

Introduction to the Model BEAD Challenge Process

Preparing to participate in the Challenge Process

April 24, 2024



California Public
Utilities Commission

Welcome

Maria Ellis

Deputy Director for Broadband
Communications Division

Agenda

1. Welcome
2. BEAD Overview
3. Model NTIA BEAD Challenge Process overview
4. Challenge Phase
5. Rebuttal Phase
6. Final Determination Phase
7. Next Steps

Housekeeping

Tips for getting the most out of this webinar



Closed Captions: English closed captions are available. Select “Show captions“ on your toolbar. (Click the small arrow on the ‘Show captions’ button for more settings or to see a full transcript)

Q&A: Please add your questions via the Q&A function and answers will be added to the FAQs on the BEAD Challenge Process webpage.

Chat: Keep an eye on the chat because we will use it to send useful links to you.

NTIA BEAD overview

Joanne Hovis

CTC Energy and Technology

BEAD Overview



What to expect today

- 🎯 An overview of the **NTIA BEAD Program**
- 🎯 An overview of the **NTIA Model BEAD Challenge Process** and its components
- 🎯 Eligibility requirements and types of challenges

Note: The **CPUC's Challenge Process** still requires approval from the Commission.

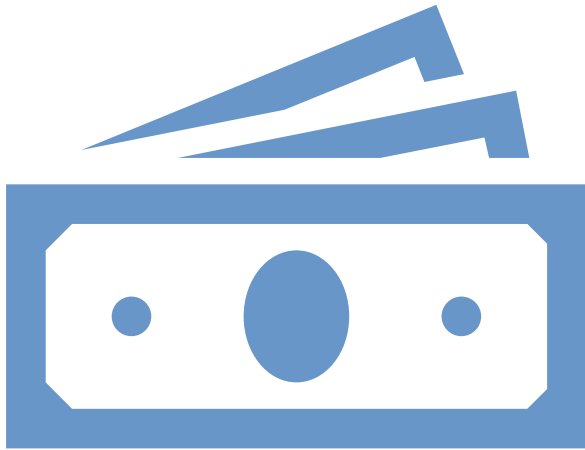
BEAD Overview



What is the BEAD Program?

- 🎯 The **Broadband Equity, Access, and Deployment (BEAD) Program** was created by the **bipartisan Infrastructure Investment and Jobs Act (IIJA)** in 2021
- 🎯 Allocates **\$42.45 billion of federal funding** to all 50 states, Washington D.C., and territories
- 🎯 Administered by the **National Telecommunications and Information Administration (NTIA)**
- 🎯 Goal of **expanding high-speed internet access** through infrastructure deployment

Funding priority



How will BEAD funding be prioritized?

- 🎯 **Unserved areas** that do not have access to internet service speeds $\geq 25/3$ Mbps are the **top priority for BEAD funding**
- 🎯 **Underserved areas** that have internet service between 25/3 Mbps and 100/20 Mbps will **receive funding after unserved areas are connected**
- 🎯 **Community anchor institutions** with internet service under 1 Gbps symmetrical will receive funding **only if all unserved and underserved locations are connected**

The BEAD Program in California

In June 2023, California was allocated \$1.86 billion in BEAD funds that will become available following completion of the federal planning and approval cycle.

The CPUC has submitted to the federal government the Five-Year Action Plan and Initial Proposal Volumes I & II.

