BEAD Challenge Process Guidebook

Department of Economic & Community Development

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Challenge Process Overview

The Challenge Process is an opportunity for local governments, nonprofits, and internet service providers (ISPs) to view the state's internet coverage and challenge ECD's determination of the internet coverage for locations. Challengers can provide evidence demonstrating that locations are unserved or underserved, which will influence where BEAD funds will be allocated.

- Unserved locations have access to service that is less than 25/3 Mbps.
- Underserved locations have access to service that is less than 100/20 Mbps, but at least 25/3 Mbps.

Questions should be directed to: *ECDBroadband@tn.gov*.

What Can Be Challenged

The broadband office is accepting challenges under the following challenge types:

- A. Availability – The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
- D. Data Cap – The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.
- T. Technology – The technology indicated for this location is incorrect.
- B. Business Service Only – The location is residential, but the service offered is marketed or available only to businesses.
- E. Enforceable Commitment – The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation. The challenger will need to provide evidence to prove the enforceable commitment.
- N. Not Part of Enforceable Commitment – 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.
- P. Planned Service – 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.

CAI Challenges include the following:

- C. This location should qualify as an eligible Community Anchor Institution (CAI) – The map does not indicate that there is a CAI at this address but the location falls within the definition of CAIs.
- R. This location is not an eligible CAI – The map indicates that this is the address of a CAI, but the location does not fall within the definitions of CAIs.

Who Can Participate in the Challenge Process

During the BEAD Challenge Process, the broadband office will only allow challenges from the following entities:

- nonprofit organizations,
- units of local governments, and
- broadband service providers.

When is the Challenge Process

The challenge process conducted by the broadband office will include four phases each spanning 25 calendar days beginning May 7, 2024. The Challenge Process as a whole will span for 75 calendar days.

1. **Publication of Eligible Locations**: Prior to beginning the Challenge Phase, the broadband office will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). This set of locations can be found here on the BEAD Challenge Process page.

2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the broadband office challenge portal. Challenges will be reviewed to ensure that the challenger provided the appropriate evidence and are therefore valid. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
   Challenge Phase Window: Challengers will have a 25-calendar day window to submit a challenge from the launch of the challenge portal. This will be from May 7, 2024 – June 1, 2024.

3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the "disputed" state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the "sustained" state.
   Rebuttal Phase Window: Challengers will have a 25-calendar day window to respond to challenges. This will begin after the Challenge phase concludes.

4. **Final Determination Phase:** During the Final Determination phase, the broadband office will make the final determination of the classification of the location, either declaring the challenge "sustained" or "rejected." Every challenge submitted to ECD will fall under one of the following dispositions:
   - Sustained (S)
   - Rejected (R)
   - Incomplete (I)
   - Provider agreed with the challenge (A)
   - Provider did not respond within the rebuttal deadline (N)
   - Challenge was not resolved because it was moot due to another successful challenge for the same location (M)

   Timeline: Following intake of challenge rebuttals, the broadband office will make a final challenge determination during the final 25-calendar day window, after the Rebuttal Phase Window has closed.

5. **Public Notice:** After this window has closed, the broadband office will publish its tentative list of all accepted challenges and maps as ECD awaits NTIA review. This will be posted publicly on TNECD's website at least 60 days prior to making award announcements.
   The following information will be posted for all submitted challenges and rebuttals before final challenge determinations are made:

   - The provider, nonprofit, or unit of local government that submitted the challenge.
   - The census block group containing the challenged broadband serviceable location,

- The provider being challenged,
- The type of challenge (e.g., availability or speed), and
- A summary of the challenge, including whether a provider submitted a rebuttal.

TNECD will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses and customer IP addresses.

How to Participate in the Challenge Process

Pre-Registration

While the Challenge Map is available for all Tennesseans to explore, only pre-registered users are able to submit challenges through the Challenge Portal. **Pre-registration is open from 4/30 – 5/28.** There is no limit on how many people can pre-register per organization, but TNECD asks that each organization designates one person to handle the submission of the challenges. This measure is to ensure that our office does not receive duplicate challenges and evidence from any institutions.

To pre-register, eligible challengers must fill out the Pre-Registration form. This form can also be located on ECD's BEAD Challenge Process page. Upon submission of the form, you will receive a confirmation email. Once your pre-registration has been approved, a link to the Challenge Portal will be shared from Gary.Jenkins@tn.gov to the email address used in the pre-registration form. Users may need to request access from this email. Please expect this email to take 1-2 business days after submitting the form.

Submitting a Challenge

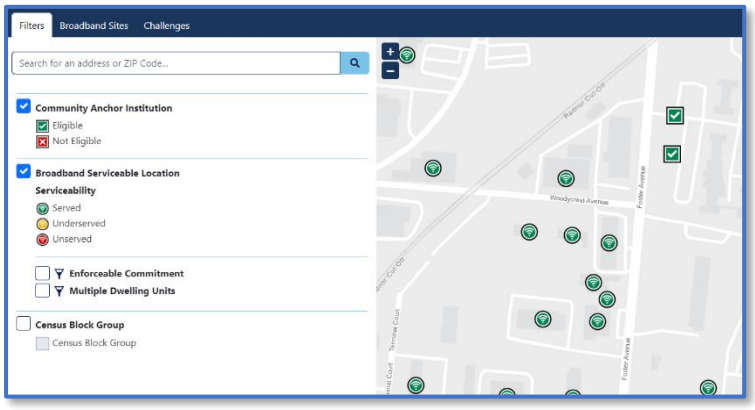
Challenges can be submitted from the map, directly from the portal, or a template can be filled out and uploaded to the portal. Submissions of challenges will only be reviewed when submitted by registered challengers with access to the Challenge Portal.

Submitting Challenges from the Map

Individual Challenge from the Map

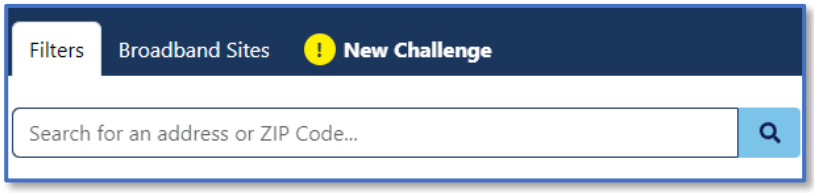
1. Find the map at this link: https://bead.connectednation.org/tennessee/

2. Users may type in the address of the location they would like to challenge on the left and select the location on the map. Once the location is selected, the address, location ID, enforceable commitment, and serviceability information will pop up. If a user is unsure about the provider or technology of the location, this information can be found by clicking the "Providers +" button. To add to challenge, click the "Add Challenge" button.



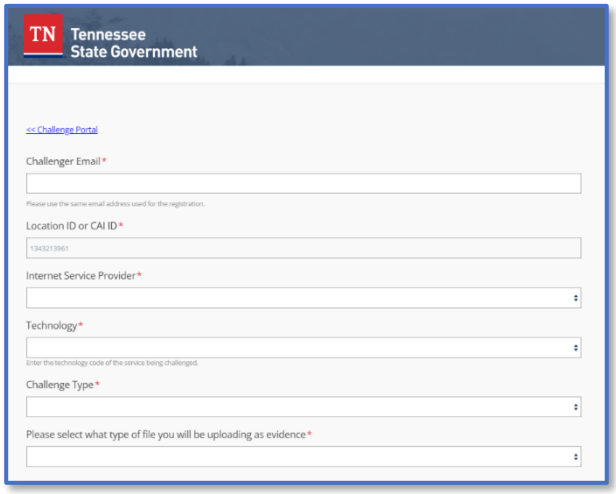
3. From here, users can either continue to add more locations by typing in another address and selecting “Add Challenge” (see “Multiple Challenges from Map” below), or a user can continue through the process to the form.

4. Users will see a yellow exclamation mark each time a new challenge is added.



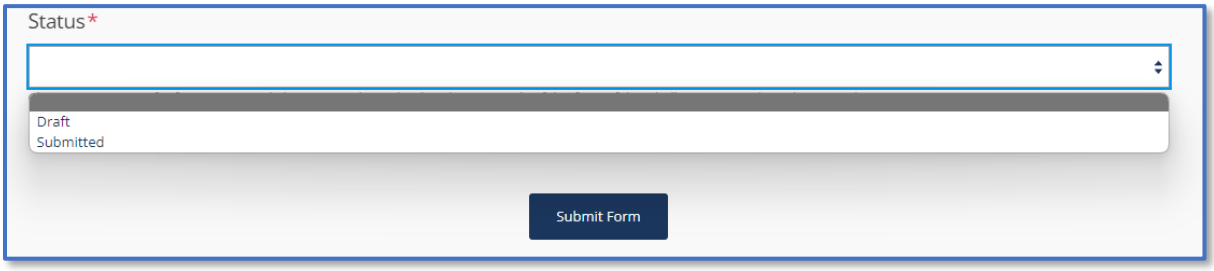
5. Users may click on “New Challenge” to review and submit challenges.

6. Users will then be directed to a form to complete the challenge. This form will have the location or CAI ID already filled out from the map, and the rest of the questions must be completed by the challenger.



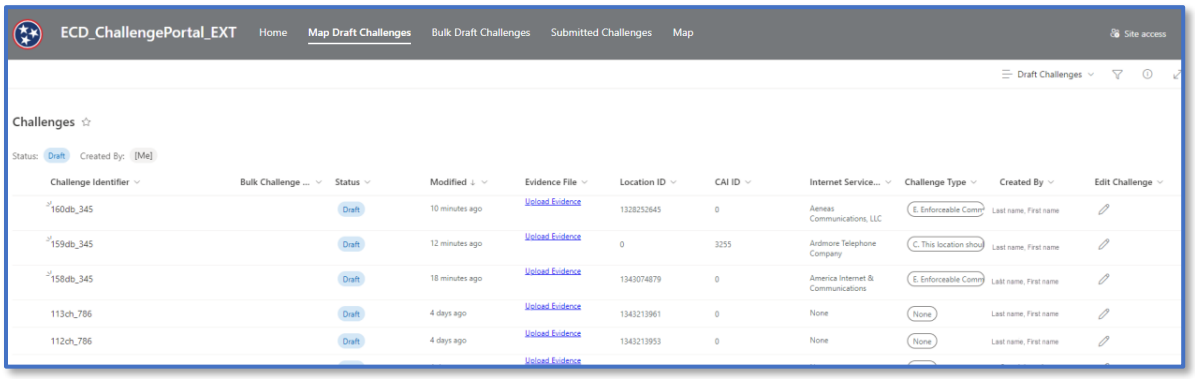
- You will want to use the same email address that was used for registration.
- If you do not know the internet service provider or the technology, please refer to the map to see the options at the selected location.
- Selecting the challenge type may prompt additional questions and a description of the acceptable evidence for the challenge will appear.
- When uploading evidence, you will see a note that the following types of evidence must be uploaded outside of this form.
    - Additional evidence
    - Files larger than 25MB
    - .KMZ, KML, Shape File folders (all inclusions - .shp, .shx, .prj), Geo JSON files, and .dbf filetypes
- If you intend to upload one of the above evidence types, you will save the challenge as Draft by selecting "Draft" from the Status field. You will have the opportunity to upload evidence once you are in the Challenge Portal.
- If your evidence type does not fall under one of the above categories, you are able to upload the evidence directly into this form.

