

Broadband Equity, Access, and Deployment (BEAD)

Challenge Process Webinar



Department of
Development

BroadbandOhio

INNOVATE  **Ohio**



Disclaimer

This webinar is being recorded

All questions and answers will be included in the FAQ document, and will be posted on BroadbandOhio's website



Today's agenda

- 01 Overview of the BEAD program
- 02 Goal of the BEAD Challenge Process
- 03 Timeline of the BEAD Challenge Process
- 04 Overview of BroadbandOhio's challenge portal
- 05 How you can participate in the process
- 06 Q&A

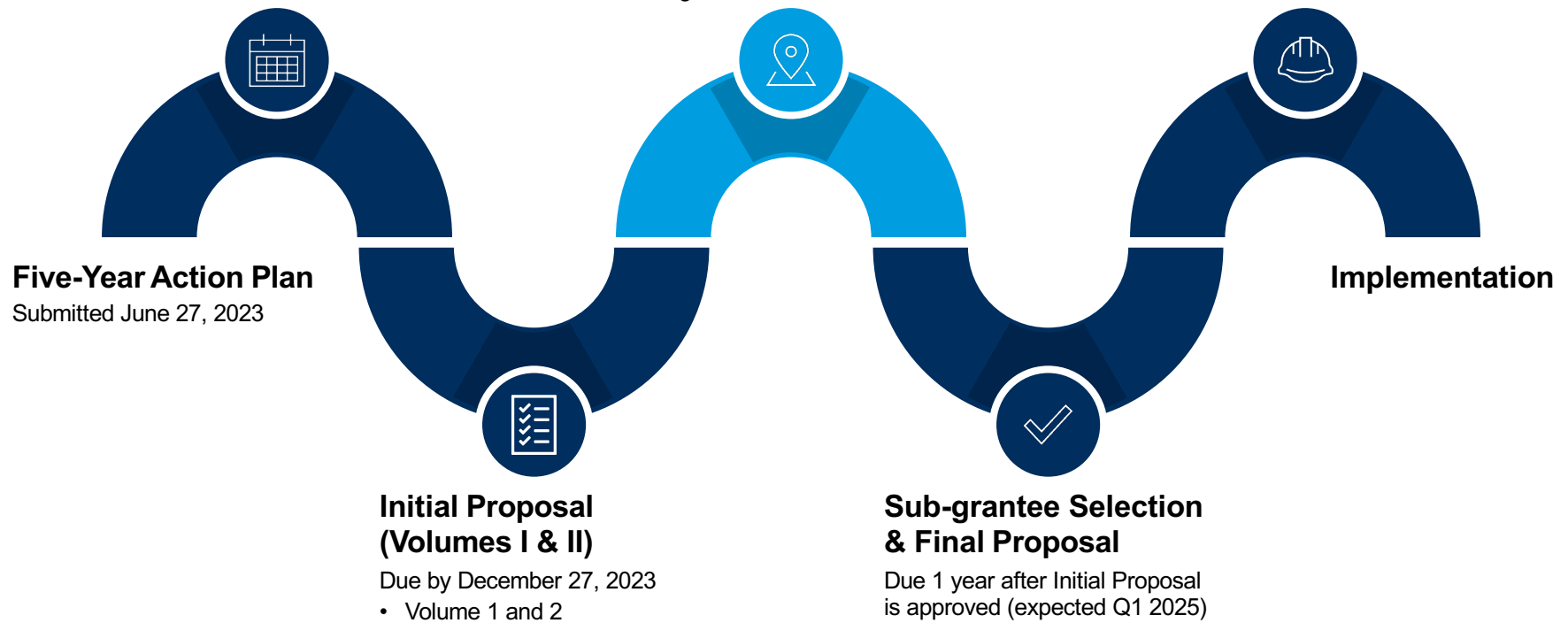
Overview of the BEAD program and key milestones

(Focus of discussion today)

Challenge Process

Early 2024

To finalize the map that will be used for subgrantee selection





Goal of the Challenge Process

Finalize the map of the addresses that will be served as a result of Ohio's BEAD subgrantee selection

Overview of the Ohio BEAD Challenge Process

December 19, 2023

Early 2024



☰ 1. Publication of eligible locations

What's in the map?