BEAD Planning

2023

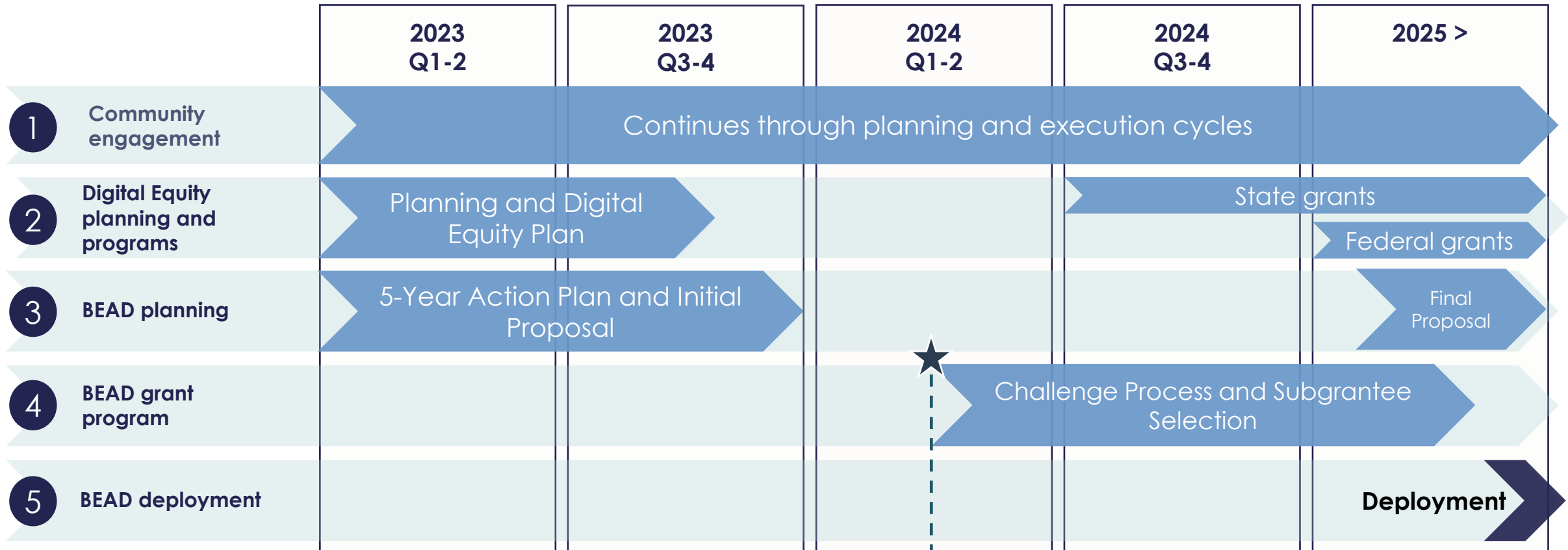
Challenge Process, followed by grant program

2024

Deployment

2025

Overall BEAD status and timeline



**We are here:
Challenge Process**

NTIA Model BEAD Challenge Process overview

Joanne Hovis and Aimee Meacham

CTC Energy and Technology

Purpose



What is the BEAD Challenge Process?

- 🎯 Will determine **locations** and **community anchor institutions** within the state that are **eligible for BEAD funding**
- 🎯 Allows entities the **opportunity to offer input on** whether **specific locations** are not accurately reported in the datasets and therefore **should be eligible for BEAD funding**

Relevance



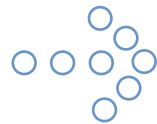
Why is the BEAD Challenge Process so important?

Allows stakeholders to challenge the existing broadband map and enables the state to submit the most **updated** and **accurate location data** for NTIA's approval.

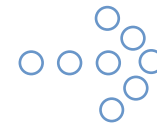
- 🎯 Helps determine which locations are **eligible for BEAD funding**
- 🎯 Necessary to achieving **the goal of the BEAD program** (providing all Americans with reliable internet service)
- 🎯 **Prevents the misrepresentation of data** regarding locations that need funding for deployment

Sequence of events

Eligible locations published for a period of no less than 7 days before challenge window



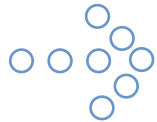
Challengers have **30 calendar days** to submit challenges



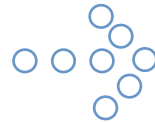
Accepted challenges enter the **“challenged state”**

Sequence of events

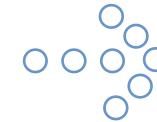
Eligible rebutters may provide **evidence** on challenged locations during **rebuttal phase**



Final determination on disputed challenges



Final list of eligible locations
(within 120 days of challenge process start)



NTIA approves **final list**

Who can submit a challenge?

Local governments



Nonprofit organizations



Tribal governments



Broadband service providers

Can individuals participate?



- 🎯 While NTIA requirements don't allow individuals to submit challenges directly, **California residents will play an important role in the challenge process** by identifying inaccuracies and working with eligible participating local governments, tribal nations, or nonprofits to challenge the maps.