- User will then either select “Submitted” or “Draft” and submit form. If submitted is chosen as the status, the challenge has been complete. Users will be able to view submitted challenges through a link given upon submission.



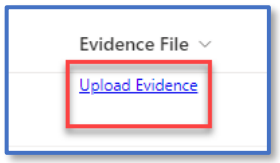
7. Once this form has been submitted, users will see two links to the portal that will either direct you to draft challenges or submitted challenges. To complete a challenge submitted as a draft, select “Visit the link to view the Draft Challenges”

8. The challenge will then be displayed in the portal on the “Map Draft Challenges” page. If you do not immediately see the challenge, please refresh. This may take up to 30 seconds. Each row in the screenshot below represents one challenge. As more challenges are added, you will see more rows appear.

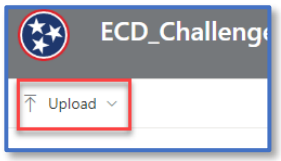


9. From this view, you may view the evidence uploaded in the form or upload additional evidence in the “Evidence File” column. To do this, complete the following steps:

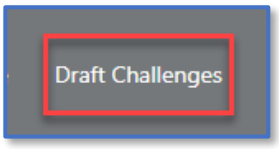
1. Select the “Upload Evidence” link in the corresponding row.



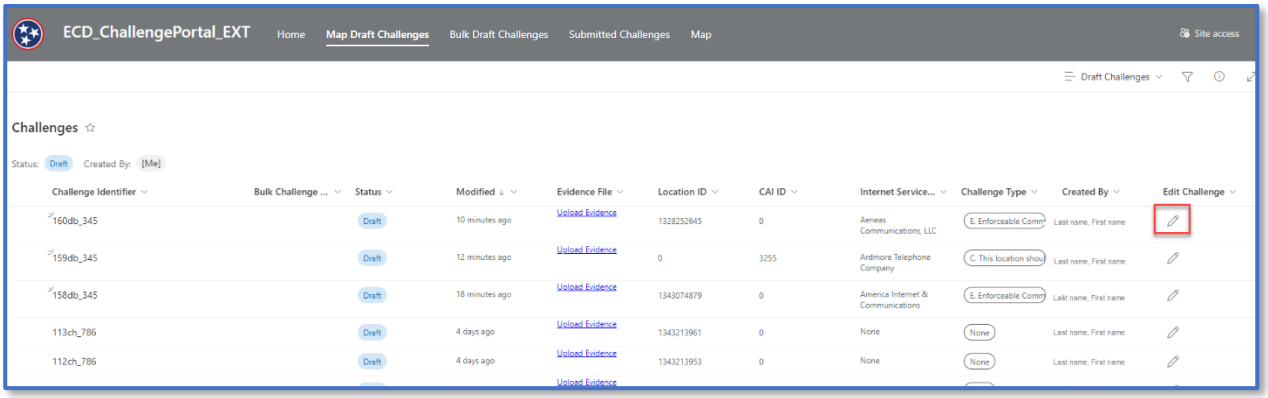
2. On the next screen, select “Upload” in the top left corner. Choose either a file or a folder to upload evidence.



3. When you are finished with this screen, click “Draft Challenges” to go back to the last page.

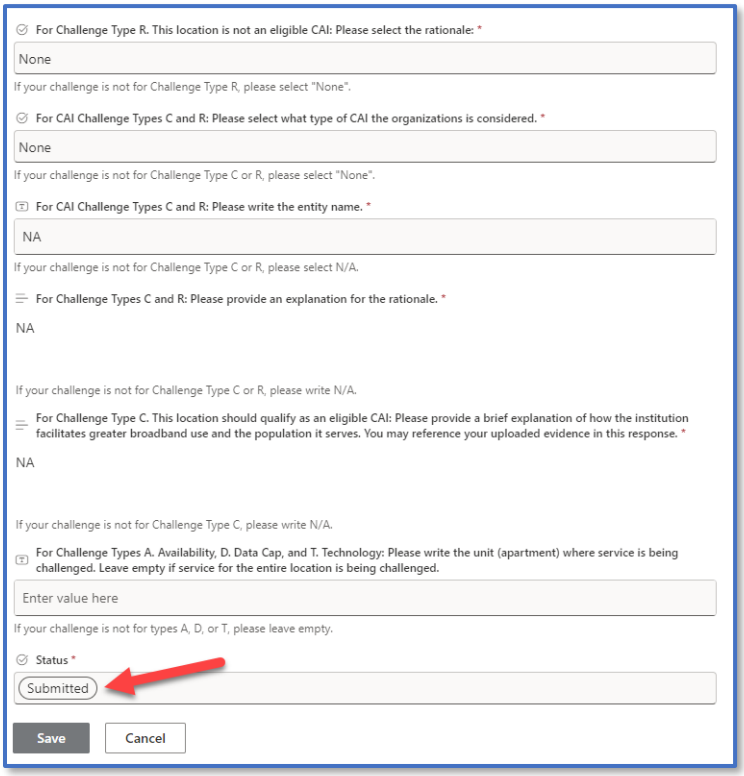


10. To edit the challenge, users can select the pencil under the “Edit Challenge” column or click on the row and select “Edit” at the top.



11. Once clicking the pencil icon, a form will appear. This form will be filled out with the answers you chose when filling out the initial form. You will notice that questions that do not apply to your challenge type are appropriately answered either “None” or “NA”. You are able to make edits to this form.

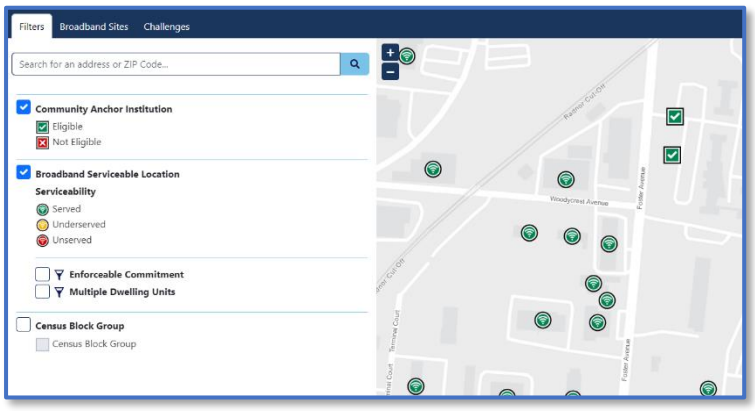
12. Once complete, change the status to “submitted” and click save. Do not submit until the form is complete and evidence has been uploaded. **Once the status is changed to submitted, your challenge will become visible to TNECD and no further edits can be made.**



Multiple Challenges from the Map

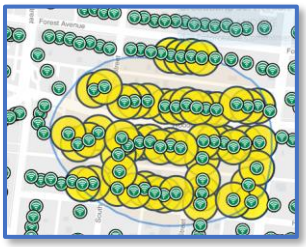
1. Find the map at this link: https://bead.connectednation.org/tennessee/

2. Users may type in the address of the location they would like to challenge on the left and select the location on the map. Once the location is selected, the address, location ID, enforceable commitment, and serviceability information will pop up. If a user is unsure about the provider or technology of the location, this information can be found by clicking the “Providers +” button. To add to challenge, click the “Add Challenge" button.

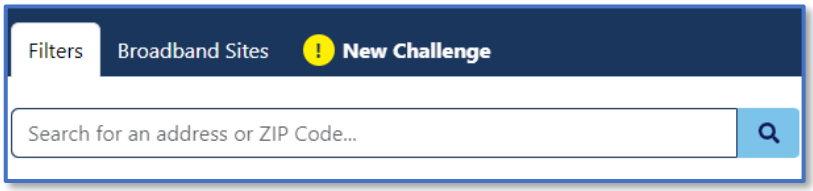


3. From here, users can add more locations by typing in another address and selecting “Add Challenge.”

4. Alternatively, users can select multiple locations using a lasso feature. To do this, complete the following steps:
    1. Click on the finger icon in the top right corner.
    2. Click down on the first location you would like to challenge and draw a circle to collect all locations.
    3. Select “Add Challenge” in the top right corner.

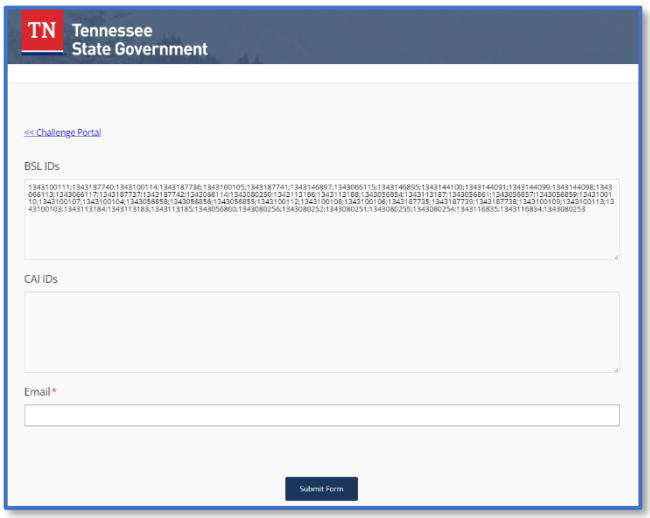


5. Users will see a yellow exclamation mark each time new challenges are added.



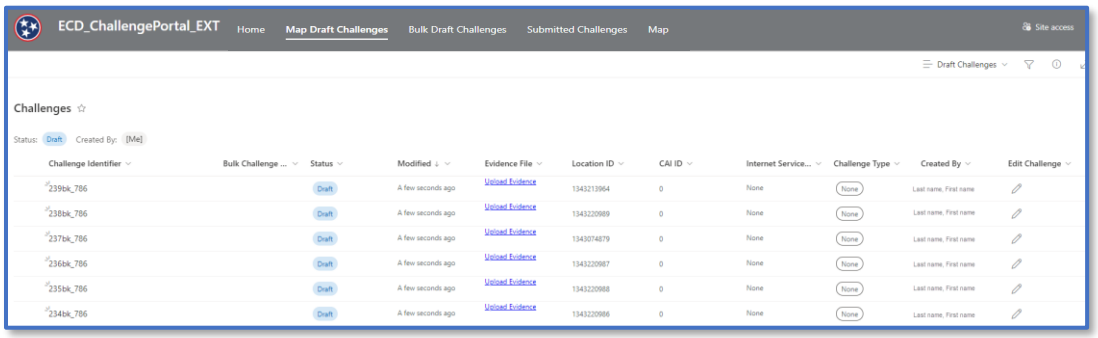
6. Users may click on “New Challenge” to review and submit challenges.

