

MEMORANDUM OF AGREEMENT FOR BROADBAND ENGINEERING

This Memorandum of Agreement (“MOA”) is entered into as of this 4th day of October, 2021 by and between Edgefield County (“County”) and Aiken Electric Cooperative, Inc. (“AEC”) (collectively “the Parties”) to set forth certain agreements between the Parties concerning their mutual efforts to provide broadband infrastructure and service to certain portions of Edgefield County that are currently unserved.

WHEREAS, County has received federal funds from the American Rescue Plan Act (“ARPA”), and has determined that it intends to use a portion of those funds to promote the construction of broadband infrastructure in rural portions of Edgefield County; and

WHEREAS, Section 602 of ARPA allows funds appropriated to local governments to be used to make necessary investments in broadband infrastructure and the Department of the Treasury issued guidance on May 10, 2021 indicating that ARPA funds could be used for broadband infrastructure projects designed to provide service that reliably meets or exceeds symmetrical upload and download speeds of 100 Megabits Per Second (“Mbps”) and that such projects should be directed to areas that currently do not have service at speeds of 25 Mbps download and 3 Mbps upload (“25/3 Mbps Service”); and

WHEREAS, pursuant to the provisions of the Broadband Accessibility Act of 2020 (S.C. Code Ann. §§58-9-3000 et seq.), AEC and its affiliate AEConnect have begun the construction and operation of broadband facilities in portions of South Carolina including Edgefield County; and

WHEREAS, County and AEC have identified a part of Edgefield County shown on Exhibit A to this MOU that meets the qualifications for a broadband grant under ARPA; and

WHEREAS, the part of Edgefield County identified for the potential broadband project receives electric service from Dominion Energy and the project would have to be built by attaching fiber optic cable to poles of Dominion Energy; and

WHEREAS, an engineering study is need to provide information necessary to arrive at an estimate of the cost of the project under consideration and the Parties estimate that such study will cost approximately \$350,000; and

WHEREAS, County and AEC have reached agreement on certain terms as reflected in this MOA regarding the engineering study and their plans to move forward with the project upon competition of the engineering study;

NOW THEREFORE, in consideration of the mutual promises and undertakings contained in this MOU, the Parties agree to the following:

1. AEC will be responsible for causing the necessary engineering study of the proposed project to build broadband infrastructure to serve the area shown on Exhibit A.

2. AEC and Edgefield County will share the cost of the engineering project on a 50/50 basis but the share of costs to be paid by Edgefield County will not exceed \$175,000. AEC will provide documentation necessary to demonstrate to Edgefield County the actual cost of the engineering project.

3. Upon completion of the engineering project, Edgefield County and AEC will meet and confer on how to move forward with a project to build the broadband infrastructure project considered in the study. The Parties contemplate entering into a detailed Broadband Infrastructure Agreement that will provide the terms and conditions by which the project will be funded, managed and completed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative, as of the day and year first written above.

COOPERATIVE:

Aiken Electric Cooperative, Inc.

By: _____

It's: _____

COUNTY:

Edgefield County

By: _____

It's: _____