



Broadband Technology Opportunities Program (BTOP)

Uniform Commercial Code (UCC) Documentation Renewal Process

Most recipients that filed UCC documentation to record the Federal interest in BTOP-funded property will be required to file renewals of that documentation. Typically, states require that UCCs be renewed every 5 years; as such, recipients that have recorded UCC documentation for property with a BTOP useful life of more than 5 years will need to file a renewal of that documentation. The purpose of this document is to assist recipients in understanding their obligations under the BTOP grant award regarding the UCC renewal process. It is the responsibility of the recipient and subrecipients to verify that all UCC filings are correct and adequate under State or local law; neither the Commerce Department's Grants Office nor NTIA can pass on the legal or procedural sufficiency of any filing.

UCC Renewal Process Considerations

I. Does any filed UCC documentation need to be renewed?

Question	Explanation/Instruction	Status		
		Yes	No	N/A
Does the filed UCC include property that has a useful life of greater than five years?	Per the BTOP useful life schedule, only a few types of property have a useful life of five years, therefore, most equipment filings should require renewal.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do the items in question have a current per unit fair market value greater than \$5,000?	Per the Uniform Administrative Requirements, items with a per unit fair market value of less than \$5,000 may be retained by the grant recipient with no further obligation to the Federal government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did you engage in a thorough and reasonable fair market value determination?	This can be conducted in any number of ways, but if it is decided that the equipment no longer satisfies the necessary fair market value, NTIA may ask for a certification or other documentation to substantiate that determination.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the Federal Interest still maintained in the property covered by the applicable UCC documentation?	If BTOP recipients have executed an approved asset sale, and the Federal share was repaid, then there may no longer be a Federal Interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the answer to all of the above questions is "Yes," then you will need to renew your UCC documentation.				





II. Considerations for Documentation Renewal

Question	Explanation/Instruction	Status		
		Yes	No	N/A
Are all of the existing parties included in the original UCC documentation the same?	NTIA should remain the secured party throughout the useful life of the equipment; however, a corporate name change on the part of the recipient may necessitate a change of the debtor name on renewed UCC documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the relevant UCC schedules need to be updated?	Recipients may be able to maintain existing documentation, but changes to asset tag numbers, equipment locations, etc., may result in necessary changes for the renewal documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will this be the final renewal necessary?	For most recipients with only networking equipment, only one renewal will be needed. For recipients with assets that have a 20 year useful life (e.g., outside plant or towers and poles), multiple renewals will be necessary. Understanding this may help with future planning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional Resources

For additional guidance, please refer to the following:

- Round One NOFA, § IX.C, 74 Fed. Reg. 33104, 33123 (July 9, 2009), available at http://www.ntia.doc.gov/files/ntia/publications/fr_bbnofa_090709.pdf.
- Round Two NOFA, § IX.C, 75 Fed. Reg. 3792, 3810 (Jan. 22, 2010), available at http://www.ntia.doc.gov/files/ntia/publications/fr_btopnofa_100115_0.pdf.
- Department of Commerce Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit and Commercial Organizations, 15 CFR §§ 14.32, 14.34-37, http://www2.ntia.doc.gov/files/award_docs/15cfr14.pdf.
- Department of Commerce Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 15 CFR §§ 24.31-34, http://www2.ntia.doc.gov/files/award_docs/15cfr24.pdf.
- BTOP Useful Life Schedule, available at http://www2.ntia.doc.gov/files/fact_sheet_useful_life_schedule_082510_v1.pdf.
- BTOP Federal Interest Documentation Requirements Fact Sheet, available at: http://www2.ntia.doc.gov/files/fact_sheet_federal_interest_082510_v2_1.pdf