7. Users will then be directed to a form. This form will have the location or CAI IDs already filled out from the map, and users will be asked to fill in their email. You will want to use the same email address that was used for registration. Once this is complete, click the “Submit Form” button.



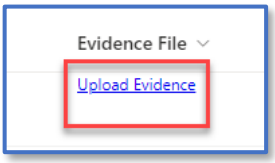
8. Once this form has been submitted, users will see a link to the portal. To complete challenges, select “Visit the link to view the Draft Challenges.” All challenges of multiple locations from the map will be saved as draft in the portal until further information is completed.

9. The challenges will then be displayed in the portal on the “Map Draft Challenges” page. If you do not immediately see the challenges, please refresh. This may take up to 1 minute. From this point on, all locations will be treated as separate challenges. Each row in the screenshot below represents one challenge.

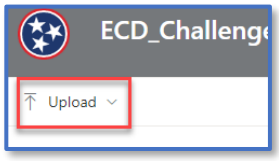


10. Each individual row will require evidence and filling out a form to be considered a valid challenge. Uploading evidence can be done in the “Evidence File” column. To do this, complete the following steps:

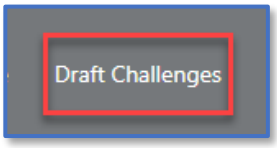
    1. Select the “Upload Evidence” link in the corresponding row.



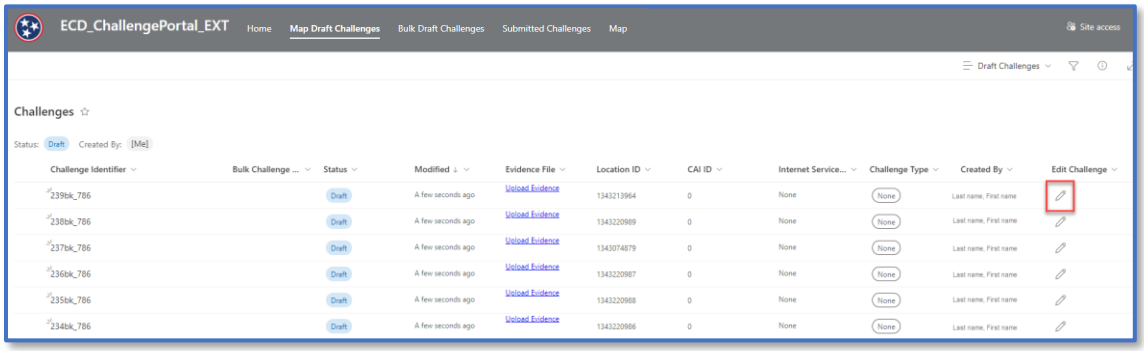
    2. On the next screen, select “Upload” in the top left corner. Choose either a file or a folder to upload evidence.



    3. When you are finished with this screen, click “Draft Challenges” to go back to the last page.

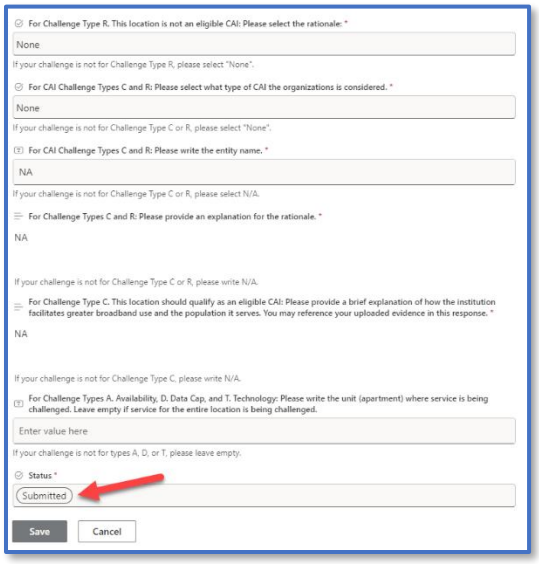


11. To complete the form, users can select the pencil under the “Edit Challenge” column or click on the row and select “Edit” at the top.



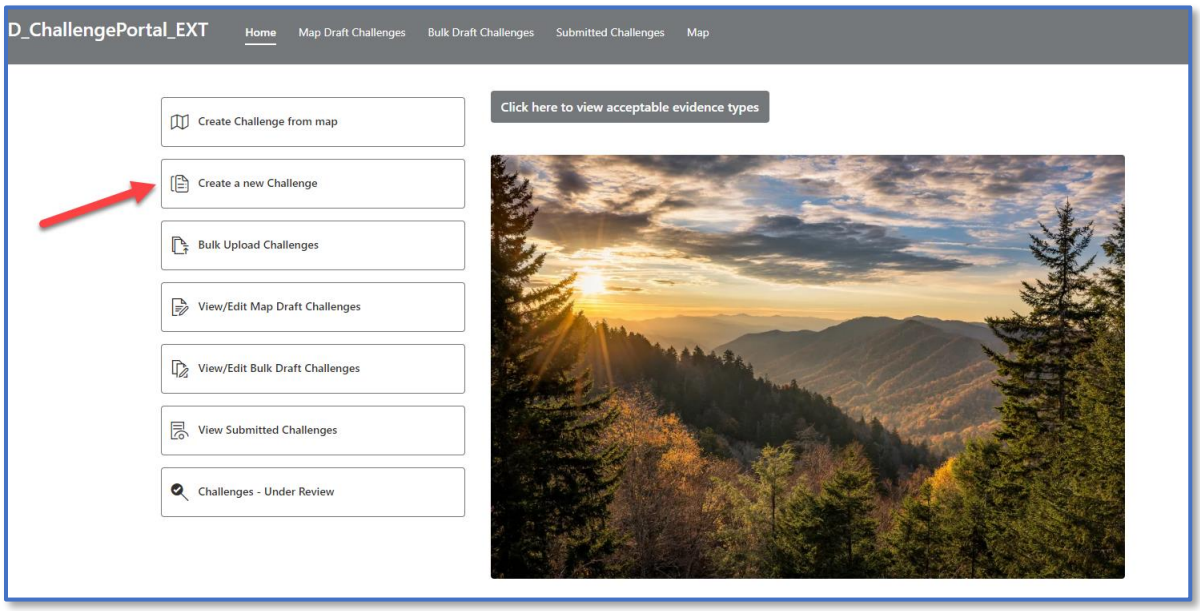
12. Once clicking the pencil icon, a form will appear for you to complete. You will notice that some questions will not apply to your challenge type. Please select either “None” or “NA” when appropriate.

13. Once complete, you can either save as draft to continue making edits or click submitted and save. Do not submit until the form is complete and evidence has been uploaded. **Once the status is changed to submitted, your challenge will become visible to TNECD and no further edits can be made.**

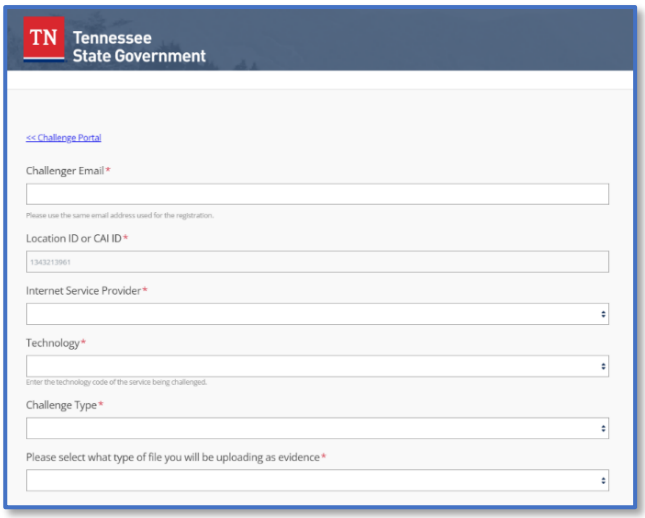


Submitting a Challenge through the Portal

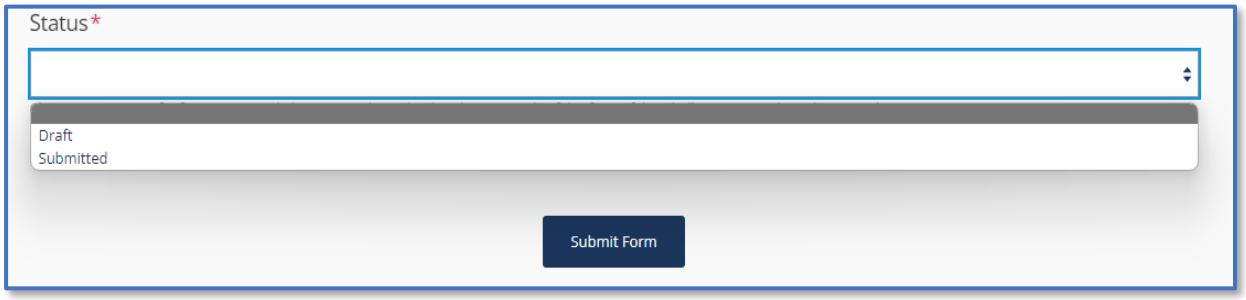
1. To create a challenge directly from the portal, you will first want to navigate to the home page. Here you will click on the option to “Create a new challenge”



2. Users will then be directed to a form to complete the challenge.
   - You will want to use the same email address that was used for registration.
   - You will need to know the location ID or CAI ID for your challenge. This can be found on the state map or in the FCC fabric data.
   - If you do not know the internet service provider or the technology, please refer to the map to see the options at the selected location.
   - Selecting the challenge type may prompt additional questions and a description of the acceptable evidence for the challenge will appear.
   - When uploading evidence, you will see a note that the following types of evidence must be uploaded outside of this form.
     - Additional evidence
     - Files larger than 25MB
     - .KMZ, KML, Shape File folders (all inclusions - .shp, .shx, .prj), Geo JSON files, and .dbf filetypes
   - If you intend to upload one of the above evidence types, you will save the challenge as Draft by selecting "Draft" from the Status field. You will have the opportunity to upload evidence once you are in the Challenge Portal.

