promote development of high-speed broadband services to unserved and underserved areas within its boundaries and believes that cooperation with private-sector partners is necessary for the development of a county-wide broadband network that meets the needs of the Town, its resident, and its businesses.
- B. To encourage and facilitate deployment of high-speed broadband service in unserved and underserved areas within the Town, the Town and Brightspeed seek to enter into a public-private partnership to construct broadband infrastructure to facilitate the future development by Connect Holding II LLC d/b/a Brightspeed and/or other third-party internet service providers (the "Project").
- C. The full scope of the Project is yet to be defined but will be defined in the final partnership agreement between the Parties ("Final Partnership Agreement").
- D. The Parties intend that Brightspeed, with the Town as its public partner, apply to Grant Programs to be used to pay for a portion of the cost of constructing the unserved/underserved locations of this Project.
- E. The Town finds the Project to be in the public interest of the residents and businesses of the Town of Forestville.

AGREEMENT

THE PARTIES agree as follows:


1. **Purpose.** By this Agreement, the Town and Connect Holding II LLC d/b/a Brightspeed agree to form a public-private partnership so that Brightspeed can apply to Grant Programs to obtain funds to be applied toward construction of the Project. The Town agrees that, as Brightspeeds public partner, it will cooperate with Brightspeed in preparation of the grant application.
2. **Project, Phase I & II.** Phase I of the Project beginning with (Town of Gardner) will be developed by Brightspeed. The estimated cost of the Project is \$4,249,460.69, covering 934 under/unserved locations. Phase I of the project will apply for and use State of Wisconsin CPF grant to help offset the cost commitment of the Town of Gardner's overall cost. Phase II of the Project, also developed by Brightspeed will continue in 2024 to fulfill the remainder of the Joint Towns of (Brussels, Union, Gardner, & Forestville) requirements

applying for and utilizing the BEAD grant program to help offset the cost commitments of the four towns overall costs.

3. **Authorization.** Each Party represents that it has the authority to execute this Agreement.
4. **Records.** Brightspeed shall provide the Town with a copy of its application to any grant program they submit a grant to.
5. **Termination.** This Agreement shall become effective on the Effective Date and shall terminate if Brightspeeds grant application is unsuccessful. If the grant application is successful, this Agreement shall terminate one (1) year after the grant award or in the event that the Parties enter in a Final Partnership Agreement before the one (1) year period expires.
6. **Entire Agreement.** There are no representation or understandings of any kind not stated in this Agreement.
7. **Governing Law.** This Agreements shall be governed by the laws of the State of Wisconsin.
8. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

TOWN OF FORESTVILLE

The undersigned Town of Forestville officials have executed this Agreement pursuant to duly adopted Resolution No. 2023-03 this 16th day of October, 2023.



Kevin Guilette, Forestville Town Chairman
Town of Forestville


Attest:



Ruth Kerscher, Forestville Town Clerk

STATE OF WISCONSIN)
) SS.
DOOR COUNTY)

Personally, came before me on October 16, 2023, the above-named, Kevin Guilette, to me known to be the persons who executed the foregoing instrument and acknowledge the same.



Notary Public, State of Wisconsin
My Commission Expires: 01-30 - 2027

Connect Holding II LLC d/b/a Brightspeed

* Dated: _____

STATE OF WISCONSIN)
) SS.
COUNTY)

Personally, came before me on _____, 2023, the above-named BRIGHTSPEED REPRESENTATIVE NAME, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My Commission Expires: _____