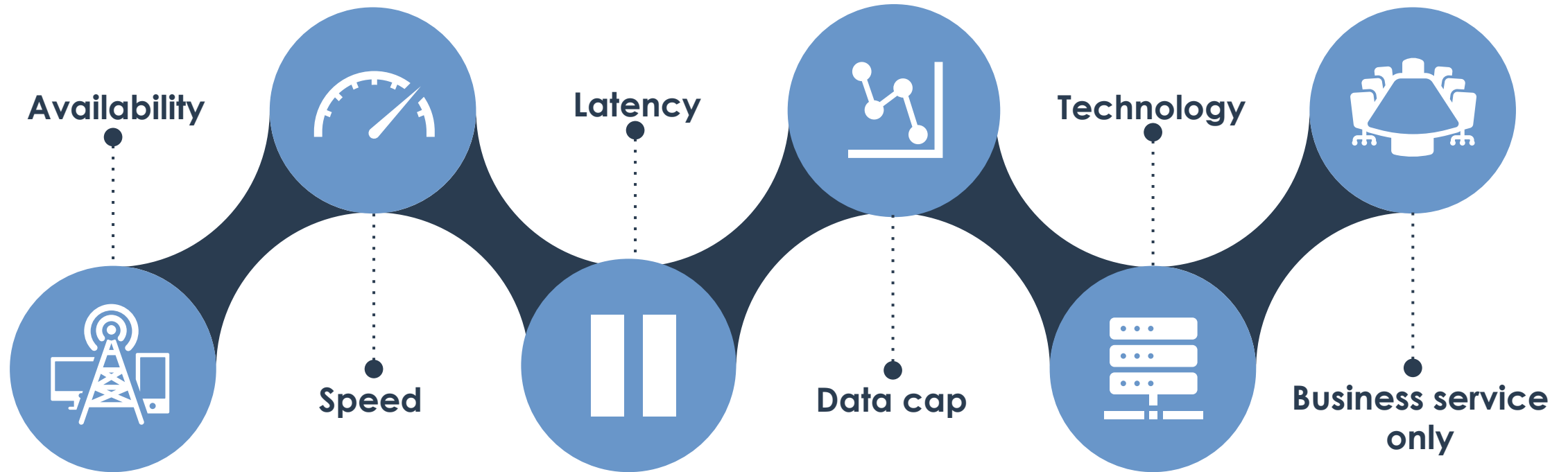
More information to come

Permissible challenges

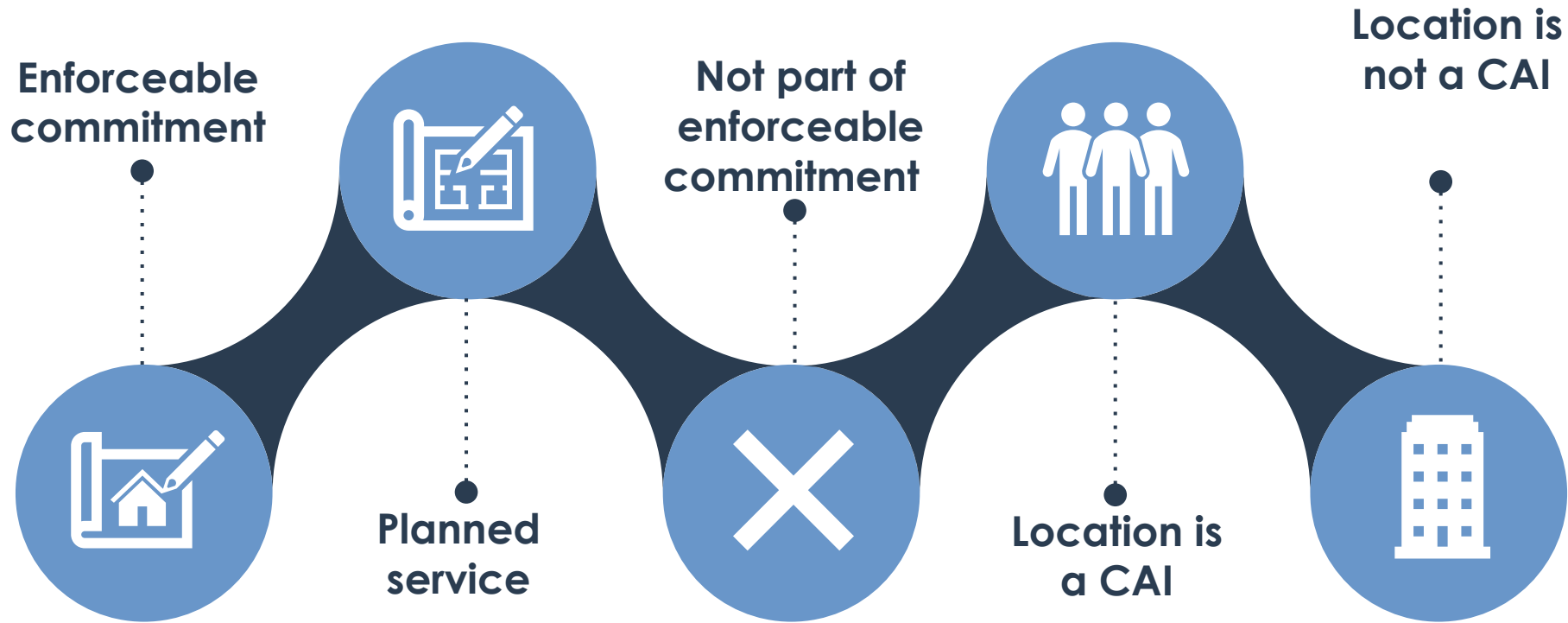


- 🎯 **Internet speeds and other specifications** for Broadband Serviceable Locations included in the FCC's National Broadband Map (to determine BEAD eligibility for those locations)
- 🎯 **Community anchor institution eligibility and identification**
- 🎯 **Enforceable commitments**
- 🎯 **Planned service**

Challenge types



Challenge types continued



Area and MDU challenges

Area and MDU challenges can apply for the following challenge types:

-  Availability
-  Speed
-  Latency
-  Data cap
-  Technology

Area and Multiple Dwelling Unit (MDU) challenges **reverse the burden of proof to the ISP** if a certain number of challenges have been submitted for an ISP serving an area or MDU.

- **Area challenges** are triggered if **six or more** broadband serviceable locations using a specific technology and reportedly served by a single ISP within a census block group are challenged.
- **MDU challenges** are triggered if challenges are submitted for one unit for MDUs with less than 15 units, two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs.

Challenge Phase

Aimee Meacham

CTC Energy and Technology

Minimum level of evidence to submit a challenge

The challenge portal will verify whether a challenge meets certain requirements:

- 🎯 **Address provided** for challenge is a **Broadband Serviceable Location** and can be **found in the Fabric** (dataset showing all locations where fixed broadband is or could be deployed)
- 🎯 Challenged service is **on the National Broadband Map** and meets the definition of **reliable broadband service** (service accessible via fiber-optic technology, cable modem/hybrid fiber-coaxial technology, digital subscriber line (DSL) technology, or terrestrial fixed wireless technology with entirely licensed spectrum or a hybrid of licensed and unlicensed spectrum)