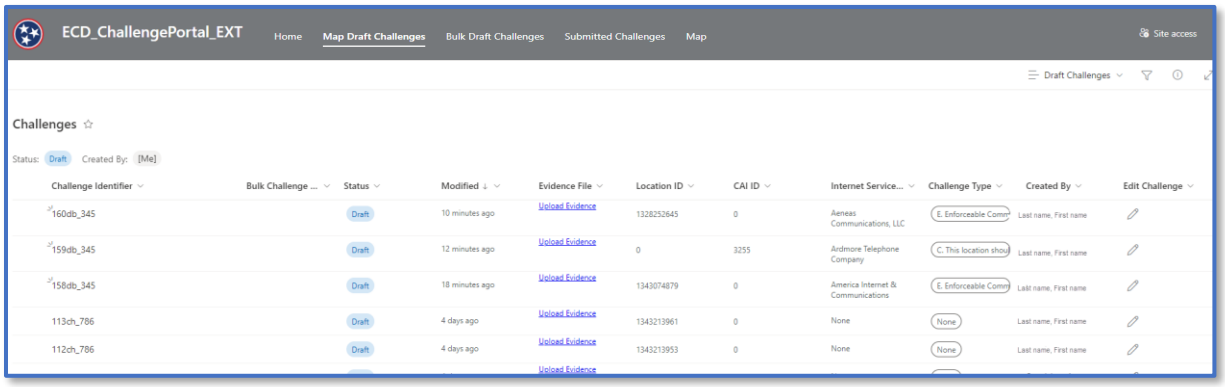


- If your evidence type does not fall under one of the above categories, you are able to upload the evidence directly into this form.
- User will then either select “Submitted” or “Draft” and submit form. If submitted is chosen as the status, the challenge has been complete. Users will be able to view submitted challenges through a link given upon submission.



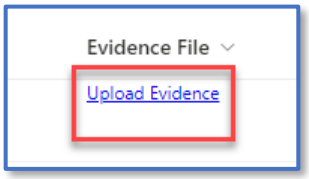
3. Once this form has been submitted, users will see two links to the portal that will either direct you to draft challenges or submitted challenges. To complete a challenge submitted as a draft, select “Visit the link to view the Draft Challenges”

4. The challenge will then be displayed in the portal on the “Map Draft Challenges” page. If you do not immediately see the challenge, please refresh. This may take up to 30 seconds. Each row in the screenshot below represents one challenge. As more challenges are added, you will see more rows appear.

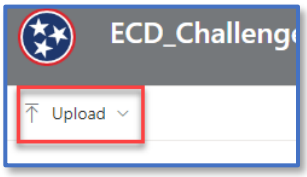


5. From this view, you may view the evidence uploaded in the form or upload additional evidence in the “Evidence File” column. To do this, complete the following steps

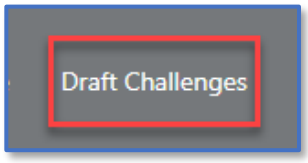
4. Select the “Upload Evidence” link in the corresponding row.



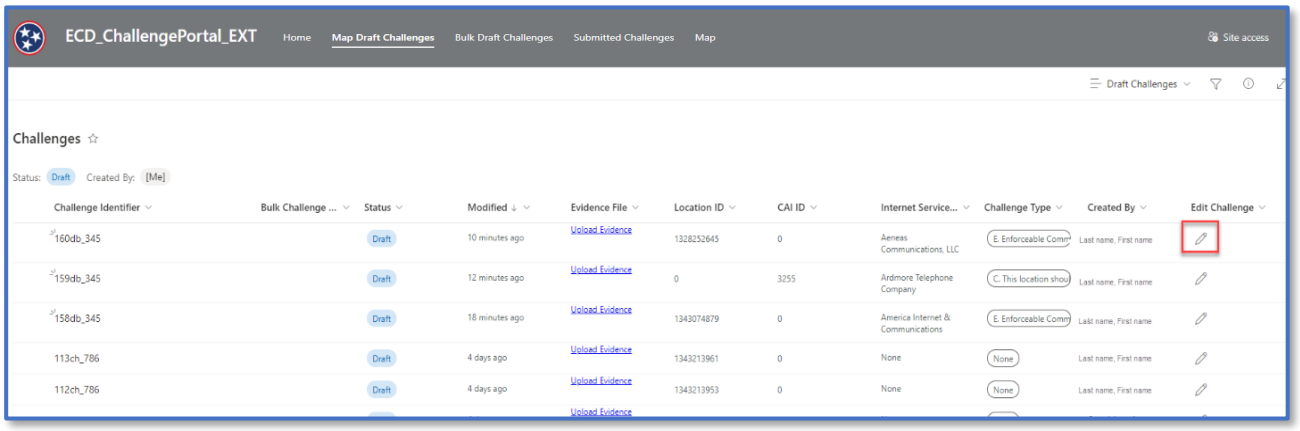
5. On the next screen, select “Upload” in the top left corner. Choose either a file or a folder to upload evidence.



6. When you are finished with this screen, click “Draft Challenges” to go back to the last page.

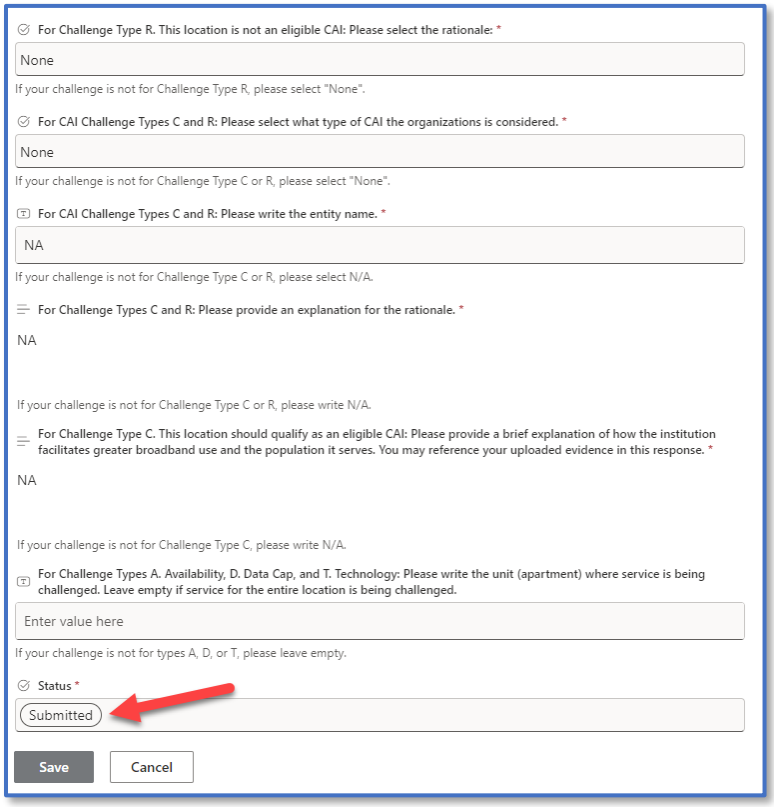


6. To edit the challenge, users can select the pencil under the “Edit Challenge” column or click on the row and select “Edit” at the top.



7. Once clicking the pencil icon, a form will appear. This form will be filled out with all of the answers you chose when filling out the initial form. You will notice that questions that do not apply to your challenge type are appropriately answered either “None” or “NA”. You are able to make edits to this form.

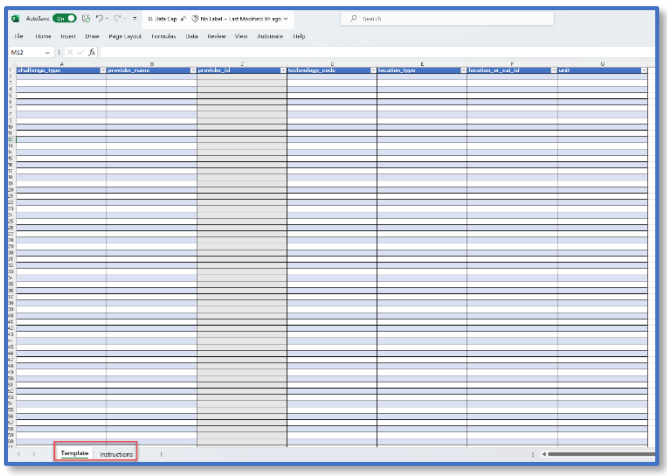
8. Once complete, change the status to “submitted” and click save. Do not submit until the form is complete and evidence has been uploaded. **Once the status is changed to submitted, your challenge will become visible to TNECD and no further edits can be made.**



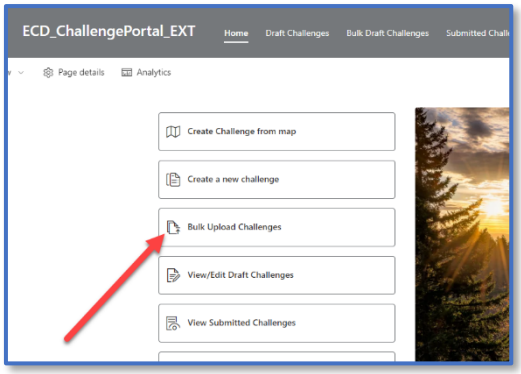
Submitting a Bulk Upload Template

Challenges can also be submitted in bulk using templates. There is a separate bulk upload template for each challenge type. Templates can be found in the portal or on ECD's BEAD Challenge Process website. Each template allows up to 250 locations to be challenged.

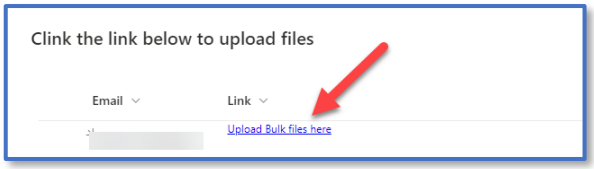
1. Users will begin by filling out the applicable template for their challenge type.
   - The first tab has a table that users must fill out and the second tab has instructions that explains what is expected for each column. All templates except C and R ask for the provider information. Users will fill out the provider name and the provider ID will automatically populate.
   - Note that you may only challenge 250 locations per bulk upload. If you need to challenge more than 250, please submit another template.



2. Once the template is complete, challengers will navigate to the portal to upload the template. Click on the "Bulk Upload Challenges" from the home page of the portal.

