



Pennsylvania
Broadband Development Authority

Pennsylvania BEAD Challenge Process Resource Guide

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Pennsylvania Broadband Development Authority
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***Pennsylvania BEAD
CHALLENGE PROCESS
RESOURCE GUIDE***

Version 1.0

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BEAD Challenge Process Guide

As required by statute, the initial eligibility determinations for funding eligibility under the Broadband Equity, Access, and Deployment (BEAD) program are based on the Federal Communication Commission's (FCC) [National Broadband Map](#).

The BEAD Challenge Process is designed to provide stakeholders in the Commonwealth of Pennsylvania with an opportunity to participate in the process of challenging the eligibility of locations for BEAD funding. Based on the process approved by the National Telecommunications and Information Administration (NTIA), challengers can dispute the data sourced from the National Broadband Map by using relevant and allowable evidence, including local data.



Questions related to policy or procedural items should be directed to PBDA at radcpbda_bead@pa.gov. Requests for technical support for using the online challenge portal should be directed to pahelpdesk@ready.net.

Note: Due to ongoing discussions between NTIA and the State, the information in this document is subject to update and clarification. Any changes will be announced on PBDA's website with revisions documented in a change log appearing at the end of the document.

Allowable Challenges

What Can Be Challenged?

The BEAD Challenge Process is designed to accommodate different classes of challenges that are necessary to develop a more accurate list of BEAD eligible locations.

There are different challenge types within each challenge class, but generally, Permissible Challengers can only challenge on the following grounds:

- **BEAD eligibility determinations for existing Broadband Serviceable Locations (BSLs) included in the FCC’s National Broadband Map¹** – these include challenges to reported service availability, speed, data caps, latency, technology, and residential/business service
- **Existing enforceable commitments for existing BSLs** – locations with existing funding commitments that will change the location’s service status
- **Planned service deployments** – locations with existing planned deployments, not as part of an enforceable commitment, that will change the location’s service status
- **Community anchor institutions** – the identification of new eligible Community Anchor Institutions (CAIs), as defined in PBDA’s Initial Proposal, Volume I, or challenging the eligibility of existing CAIs on the map

Permissible Challengers

Who Can Submit a Challenge?

Under the federal policy for the BEAD Program, only the following entities (“Permissible Challengers”) will be permitted to submit formal challenges during the BEAD Challenge Process:

- Units of local governments
- Nonprofit organizations
- Internet service providers

Structure and Timing

The BEAD Challenge Process is required to be completed before the State can distribute grant funds. This ensures that the list of eligible locations is finalized before the grant application window opens.

Prior to the kickoff of the Challenge Process, PBDA will post the final eligibility determinations on a public map available through the portal one week prior to the challenge period launch.

¹ As of the most recent version of the map available at the time of the opening of the Challenge Process with the public release by CAO of served, underserved, and served BSLs.

Challenge Process Phases

Timeline

Challenge Submission Period	30 Days
Rebuttal Submission Period	30 Days
Challenge Adjudication and Final Determinations	30 Days

Note: The above dates are subject to change. PBDA will notify all registered Challenge Process participants of any changes to the timeline and will post such updates on the challenge portal website.

Challenge Submission Period and Challenge Review

The Challenge Submission Period will run for 30 calendar days, from DATE to DATE. During this phase, Permissible Challengers will be able to submit challenges using the challenge portal.

After challenges are submitted, PBDA will review the evidence and determine if it meets the evidentiary requirements to constitute a valid challenge.

After all of the challenges have been reviewed, valid challenges will be processed collectively to determine which challenges require a rebuttal. This challenge review period will be completed by DATE.

Since the intention of the challenge process is to modify BEAD eligibility status, rebuttals will only be required for locations where a successful challenge would result in a modification of the eligibility status for the affected location. For example, if there are two providers reporting coverage at 100/20 Mbps and only one of those providers is challenged, the challenged provider will not be required to submit a rebuttal for that location.

Tip: *Submit your challenges early. If there are errors in your submission, you'll be given an opportunity to re-submit, but ONLY until the Challenge Submission Period ends. You will not be allowed to fix errors or omissions in your challenge after the 30-day submission window closes.*

Rebuttal Submission Period

After the Challenge Submission Period closes, the Rebuttal Submission Period will run for 30 calendar days. At the beginning of the Rebuttal Submission Period, all of the challenges that require a rebuttal will be posted in the challenge portal. For challenges directed against providers, only the challenged provider may submit a rebuttal. For other challenge types, any Permissible Challenger may submit a rebuttal.

Broadband providers will be directly notified via email of any challenges directed against them and provided with the details necessary to respond during the Rebuttal Submission Period. The challenged provider will have the duration of the 30-day Rebuttal Submission Period to agree with the challenge or dispute the challenge. If no rebuttal is filed in the allotted time, the challenge will be sustained.

Units of local and Tribal governments and nonprofit organizations will receive an email notification when the Rebuttal Submission Period has opened. However, they will not receive direct notifications for specific challenges, since they will not be named parties in the challenges. Accordingly, these challenges will remain open for the entirety of the 30-day period.

After a rebuttal is submitted, PBDA will review the evidence and determine if it meets the evidentiary requirements. If a rebuttal submission is determined to meet the minimum level of evidence, it will be considered a 'valid rebuttal.' At the end of the Rebuttal Submission Period, all challenges with valid rebuttals submitted will be marked as "disputed" and proceed to the Final Determination Phase.

