



## FIRST PERFORMANCE PROGRESS REPORT First Quarter 2010

1. Recipient Organization ( <i>Name and complete address including zip code</i> ) OpenCape Corporation, P.O. Box 762, West Barnstable, MA 02668	2. Award Identification Number NT10BIX5570039
----------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------

### 3. Performance Narrative (Q1)

**Federal Expenditures:** OpenCape has expended \$0 federal dollars as it complies with all Special Award Conditions prior to conducting its first draw down.

**Environmental Assessment:** OpenCape submitted documentation to the National Telecommunications and Information Administration (NTIA) to support its obligation under Section 106 consultation with the State Historic Preservation Office (SHPO), and any Tribal Historic Preservation Officers who may have commented on the OpenCape project. OpenCape also completed an Endangered Species Act Section 7 Memorandum for the Record and received a letter from the U.S. Fish and Wildlife Service to complete this obligation. The OpenCape Executive Committee also approved a contract with Horsley-Witten of Sandwich, MA to perform an Environmental Assessment (EA) that is required by NTIA before federal funds will flow to OpenCape for non-Management and Administration costs. Horsley-Witten previously performed analysis and prepared a report for OpenCape's BTOP Environmental Questionnaire within its grant application.

**Network Design:** OpenCape held discussions with a variety of interested stake holders including the Woods Hole Oceanographic Institution, Marine Biologic Lab, US Geological Survey, National Marine Fisheries Service, K12 School District Technology Coordinators, Municipal IT Directors, Barnstable County, and the Commonwealth of Massachusetts to aid in the finalization of requirements, path, and laterals. Over 100 leaders and stake holders from across southeast Massachusetts joined Governor Deval Patrick, and other state and federal officials at the Rehabilitation Hospital of the Cape and Islands (RHCI) in Sandwich, MA on March 12, 2010 to kick off the planning of construction of the OpenCape network and form interest verticals. OpenCape participated in a meeting with the AFL-CIO and the International Brotherhood of Electrical Workers (IBEW) regional local to discuss labor concerns. OpenCape provided an overview of the project and answered questions for the unions.

**Rights of Way:** OpenCape has held meetings with and is negotiating a memorandum of understanding between the OpenCape Corporation and the regional power utility – NSTAR. NSTAR controls access to nearly all telephone poles and public utility rights of way in the region. NSTAR also controls an essential crossing of the Cape Cod Canal over high tension towers. OpenCape has held meetings and toured facilities with the Army Corps of Engineers to assess and gain access to horizontal drilling and bridge crossings of the Cape Cod Canal.

**Other (Contracts):** OpenCape has engaged in a great deal of legal, contractual and other work to begin execution of the grant and prepare for construction. OpenCape issued request for proposals (RFP)s for banking services, human resource services, and accounting services. OpenCape established necessary accounts to administer its award on federalreporting.gov, granstonline.gov, and asap.gov, and participated in several online conference calls for instruction on using these tools and filing reports. OpenCape is also negotiating, through its law firm, a construction contract and operating contract with its private operating partner and grant vendor – RCN Metro Optical Networks. It is also negotiating a capital lease of its future regional collocation center with Barnstable County, and a contract with the Commonwealth of Massachusetts regarding its match contribution.

### 4. Performance Projections (Q2)

**Federal Expenditures:** OpenCape anticipates its first draw down of federal funds will occur in June, 2010 and the total 2<sup>nd</sup> Quarter drawdown is estimated at \$2 million.

**Environmental Assessment:** OpenCape will submit its draft Environmental Assessment and respond to any inquiries.

**Network Design:** OpenCape will continue to meet with stake holders to aid in the finalization of requirements, design, path, and laterals, integrate the environmental assessment analysis, and begin evaluating the path in greater detail by visual inspection to ensure the best possible final path is developed.

**Rights of Way:** OpenCape will conclude a memorandum of understanding with NSTAR, the regional electric utility, and begin technical discussions between NSTAR and OpenCape's private partner – RCN Metro Optical Networks. OpenCape will begin formal

negotiations with the Army Corps of Engineers and apply for crossing rights. Discussions will begin with two additional power utilities through which territory OpenCape will pass. Prepare microwave applications and begin tower access negotiations.

Construction Permits And Other Approvals: OpenCape will select a Construction Manager for renovation of the future OpenCape Regional Collocation Center (ORCC) and begin design and engineering analysis. The make ready applications to connect to the utility poles will begin for the Providence, RI to Cape Cod Canal fiber leg, the Brockton to Cape Cod Canal fiber leg, and Ring 1.

Other (Contracts): Conclude contracts for banking services, human resource services, accounting services, and construction management services, and begin the hiring process for OpenCape personnel. Conclude the Construction and Operation contracts with the private operating partner – RCN Metro Optical Networks. Conclude the capital lease contract for the future regional collocation center with Barnstable County, and the contract with the Commonwealth of Massachusetts regarding its match contribution.

**5. Certification: I certify to the best of my knowledge and belief that this report is correct and complete for performance of activities for the purposes set forth in the award documents.**

5a. Typed or Printed Name and Title of Authorized Certifying Official	5c. Telephone ( <i>area code, number and extension</i> )
Daniel Gallagher	508-367-9884
	5d. Email Address
	info@opencape.com
5b. Signature of Authorized Certifying Official	5e. Date Report Submitted ( <i>Month, Day, Year</i> )
	<b>April 30, 2010</b>

According to the Paperwork Reduction Act, as amended, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour and 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Anthony G. Wilhelm, Director, Broadband Technology Opportunities Program, Office of Telecommunications and Information Applications, National Telecommunications and Information Administration, U.S. Department of Commerce (DOC), 1401 Constitution Avenue, N.W., HCHB, Room 4887, Washington, D.C. 20230.