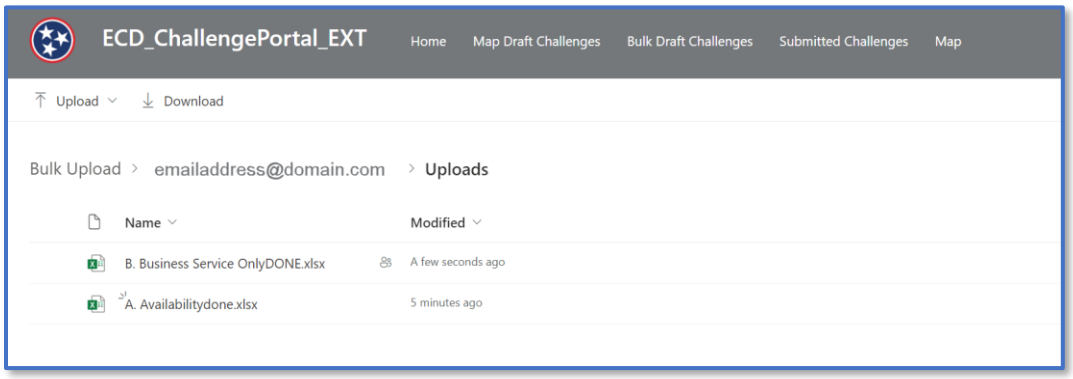


3. On the next page, upload a template by clicking "Upload Bulk files here"

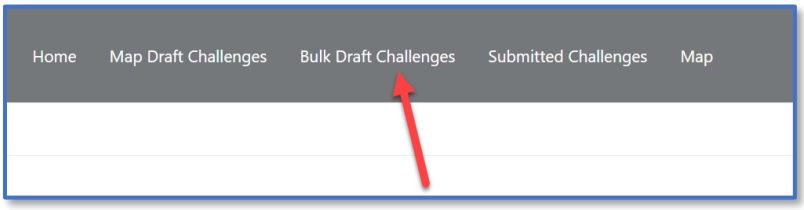


4. This will bring you to folder called "Uploads." Click on this folder to upload your bulk files. Please do not add additional folders on this page or delete this "uploads" folder. If this folder is accidentally deleted, contact ECD.Broadband@tn.gov.

5. Files will be uploaded here by selecting “Upload.” You may upload as many bulk templates as needed on this page. All challenged locations in your uploaded templates will automatically be directed to the “Bulk Draft Challenges” page of the portal. Should you decide to delete an upload on this page, those challenges will not be removed from the list in the Bulk Draft Challenges.

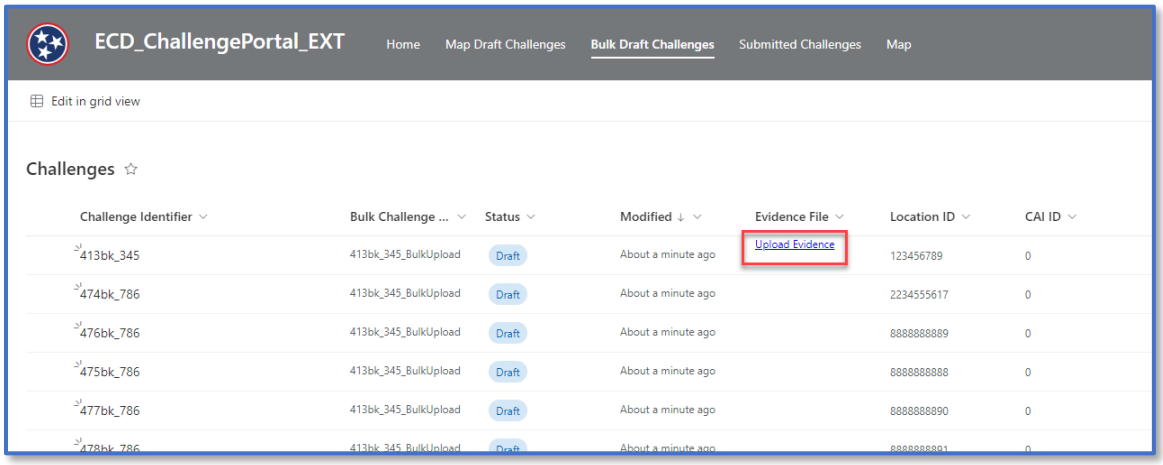


6. Once the template is uploaded, navigate to the “Bulk Draft Challenges” page to upload evidence and submit the bulk upload. Please allow time for data to appear on this screen and refresh as needed.



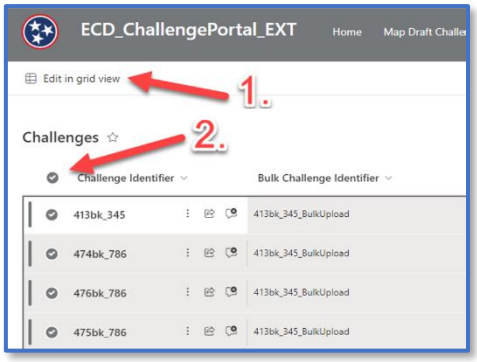
7. To upload evidence, click on the “Upload Evidence” link under the “Evidence File” column. Please ensure that your evidence applies to all locations being challenged in the template as TNECD is accepting one packet of evidence per bulk submission. Acceptable evidence can be found in

Appendix 1.



8. Once evidence is uploaded, you will want to submit. Locations can be submitted individually by row or all can be selected at once to submit.

9. To select all, click “edit in grid view” in the top left corner (1). From there, click on the circle next to “Challenge Identifier” (2). This will select all items in the bulk upload. The user may choose “edit” and submit. **You do not need to make updates to the form in this view.**



CostQuest License

Obtaining a CostQuest license is recommended for challengers submitting bulk challenges. Find additional information here: [National Broadband Serviceable Location Fabric - CostQuest]

ISPs should obtain Tier D license, which will also be necessary to apply for BEAD grants. Nonprofits and local governments should obtain a Tier E license.

Rebutting a Challenge

Registered users have 25 days to rebut accepted challenges submitted during the Challenge Phase. There are two views for rebuttals, one for all registered users and a separate view for ISPs who have been challenged against.

The page “Challenges-Rebuttal- All View” contains the following challenge types, which any registered portal user can rebut:

- C. This location should qualify as an eligible CAI
- R. This location is not an eligible CAI
- E. Enforceable Commitment
- N. Not part of an enforceable commitment
- P. Planned Service

The page “Challenges-Rebuttal- ISP View” is a private view containing the following challenge types. This page is only available for the ISP challenged against to either sustain or rebut:

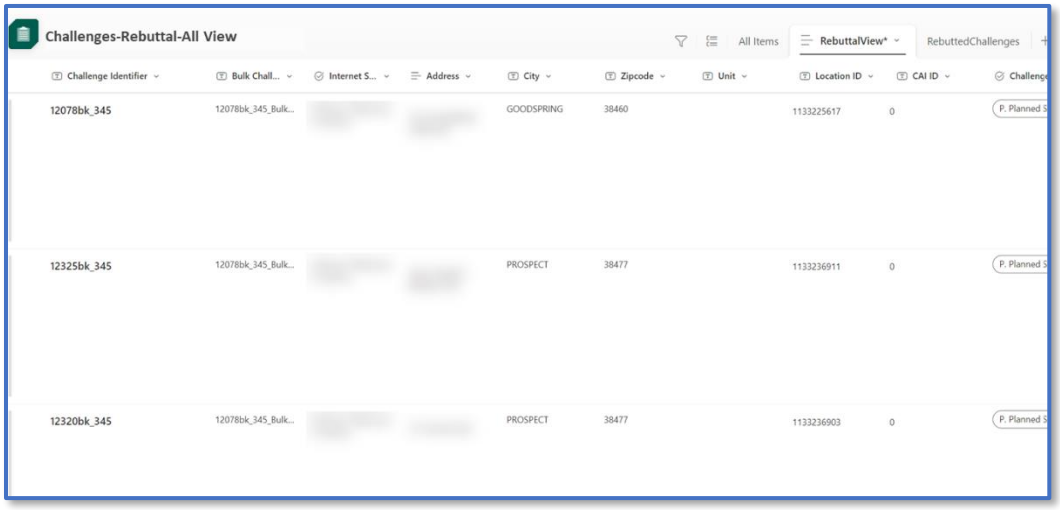
- A. Availability
- B. Business Service Only
- D. Data Cap
- T. Technology

All View

All challengers will have the opportunity to rebut Challenge Types C. This location should qualify as an eligible CAI, R. This location is not an eligible CAI, E. Enforceable Commitment, N. Not part of an enforceable commitment, and P. Planned Service.

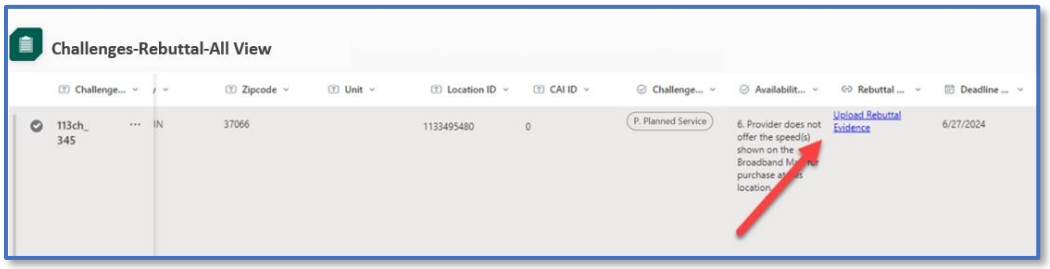
All registered users will receive an email when this view opens notifying them of the opportunity to rebut in the portal within 25 days.

When entering the Challenges-Rebuttal-All View, users will see the challenges open for all users to rebut. This will include the challenge type, the location of the challenge, notes from the review team, and the deadline to rebut. To rebut a challenge, a user must upload evidence and change the status to “rebutted.” Bulk challenges can be rebutted in bulk on this page as well.

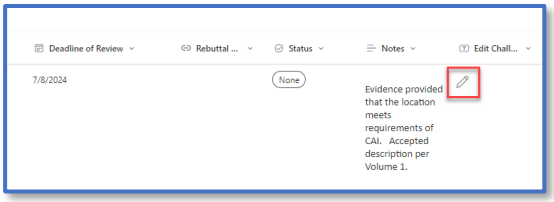


Rebutting a Challenge in the All View

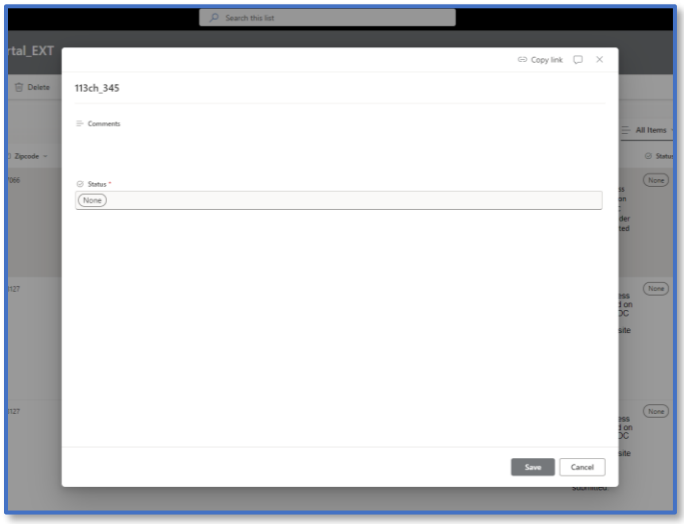
1. First, a user will scroll to the right and upload evidence by selecting “Upload Rebuttal Evidence.” There is only one opportunity to rebut each challenge, so please ensure that you are familiar with the acceptable evidence in Appendices 2 of this guidebook.