Baseline from FCC National Broadband Map

- BSLs from FCC Fabric, December 31, 2022 (Version 2)
- BSL service availability as of August 16, 2023

Pre-challenge modifications

- All DSL marked as unserved or underserved
- FW-only locations moved from served to underserved based on speed testing data

BSLs currently funded through federal and state programs identified, including

- Rural Digital Opportunity Fund
- Connect America Fund II
- USDA ReConnect
- Ohio Residential Broadband Expansion Grant

Access method

The map will be published in the portal, accessible via the [BroadbandOhio website](https://broadband.ohio.gov) for local government, providers, and non-profit organizations



≡ 2. Challenge phase

Overview of activities

1. Registered challengers submit challenges
2. BroadbandOhio reviews challenges on a rolling basis

 Description of challenge types and evidence to follow

Eligible challengers

The following organizations are eligible to participate in the Challenge Phase

- Local government units
- Broadband service providers
- Non-profit organizations

Access method

The map will be published in the portal, accessible via the [BroadbandOhio website](https://broadband.ohio.gov) for local government, providers, and non-profit organizations



Eligible challengers can get a Free Fabric license from **CostQuest** for participating in the BEAD Challenge Process

For more information, review this [NTIA FAQ](#) and reach out to **CostQuest** directly and request a license for Version 2 of the Fabric



IFAsupport@costquest.com



[NTIA Licensing FAQ v4.pdf](#)



2. Challenge phase deep dive: eligible challenges

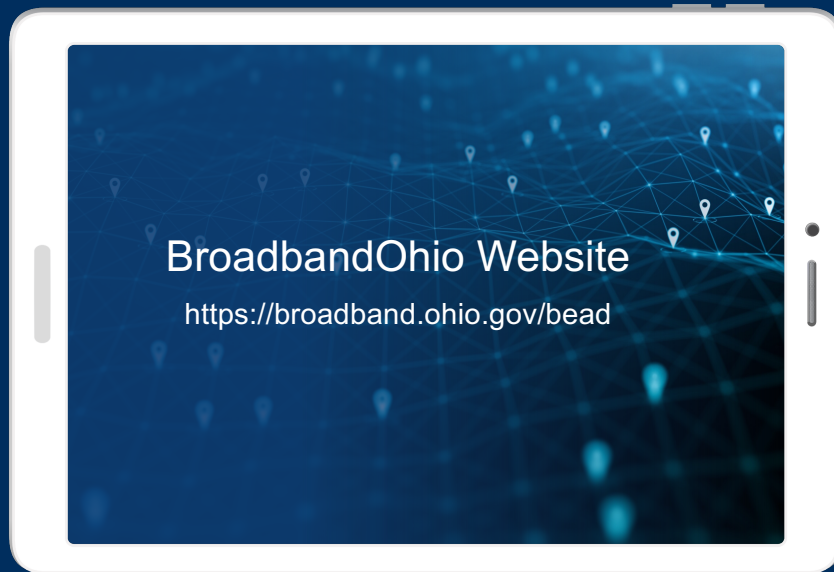
- **Challenge types for BSLs**, determined by whether there is BEAD-eligible service based on availability, speed, latency, data cap, technology, business service-only availability
- **Challenge types for CAIs**, determined by whether the identified eligible CAI is served
- **Existence of enforceable commitments and/or planned service** for given BSL that should be considered to mark BSL as served
- **Identification of eligible CAIs**, defined by BroadbandOhio (e.g., whether a given organization should be considered an eligible CAI)

Additional ways to help

1. Notify the public
2. Send residents to the BroadbandOhio website
3. Contact local leaders and non-profits who can submit a challenge on your behalf



≡ 2. Challenge phase deep dive: challenge types



- A Availability
- B Business service only
- C Location is a CAI
- D Data cap
- E Enforceable commitment
- L Latency
- N Not part of enforceable commitment
- R Location is not a CAI
- P Planned service
- S Speed
- T Technology

≡ 2. Challenge phase deep dive: Area and MDU challenges

Overview

1. **Area challenge** is triggered if 6 or more BSLs using a particular technology and a single provider within a census block group are challenged
2. **MDU challenge** requires challenges by at least 3 units or 10% of the unit count listed in the Fabric within the same BSL, whichever is larger



For more information, please refer to the guidebook on the BroadbandOhio website

Challenges eligible for Area and MDU challenges

1. Availability (A)
2. Speed (S)
3. Latency (L)
4. Data Cap (D)
5. Technology (T)



≡ 3. Rebuttal phase

Overview of activities

- Identify and notify the eligible rebutters of the challenges
- Receive rebuttals and relevant evidence

Eligible rebutters

The following organizations are eligible to participate in the Rebuttal Phase

- **Challenged Broadband Service Providers**
- **CAIs for**
 - ISP claiming 1Gbps symmetrical service availability
 - Government disputing CAI status of location

Access method

The map will be published in the portal, accessible via the [BroadbandOhio website](https://broadband.ohio.gov) for local government, providers, and non-profit organizations



Overview of challenge and rebuttal evidentiary requirements (1/5)

Please refer to the Challenge Process Guidebook for additional details on specific evidentiary requirements for each challenge

Challenge type / code	Description	Specific examples of permissible evidence	
		Challenge	Rebuttal
Availability (A)	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU)	<ul style="list-style-type: none"> • Screenshot of provider webpage • A service request was refused within the last 180 days (e.g., an email or letter from provider) • Lack of suitable infrastructure (e.g., no fiber on pole) • A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request¹ • A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider's standard installation charge in order to connect service at the location 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location