- 🎯 **Email address** used to send challenge can be **verified and is reachable** (by sending confirmation message to email listed)
- 🎯 If **scanned images** are used, the quality must be good enough to **allow for optical character recognition (conversion of image with text into a machine-readable text format)** which will be verified by the challenge portal

Evidentiary Standards by Challenge Type

- The following slides will go over the specific types of allowable challenges and examples of acceptable evidence for BEAD challenges.
- The evidence and documentation submission is the most important part of the challenge process. If your submission does not meet the minimum level of evidence sufficient to establish a valid challenge, it will not be approved to proceed to the rebuttal phase.

Challenge type: Availability



Description

- The broadband service identified is not offered at the location, including a unit of a multi-dwelling building

Examples

- Screenshot of ISP webpage
- Service request refused within past 180 days
- Lack of suitable infrastructure
- Letter or email dated within past 365 days that ISP failed to schedule service installation or offer an installation date within 10 business days of a request
- Letter or email dated within past 365 days showing ISP requested more than the standard installation fee to connect location or that ISP quoted an amount above ISP's standard installation charge

Challenge type: Speed



Description

The actual speed of the service tier falls below the unserved or underserved thresholds

Example

Speed test from customer showing the insufficient speed and meeting the requirements for speed tests

Provide Evidence & Documentation for your Service Speed Challenge

Please submit evidence to support your challenge. The state broadband office reserves the right to request more information at any point in the challenge process. For questions that require file upload, please compress all files over 100MB in size to a .zip file. Total file upload size is capped at 500MB.