2. Once evidence is uploaded, the user will select the pencil at the end of the row under “Edit Challenge.”



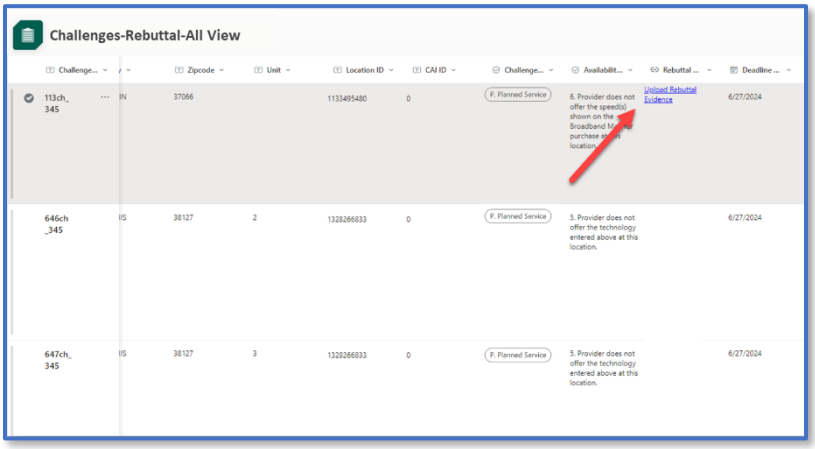
3. A form will then appear where the user may add comments (optional) and change the status to “Rebutted.”



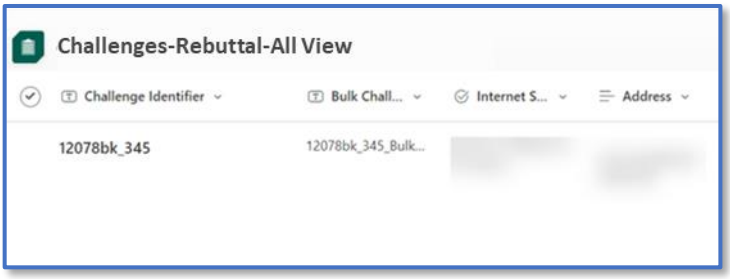
4. Once the user changes the status and selects “save” the rebuttal will become visible to ECD to review. All submissions are final. Submitted rebuttals can be viewed on the “View Rebutted Challenges – All” page.

Rebutting a Bulk Challenge in the All View

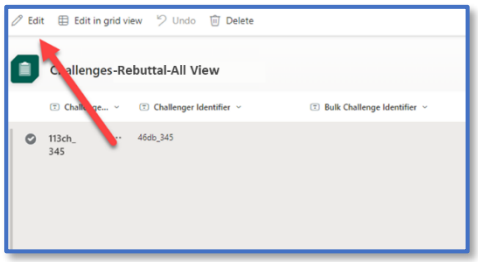
1. To rebut bulk challenges, users will upload evidence in the top row by selecting the link “Upload Rebuttal Evidence.” Ensure that the evidence applies to all locations in the bulk challenge as TNECD is accepting one packet of evidence per bulk submission. There is only one opportunity to rebut each bulk challenge, so please ensure that you are familiar with the acceptable evidence in Appendices 2 of this guidebook.



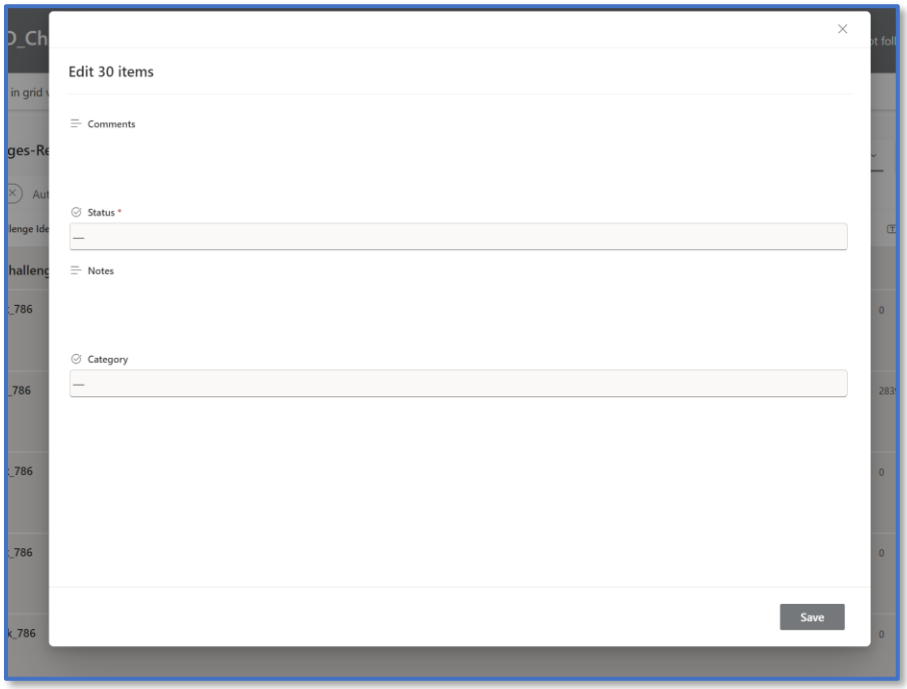
2. Once evidence has been uploaded, the user will select all by clicking next to “Challenge Identifier.” A circle will appear, allowing the user to select all challenges under the Bulk ID. If not all challenges under the Bulk ID are selected, please scroll to the last item in the list then select next to challenge identifier to select all.



3. Next, click the “edit” pencil in the top left corner.



4. A form will then appear where the user may add comments (optional) and change the status to “Rebutted.” Please ensure that the number of items at the top of the form is the amount of challenges in the bulk challenge you are rebutting.



2. Once the user changes the status and selects “save” the rebuttal will become visible to ECD to review. All submissions are final.

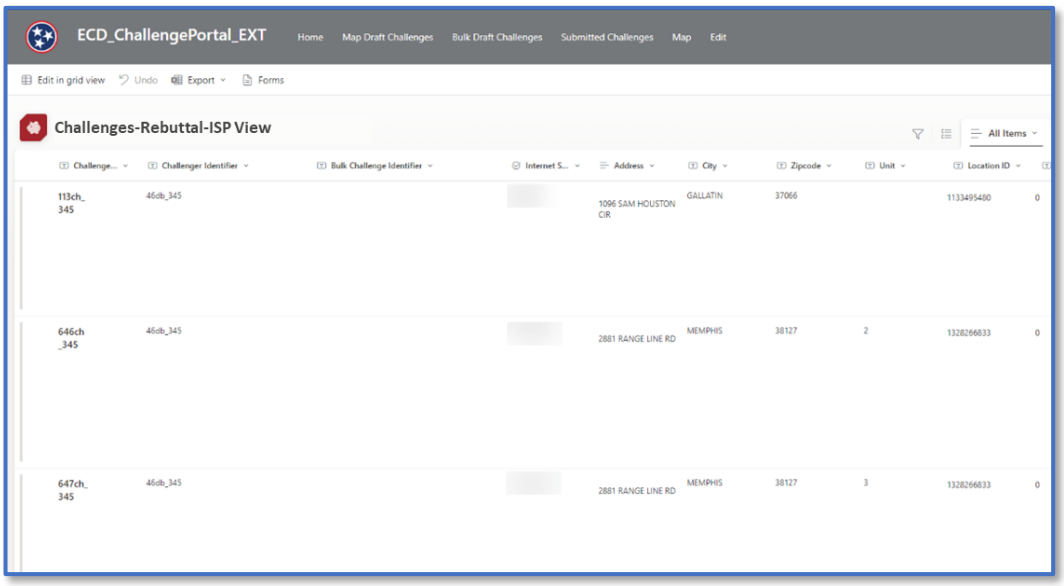
3. Submitted rebuttals will then become visible on the “View Rebutted Challenges- All” page.

ISP View

During the rebuttal phase, ISPs are given a separate view to see challenges against their organization for Challenge Types A. Availability, B. Business Service Only, D. Data Cap, and T. Technology.

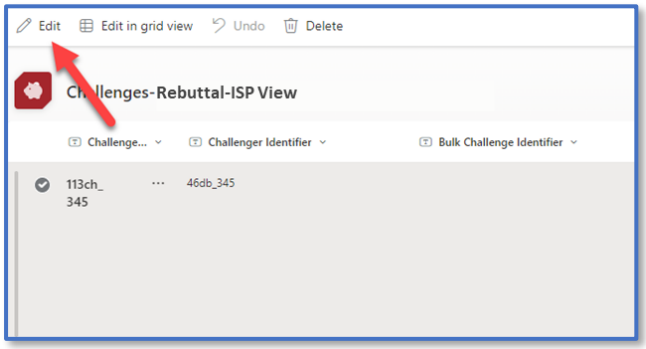
All registered users for the ISP will receive an email notification when the opportunity to rebut has become available, but only primary contacts will be able to sustain or rebut these challenges in the portal. Primary contacts will receive an additional email with a link to the new view in the portal.

To see the below view, the primary contact may click on the link in the email to or click “Rebut Challenge - ISP” in the portal. This page includes the challenge type, the location of the challenge, notes from the review team, and your deadline to rebut. All organizations have 25 days to either sustain or rebut challenges. If no action is taken in this timeframe, the challenge will be considered sustained.

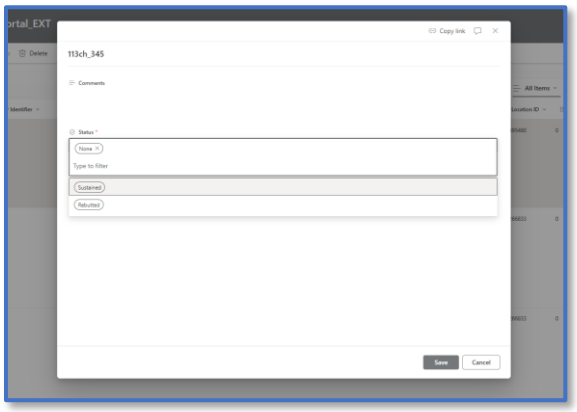


Sustaining a Challenge in the ISP View

1. If a user agrees with the challenge, they may sustain by selecting on the row of the challenge and clicking the “edit” pencil in the top left corner, or scrolling to the “edit” pencil further down to the right of the row.



2. A form will then appear where the user may add comments (optional) and change the status to "Sustained." Evidence is not required to sustain a challenge.