¹ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

Overview of challenge and rebuttal evidentiary requirements (2/5)

Please refer to the Challenge Process Guidebook for additional details on specific evidentiary requirements for each challenge

Challenge type / code	Description	Specific examples of permissible evidence	
		Challenge	Rebuttal
Speed (S)	The actual speed of the service tier falls below the unserved or underserved thresholds ¹	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system ²
Latency (L)	The round-trip latency of the broadband service exceeds 100 ms ³	Speed test by subscriber, showing the excessive latency	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements ⁴
Data Cap (D)	The only service plans marketed to consumers impose an unreasonable capacity allowance data cap”) on the Consumer ⁵	<ul style="list-style-type: none"> • Screenshot of provider webpage • Service description provided to Consumer 	<ul style="list-style-type: none"> • Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap

¹ The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved

² As described in the NOFO, a provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. See Performance 3 Measures Order, 33 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a

³ Performance Measures Order, including provisions for providers in non-contiguous areas (§21)

⁴ Ibid

⁵ An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location

Overview of challenge and rebuttal evidentiary requirements (3/5)

Please refer to the Challenge Process Guidebook for additional details on specific evidentiary requirements for each challenge

Challenge type / code	Description	Specific examples of permissible evidence	
		Challenge	Rebuttal
Technology (T)	The technology indicated for this location is incorrect	<ul style="list-style-type: none"> Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology 	<ul style="list-style-type: none"> Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided Service
Business service only (B)	The location is residential, but the service offered is marketed or available only to businesses	<ul style="list-style-type: none"> Screenshot of provider webpage 	<ul style="list-style-type: none"> Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers
Enforceable Commitment (E)	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation	<ul style="list-style-type: none"> Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above) 	<ul style="list-style-type: none"> Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern)

Overview of challenge and rebuttal evidentiary requirements (4/5)

Please refer to the Challenge Process Guidebook for additional details on specific evidentiary requirements for each challenge

Challenge type / code	Description	Specific examples of permissible evidence	
		Challenge	Rebuttal
Planned service (P)	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment	<ul style="list-style-type: none"> Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (i.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024 	<ul style="list-style-type: none"> Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance Requirements
Not part of enforceable commitment (N)	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52)	Declaration by service provider subject to the enforceable commitment	N/A

Source: BroadbandOhio BEAD Initial Proposal Volume I (<https://broadband.ohio.gov/static/2023-09-21-BEAD-Initial-Proposal-Volume-I.pdf>)

Overview of challenge and rebuttal evidentiary requirements (5/5)

Please refer to the Challenge Process Guidebook for additional details on specific evidentiary requirements for each challenge

Challenge type / code	Description	Specific examples of permissible evidence	
		Challenge	Rebuttal
Location is a CAI (C)	The location should be classified as a CAI	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation
Location is not a CAI (R)	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational

4. Final determination phase

Overview of activities

- **Review the list of challenges and rebuttals**
- **Finalize decision** regarding the relevant challenges, reaching one of two final determinations:
 - A. Sustain.** Challenger wins, classification of the BSL changes
 - B. Reject.** Challenger loses, classification of the BSL is unchanged



Please refer to the Challenge Process Guidebook for details on specific evidentiary requirements for each challenge

Access method

The map will be published in the portal, accessible via the [BroadbandOhio website](https://broadband.ohio.gov) for local government, providers, and non-profit organizations



≡ 5. Publication of final determination

Overview of activities

- Final determination to be reviewed and approved by NTIA
- Post-challenge process map will be published for at least 60 days
- Map will be used for the sub-grantee selection process

Access method

Final determinations will be posted on the [BroadbandOhio Website](https://broadband.ohio.gov)





Demonstration of the Challenge Portal

Walkthrough of the Challenge Portal and how it can be leveraged to facilitate the BEAD Challenge Process





≡ How to participate in the Challenge Process

ISPs, local government leaders, non-profits

Register for participation ahead of the Challenge Process by emailing us at:

bbohchallenge@development.ohio.gov

Please register by Early January 2024

To obtain a fabric license reach out to Costquest (IFAsupport@costquest.com)

Residents

- Visit the portal webpage to take a speed test
- Reach out to your local government or non-profit to participate

Review Challenge Process guidebook

- Process and timeline
- Evidentiary requirements

Regularly check for notifications from Challenge Portal



How can you help?



Registration



Spread the word



Bring people to the website

- Residents: speed testing, survey
- Community leaders: challenge portal



Where you can find additional information

Beyond today's materials, you can find additional resources on the [BroadbandOhio website](#).

Info on how to obtain a [CostQuest Fabric license](#).



BEAD Challenge Process Guidebook



Challenge Portal Technical Documentation



BEAD Challenge Process Fact Sheet



FAQ





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Q&A

Please post your questions on
the Microsoft Teams chat

For more information, please email us at:

bbohchallenge@development.ohio.gov



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