1. Speed test metadata

Please download the .csv file below and fill in the following details for each of the three speed tests taken:

- **Test method:** How the Speed Test was performed. Select from the following options:
 - Measurement from wired connection to provider gateway, ONT or fixed wireless subscriber module
 - Speed test available within the residential gateway interface
 - Speed test on providers web page
 - Speed test performed on laptop or desktop computer within immediate proximity of the residential gateway (e.g. WiFi connection in the same room as gateway)
- **Date:** Date the speed test was taken
- **Time:** Time the speed test was taken
- **IP address**
- **Download speed (in Mbps)**
- **Upload speed (in Mbps)**

[Download Speed Test CSV](#) 

* Please reupload the completed spreadsheet as a .csv file here

Click or drag file to this area to upload
Support for a single or bulk upload.

* 2. Upload files for the three speed tests taken at this location, as well as evidence of the subscription speed tier (eg. a bill).

Click or drag file to this area to upload
Support for a single or bulk upload.

* 3. Input the median download speed across the provided speed tests in Mbps

* 4. Input the median upload speed across the provided speed tests in Mbps

* 5. Please provide the customer's name

* 6. By submitting this challenge, I hereby grant access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

Challenge type: Speed



NTIA Speed Test Requirements

- Must conduct **three speed tests on three different days** (none older than 60 days before Challenge Phase begins)
- Can be in the form of:
 - A **reading of physical line speed** from residential gateway
 - A **speed test from residential gateway web interface or ISP's web page**
 - A **speed test performed on personal computer** within immediate proximity of residential gateway **using NTIA-approved speed test application**
 - Approved applications include: Ookla, M-Lab, Cloudflare, Netflix (fast.com)
- Must include **name, time, date, IP address, street address**, certification of **speed tier subscription**
- Must subscribe to at least 100/20 Mbps, but it is best to be subscriber of highest-speed plan

Challenge type: Latency

Description

- Round-trip latency of broadband service exceeds 100 milliseconds

Example

- Speed test from customer showing excessive latency



Challenge type: Data cap

Description

- The only service plans marketed to consumers impose an unreasonable capacity allowance

Examples

- Screenshot of ISP webpage
- Service description provided to customer



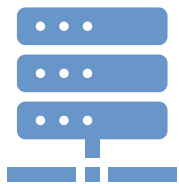
Challenge type: Technology

Description

- The technology indicated for the location is incorrect

Example

- Manufacturer and model number of residential gateway (customer premises equipment) showing the service is delivered via a specific technology



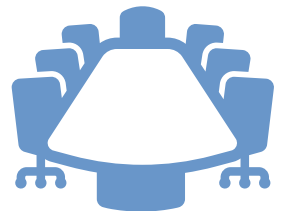
Challenge type: Business service only

Description

- The location is residential, but service offered is marketed or only available to businesses

Example

- Screenshot of provider webpage



Challenge type: Enforceable commitment



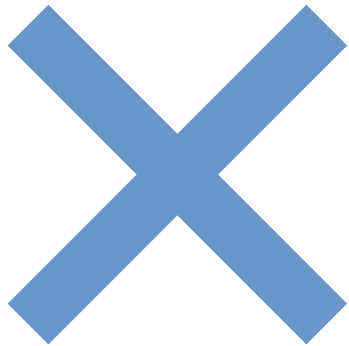
Description

- All known state, local, and federal enforceable commitments identified as part of the State deduplication process
- Challenges received by the State whereby challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation

Examples

- Enforceable commitment by service provider (i.e., authorization letter)
- For **Tribal Lands**, challenger **must** submit a legally binding agreement between the relevant Tribal Government and ISP for the location(s) at issue

Challenge type: Not part of enforceable commitment



Description

- Location is in an area that is subject to an enforceable commitment to less than 100% of locations; this location is not covered

Example

- Declaration by ISP subject to the enforceable commitment

Challenge type: Planned Service



Description

- The challenger has knowledge that broadband will be deployed at location by June 30, 2024 without an enforcement commitment or beyond an enforceable commitment