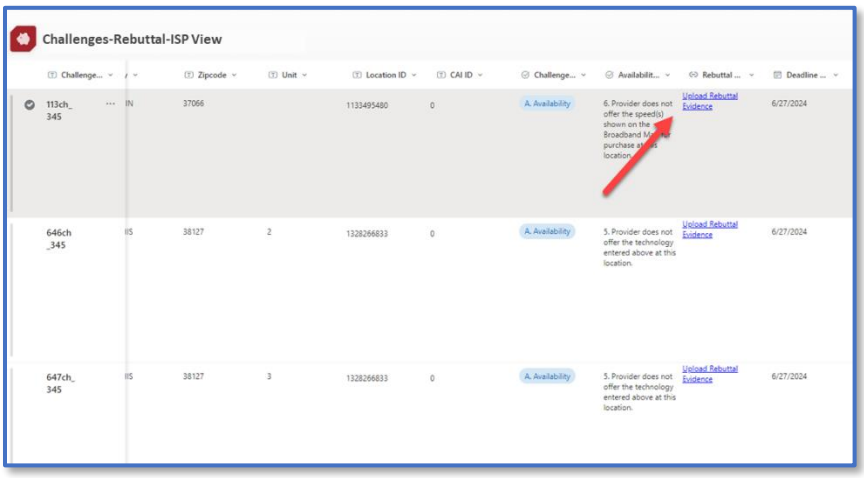


3. Once a challenge has been sustained, it will move to the View Rebutted/Sustained Challenges – ISP page. Edits cannot be made once a challenge is sustained.

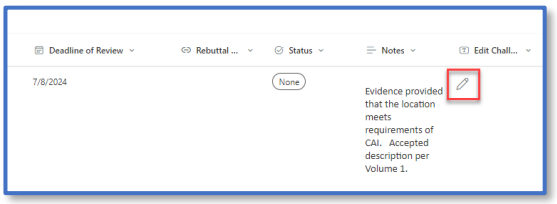
Rebutting a Challenge in the ISP View

If a user would like to rebut a challenge, they must upload evidence and change the status to "rebutted."

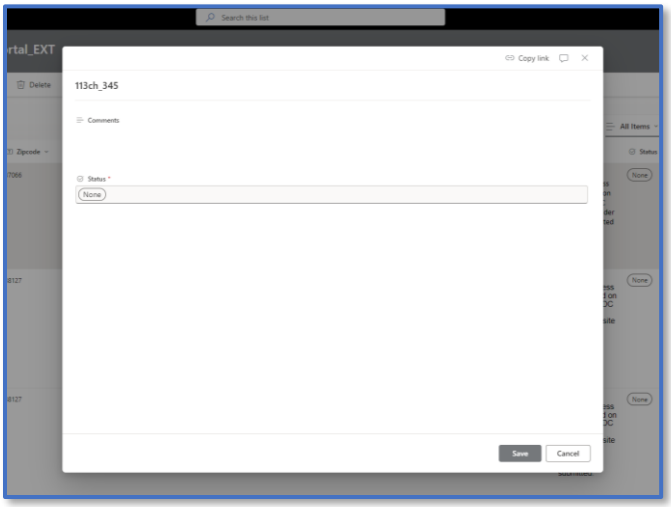
1. First, a user will scroll to the right and upload evidence by selecting the link "Upload Rebuttal Evidence." Organizations will have one opportunity to rebut each challenge, so please ensure that you are familiar with the acceptable evidence in Appendices 2 of this guidebook.



2. Once evidence is uploaded, the user will select the pencil at the end of the row under "Edit Challenge"



3. A form will then appear where the user may add comments (optional) and change the status to "Rebutted."



4. Once the user changes the status and selects "save" the rebuttal will become visible to ECD to review. All submissions are final.

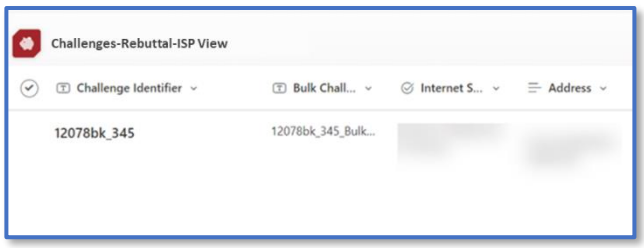
5. Submitted rebuttals will then become visible on the "View Rebutted/Sustained Challenges - ISP" page.

Sustaining/Rebutting Bulk or Area and MDU Challenges

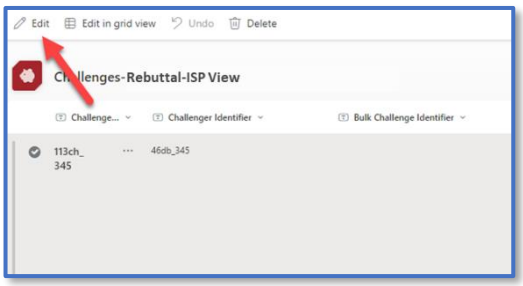
Challenges submitted in bulk as well as area and MDU challenges must be rebutted or sustained in bulk. Much like bulk challenge submissions, this will have one link for evidence on the top row.

Sustaining Bulk, Area, and MDU Challenges in the ISP View

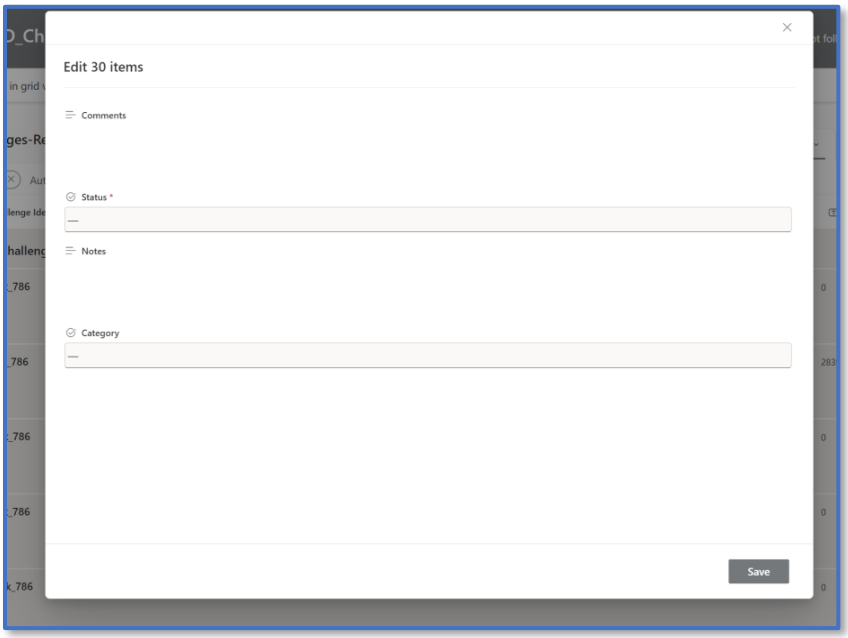
1. If a user agrees with the challenges, they may sustain in bulk by selecting next to "Challenge Identifier." A circle will appear, allowing the user to select all challenges under the bulk ID (if sustaining a bulk challenge) or census block ID (if sustaining an area or MDU challenge). If not all challenges in either the bulk ID or census block ID are selected, please scroll to the last item in the list then select next to challenge identifier to select all.



2. Next, click the "edit" pencil in the top left corner.



3. A form will then appear where the user may add comments (optional) and change the status to "Sustained." Please ensure that the number of items at the top of the form is the amount of challenges in the bulk, area, or MDU challenge you are sustaining. Evidence is not required to sustain a challenge.

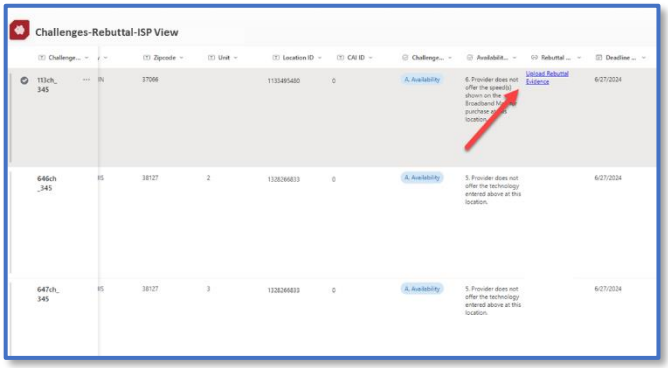


4. Once a challenge has been sustained, it will remain on this page. Edits cannot be made once a challenge is sustained.

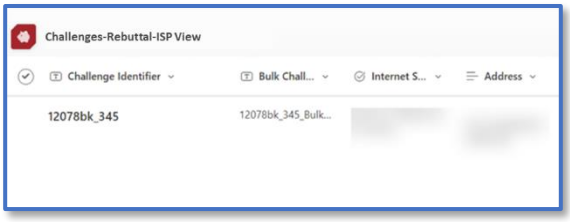
Rebutting Bulk, Area, and MDU Challenges

Bulk, area, and MDU Challenges will be rebutted in bulk and require uploading one evidence packet.

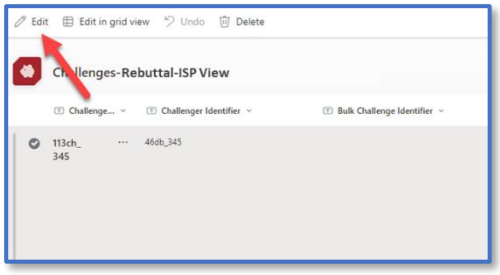
1. Bulk, area, and MDU challenges are grouped together, and users will upload evidence for rebuttal in the top row. Bulk challenges are grouped by bulk IDs while area and MDU challenges are grouped by census block IDs. To rebut a bulk challenge, users will select the link "Upload Rebuttal Evidence" under the column "Rebuttal File." If it is an area challenge, evidence will be uploaded in the top row by selecting "Upload Area Challenge Evidence" under the column "Area Challenge Evidence." Please contact ECD.Broadband@tn.gov if the link for evidence is not visible. Ensure that your evidence applies to all locations in the bulk, area, or MDU challenge as TNECD is accepting one packet of evidence per bulk submission. Organizations will have one opportunity to rebut each bulk, area and MDU challenge, so please ensure that you are familiar with the acceptable evidence in Appendices 2 of this guidebook.