Example

- Construction contracts or similar evidence of ongoing deployment, including evidence of permits
- Contracts or similar binding agreement between State and provider that planned service will meet BEAD requirements and deployment completed by June 30, 2024

Challenge type: Community anchor institutions (CAI)

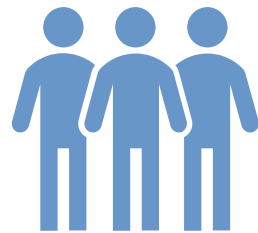
Location is a CAI

Description

- The location should be classified as a CAI

Example

- Evidence that the location falls within the definitions of CAIs set by the State



Location is not a CAI

Description

- The location is currently labeled as a CAI but is a residence, non-CAI business or is no longer in operation

Example

- Evidence that the location does not fall within the definitions of CAIs set by the State or is no longer in operation



Challenge type: Community anchor institutions (CAI)

Qualifying broadband available

Description

- The CAI can obtain qualifying broadband

Example

- Evidence that the CAI can acquire symmetric gigabit service



Qualifying broadband unavailable

Description

- The CAI cannot obtain qualifying broadband

Example

- Evidence that the CAI has tried to acquire qualifying broadband but has been unsuccessful



It's time for a break

Grab some coffee, we'll be back in 5 minutes



California Public
Utilities Commission

Rebuttal Phase

Aimee Meacham

CTC Energy and Technology

Who can rebut a challenge



- 🎯 **Broadband service providers** are the only entities that can rebut or concede challenges related to reclassification of their service locations (e.g., a speed or availability challenge to their service)
- 🎯 **All eligible challengers** may rebut certain challenges: these include planned service challenges and enforceable commitment challenges
- 🎯 **The relevant community anchor institution** may rebut challenges regarding its CAI status or service levels

Rebuttal options for broadband service providers

1

Rebut

Providers have **30 calendar days** from notification to submit rebuttal **with evidence**, at which point, the location enters the **“disputed” state**.

2

Leave unrebutted

If challenge satisfies minimum evidentiary standards and the **provider does not submit a rebuttal**, the location enters the **“sustained” state**.

3

Concede

If a **service provider indicates agreement** with a challenge, the location enters the **“sustained” state**.

Permissible rebuttal: Availability



Description of Challenge

- The broadband service identified is not offered at the location, including a unit of an MDU

Examples of Rebuttal

- ISP shows that the location subscribes or has subscribed within the past 12 months
- If evidence was a screenshot and believed to be in error, a screenshot demonstrating service availability
- Evidence that service is now available as a standard installation

Permissible rebuttal: Speed



Description of Challenge

- The actual speed of the service tier falls below the unserved or underserved thresholds

Example of Rebuttal

- Countervailing speed test evidence showing sufficient speed from provider's own network management system

Permissible rebuttals continued

Latency

Description of Challenge

- Round-trip latency of broadband service exceeds 100 milliseconds

Example of Rebuttal

- Countervailing speed test evidence showing latency at or below 100 milliseconds



Data cap

Description of Challenge

- The only service plans marketed to consumers impose an unreasonable capacity allowance

Examples of Rebuttal

- Terms of service showing that ISP does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap



Permissible rebuttals continued

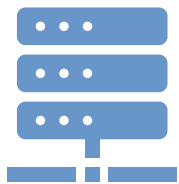
Technology

Description of Challenge

- The technology indicated for the location is incorrect

Example of Rebuttal

- Countervailing evidence from the ISP's network management system showing an appropriate residential gateway that matches the provided service



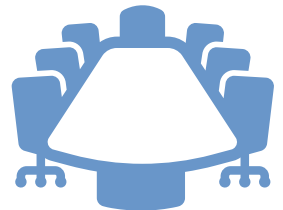
Business service only

Description of Challenge

- The location is residential, but service offered is marketed or only available to businesses

Example of Rebuttal

- Provider documentation that service listed in the Broadband Data Collection is available at the location and marketed to consumers



Permissible rebuttal:

Enforceable commitment



Description of Challenge

- All known state, local, and federal enforceable commitments identified as part of the State deduplication process
- Challenges received by the State whereby challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation

Example of Rebuttal

- Documentation that ISP has defaulted on the commitment or is otherwise unable to meet the commitment or the commitment representing only partial funding to meet service commitment and such commitment is contingent upon receiving additional funding, such as BEAD funding, to qualify as a commitment by ISP

**Permissible
rebuttal:**

**Not part of an
enforceable
commitment**



Description of Challenge

- Location is in an area that is subject to an enforceable commitment to less than 100% of locations; this location is not covered

Example of Rebuttal

- NTIA has not provided guidance on the rebuttal type

Permissible rebuttal: Planned service



Description of Challenge

- The challenger has knowledge that broadband will be deployed at location by June 30, 2024, without an enforcement commitment or beyond an enforceable commitment

Examples of Rebuttal

- Documentation showing that the provider is no longer able to meet the commitment or deployment does not meet required technology or performance standards

Permissible rebuttals: Community anchor institutions (CAI)

Location is a CAI

Description of Challenge

- The location should be classified as a CAI

Example of Rebuttal

- Evidence that the location does not fall within the definitions of CAIs set by the State or is no longer in operation



Location is not a CAI

Description of Challenge

- The location is currently labeled as a CAI but is a residence, non-CAI business or is no longer in operation

Example of Rebuttal

- Evidence that the location falls within the definitions of CAIs set by the State



Permissible rebuttals: Community anchor institutions (CAI)

CAI: Qualifying broadband available

Description of Challenge

- The CAI can obtain qualifying broadband

Example of Rebuttal

- Evidence that qualifying broadband is not available to the CAI



CAI: Qualifying broadband unavailable

Description of Challenge

- The CAI cannot obtain qualifying broadband

Example of Rebuttal

- Evidence that qualifying broadband is available to the CAI



Final Determination Phase

Aimee Meacham

CTC Energy and Technology

State and NTIA review



- 🎯 The state conducts **final review** of the challenge and rebuttal
- 🎯 Final decision is made, in which **challenge is labeled “sustained” or “rejected”**
- 🎯 Final determinations are made after the end of the Rebuttal Phase
- 🎯 Following state review and determination, NTIA will review and approve the list of eligible locations

Next Steps

Laura Sasaki

Program and Project Supervisor

BEAD Branch

Upcoming webinars

Webinars are open to all who wish to attend, and registration links will be posted on the BEAD events page.

Sessions after May 2 will focus on California's approved Challenge Process, pending the Commission's approval of Initial Proposal Volume 1 and may be rescheduled if not approved on May 9.

DATE/TIME	TOPIC
Wednesday, May 8 10:00 -11:00 am	BEAD Challenge Portal Pre-Registration, Tier D/E CostQuest Licenses, and Portal Overview
Tuesday, May 14 10:00 -11:00 am	Overview of the Model Challenge Process and the Commission-approved Challenge Process
Thursday, May 16 10:00 -11:00 am	Challenge Process for Broadband Service Providers
Tuesday, May 21 10:00 -11:00 am	Overview of the toolkit for local governments, Tribal governments, and nonprofits for accepting individual challenges (residents)
Week of May 20 Week of May 27 Week of June 3	Office Hours

Next Steps



Ways to Prepare to Participate in the Challenge Process

- Attend a webinar
- Attend office hours
- [Register for a Tier E License](#)
- Pre-register to submit a challenge
- Sign up for email updates and news

Questions?

Please contact us at:

BEAD@cpuc.ca.gov



For more information visit:

[California Broadband Equity, Access, and Deployment \(BEAD\) Program](#)

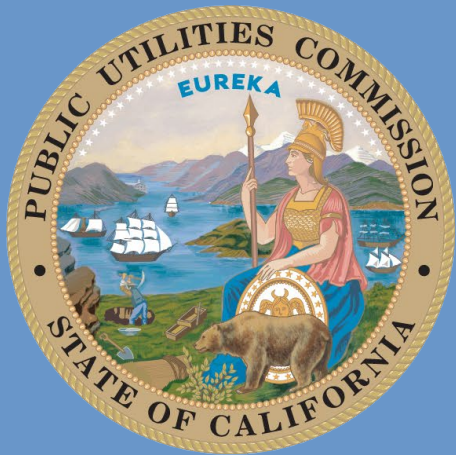
[BEAD Challenge Process](#)

- Information about the challenge process
- Sign up for updates
- [Events](#)



Thank you!

We appreciate your attendance and your questions.
We hope to see you at future webinars!



California Public Utilities Commission