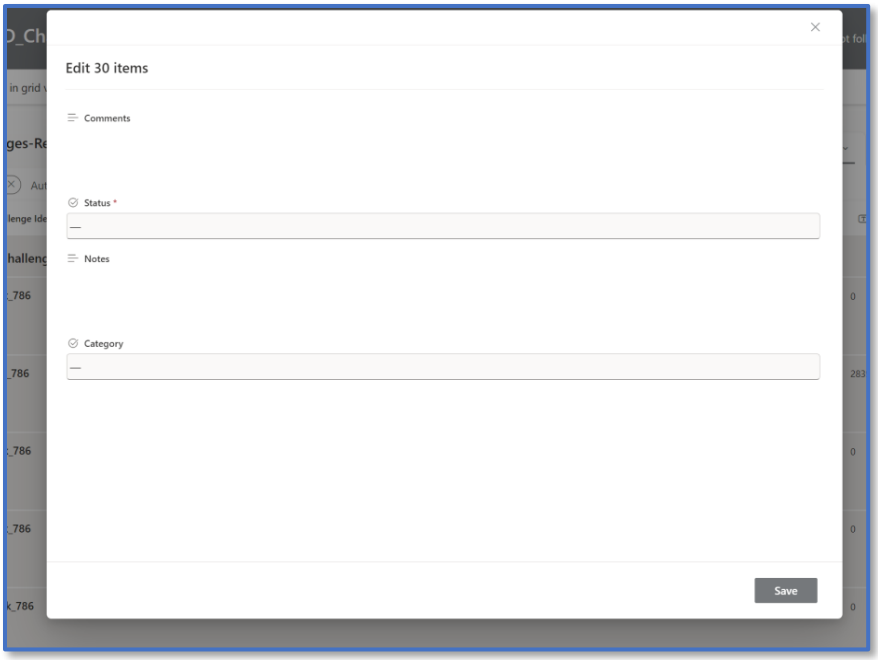
2. Once evidence has been uploaded, the user will select all by clicking next to “Challenge Identifier.” A circle will appear, allowing the user to select all challenges under the bulk ID (if challenging a bulk challenge) or census block ID (if challenging an area or MDU challenge). If not all challenges in either the bulk ID or census block ID are selected, please scroll to the last item in the list then select next to challenge identifier to select all.



3. Next, click the “edit” pencil in the top left corner.



4. A form will then appear where the user may add comments (optional) and change the status to “Rebutted.” Please ensure that the number of items at the top of the form is the amount of challenges in the bulk, area, or MDU challenge you are rebutting.



5. Once the user changes the status and selects “save” the rebuttal will become visible to ECD to review. All submissions are final.

6. Submitted rebuttals will then become visible on the “View Rebutted/Sustained Challenges - ISP” page.

Area and MDU Challenges

Area and MDU Challenges are administered when multiple valid challenges of the same type and technology are submitted for the same internet service provider. Applies only to availability, data cap, and technology challenges.

Area Challenge

Triggered when there are 6 or more challenges to BSLs using a particular category and single provider within a census block.

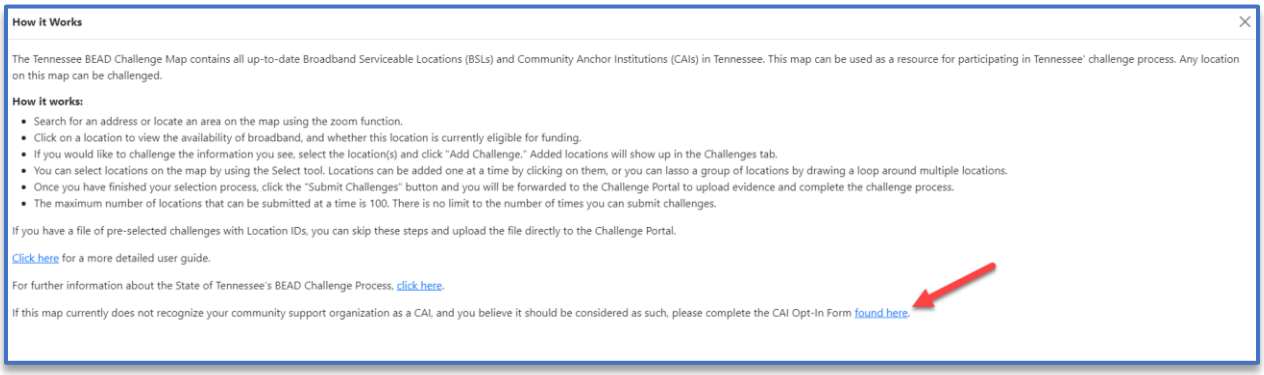
Multi-Dwelling Unit (MDU) Challenge

Triggered when there are challenges in a single MDU, based on size:

- Challenge for one unit for MDUs with fewer than 15 units
- Challenges for two units for MDUs between 16 and 24 units
- Challenges for three or more units for MDUs larger than 24 units

Community Anchor Institution (CAI) Opt-In

The TNECD Challenge Portal will simultaneously be hosting a CAI Opt-In process. This is a form for any organization that is currently not recognized as a CAI and you believe qualifies as such. This form can be accessed through the map as seen below or here. The CAI Opt-In form will be open throughout the 75 day Challenge Process.



Individuals completing this form must explain and provide evidence demonstrating how the organization achieves the following requirements of a CAI:

- Lacks access to a 1 Gig upload/ 1Gig Download broadband internet connection.
- Has community members that identify with at least one of the following covered populations AND/OR the institution serves at least one of the covered populations.
    - Aging Individuals
    - Incarcerated or Recently Incarcerated Individuals
    - Individuals with a Language Barrier
    - Individuals with a Disability
    - Low-Income Households
    - Racial/Ethnic Minorities
    - Rural Residents
    - Veterans

- Provides at least one of the following digital services for their community's use:
    - Has a process for offering community members access to laptops, desktops, tablets, hotspots, and/or other digital devices.
    - Hosts digital skills training for their community.
    - A staff member that serves as a digital navigator, technical support, and/or broadband adoption support.

Appendices

1. Challenge Types and Acceptable Challenge Evidence

Challenge Type	Permissible Challenge Evidence
C. Location is a CAI	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity.
R. Location is not a CAI	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
A. Availability	• Lack of suitable infrastructure (e.g., no fiber on pole). This can be supplemented with a geotagged photograph of infrastructure or lack thereof at the location (using a free survey tool like Dioptra, Theodolite, or leveraging location based meta data already present in most devices). • Screenshot of provider webpage showing that service is not available at your location. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • 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 request. • 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 more than the provider's standard installation charge to connect service at the location.

D. Data cap	• Proof of throttling, unreasonable data cap (Under 600GB/month) or inability to access network (data limit exceeded). These are often presented as a provider-branded web or gateway-based message, through an email, via a note in your account or bill, etc. • Screenshot of provider webpage where the ISP is specifically stating the cap per month with the date included in the screenshot. • Service description provided to consumer.
T. Technology	• A geotagged photograph at location (using a free survey tool like Dioptra, Theodolite, or leveraging location based meta data already present in most devices) proving different technology deployed, lack of technology deployed, damage to network suggesting speeds have diminished, etc. • A letter, note, or other form of communication from subscriber location suggesting they subscribe to other technology or do not receive what the location shows. • May provide a plant map if the location is within their territory. All proprietary information and personal identifying information are protected. • Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.
B. Business service only	• Acceptable evidence for this challenge includes a screenshot of the provider webpage (Address Qualifier). This should include language from the provider webpage confirming that service at this location is only available to businesses.
E. Enforceable Commitment	• 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. • Bill of Ladings proving purchase, shipment, or delivery of technology/assets for planned build. • Engineering design/plant design file showing planned commitment to the challenged area.

N. Not part of enforceable commitment.	• Declaration by service provider subject to the enforceable commitment.
P. Planned service	• Bill of Ladings proving purchase, shipment, or delivery of technology/assets for planned build. • Engineering design/plant design file showing planned commitment to the challenged area. • 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.

2. Challenge Types and Acceptable Rebuttal Evidence

Challenge Type	Permissible Rebuttals
C. Location is a CAI	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R. Location is not a CAI	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

A. Availability	• Provider shows that the location subscribes or has subscribed within 12 months, e.g., with a copy of a customer bill. • 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. • Provider supplies proof of denied Request of Entry (if service has been built to property) • Provider submits plant map including or emphasizing area of challenge, proving availability
D. Data cap	• Provider has terms of service showing that it does not impose a data cap.
T. Technology	• Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B. Business service only	• Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E. Enforceable Commitment	• Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer an ongoing concern).

N. Not part of enforceable commitment.	
P. Planned service	• 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.

Area and MDU Challenges

Type	Permissible Rebuttals
Area	• Area challenges for availability need to be rebutted with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure or customer subscribers. • For fixed wireless service, the challenge system will offer representative, random samples of the area in contention, but no fewer than [10], where the provider must demonstrate service availability.
MDU	• Rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service.

3. Definition of a Community Anchor Institution

Requirements of a CAI include:

- Lacks access to a 1 Gig upload/ 1Gig Download broadband internet connection.
- Has community members that identify with at least one of the following covered populations AND/OR the institution serves at least one of the covered populations.
    - Aging Individuals

- Incarcerated or Recently Incarcerated Individuals
- Individuals with a Language Barrier
- Individuals with a Disability
- Low-Income Households
- Racial/Ethnic Minorities
- Rural Residents
- Veterans

- Provides at least one of the following digital services for their community's use:
  - Has a process for offering community members access to laptops, desktops, tablets, hotspots, and/or other digital devices.
  - Hosts digital skills training for their community.
  - A staff member that serves as a digital navigator, technical support, and/or broadband adoption support.

4. CAI Challenges (C and R) Additional Information

4.1 CAI Rationale Code

Rationale	Explanation	Challenge Type
X	CAI has ceased operation	R
B	CAI is a private residence or a non-CAI business, i.e., it is mislabeled in the CAI list. For example, a former school building has been converted into an apartment building.	R
D	The challenger believes that the location satisfies the definition of a CAI established by the Eligible Entity.	C
N	New CAI, i.e., CAI established or to be operational by June 30, 2024	C

4.2 CAI Type

Code	CAI Type
S	K-12 school, junior college, community college, university, or other educational institution
L	Library
H	Health clinic, health center, hospital, or other medical provider
F	Public safety entity such as a fire house, emergency medical service station, police station, or public safety answering point (PSAP)
P	Public housing organization

C	Community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals

5. Availability Challenge (A) Reason Code

Code	Explanation
1	Provider failed to schedule a service installation within 10 business days of a request.
2	Provider did not install the service at the agreed-upon time.
3	Provider requested more than the standard installation fee to connect the location.
4	Provider denied the request for service
5	Provider does not offer the technology entered above at this location.
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.
8	No wireless signal is available at this location (only for technology codes 70 and above).

6. Technology Code

Code	Technology Type
10	Copper Wire
40	Coaxial Cable / HFC
50	Optical Carrier / Fiber to the Premises
60	Geostationary Satellite
61	Non geostationary Satellite
70	Unlicensed Terrestrial Fixed Wireless
71	Licensed Terrestrial Fixed Wireless
72	Licensed-by Rule Terrestrial Fixed Wireless
0	Other

TN