Challenge Adjudication and Final Determinations

Within 30 days of the close of the Rebuttal Submission Period, PBDA will review the evidence for each challenge, including evidence from any rebuttals, and will make a final determination to "sustain" or "reject" each challenge. The reviewers will fully review all of the information included in each challenge and rebuttal prior to making any final determinations.

How to Participate in the Challenge Process

Account Registration

Before a Permissible Challenger can participate in the Challenge Process, they must register for an account in the challenge portal, ensuring that only eligible parties submit challenges.

Registration Steps

1. **Visit the Registration Page** – The registration page provides a brief overview of the Challenge Process and helpful links.
2. **Click the Register button** – The Register button will open an intake form to provide the necessary information.
3. **Complete the intake form** – The intake form will ask you for the information needed to verify your account as a Permissible Challenger.
 - a. **General information:** Every registrant for the Challenge Process will be asked to provide the following information:
 - i. Entity name
 - ii. Entity website
 - iii. Primary contact name
 - iv. Primary contact email (Please use domain affiliated with entity)
 - v. Primary contact phone number
 - vi. Category of entity (select from dropdown)
 - b. **Broadband Provider Information**
 - i. Provider name (select from dropdown)
 - ii. EIN
 - iii. FRN
 - iv. Physical address
 - v. Proof of registration with the Secretary of State
 - vi. Additional documentation to verify identity

- c. **Unit of Local Government Information**
 - i. EIN
 - ii. Physical address
 - iii. Additional documentation to verify identity
 - d. **Nonprofit Organization Information**
 - i. EIN
 - ii. Physical address
 - iii. Proof of registration with the Secretary of State
 - iv. Additional documentation to verify identity
4. **Click “Finish” and submit form** – After you submit the form, you will receive an email confirmation. **You do not need to do anything at this point.**
 5. **Wait for Account Approval** – After submitting your account request, each registration will be manually reviewed by PBDA before it is approved. As a result, there will be a slight delay between registration and account setup. If your registration lacks necessary details, you will be notified by email to update your account request with the necessary information.
 6. **Complete setting up your account** – Once approved, you will receive an email with a link to complete the setup of your account, where you’ll be asked to set a password.

How to Submit Challenges and Rebuttals

Once your registration has been approved and your account has been set up, you’ll be able to file challenges and rebuttals while the respective submission periods are open.

Submitting Challenges

In general all Permissible Challengers are eligible to submit challenges of any type.

Challenge Steps

1. **Log in to the Challenge Portal** – There are two ways in which users can log in to the portal:
 - a. Via a “Magic Link” - Users provide their registered email and then they will be sent an email with a direct link to log in without password.
 - b. Users can log in using their email/password combination.
2. **Expand “Challenge” Item in the Navigation Menu** – There are a range of options in the sidebar navigation menu. When clicking on the Challenge menu item, the sub-menu will expand to display two options: “Dashboard” and “Challenge Map.”
3. **Click on either “Dashboard” or “Challenge Map”** – Both options provide different functionality, but each of them will allow you to open a challenge submission window. The Challenge Map provides a geospatial representation of the eligibility designations under BEAD, while the Dashboard is your portal to review the challenges that you’ve submitted. If you’re a provider, you will eventually see challenges submitted on your reported service in your Dashboard.
4. **Click on “Add Challenge” Button** – The “Add Challenge” button is found on the top right of the “Submitted Challenges” panel of the Challenge Map page or on the top-right of the challenges table on the Dashboard page. This will open up the “Create a Challenge” page, which includes the Challenge Map with a challenge flow panel on the right and layers that can be used to filter the map based on a range of parameters.

5. **Create a Challenge** – When creating a challenge in the challenge portal, there are several steps included in the flow:
- a. **Select Challenge Class and Type** – Each challenge class includes multiple challenge types to select from:
 - i. **Planned or Existing Service**
 - 1. Planned Service
 - 2. Existing Service
 - ii. **Enforceable Commitments**
 - 1. Enforceable Commitment
 - 2. Not An Enforceable Commitment
 - iii. **Location Eligibility Determination**
 - 1. Availability
 - 2. Speed
 - 3. Latency
 - 4. Data Cap
 - 5. Technology
 - 6. Business Service Only
 - iv. **Anchor Institution Classification**
 - 1. Location is a CAI
 - 2. Location is not a CAI
 - 3. Location Does Not Have Access to 1 Gbps Service
 - 4. Location Has Access to 1 Gbps Service
 - b. **Select Challenge Details** – After selecting the challenge type, the data in the map will be filtered to display only those locations that are eligible for the selected challenge type. For example, if an area is already unserved, you will not be able to file an Availability challenge. From the locations eligible for the selected challenge type, you will be prompted to provide the challenge details that will further filter the locations, based on the options you select. The required challenge details will vary by challenge type, as described below under “Evidence and Documentation Requirements.”
 - c. **Select Locations** – After providing challenge details, only the locations eligible for the challenge type and details provided will be displayed. From the remaining locations, you will be prompted to select the location(s) that you want to challenge. You can add locations one by one or select a group of locations.
 - i. **Adding individual locations to your selection** – To add an individual location, click on the location on the map, which will then provide a pop-up of the address of that location and an “Add to Challenge” button. If the address aligns with the location you intend to add to the challenge, click “Add to Challenge” and then click “Confirm” in the following prompt. You can add multiple locations to the same challenge submission using this method.
 - ii. **Add locations in bulk** – When filing bulk challenge submissions, you can add locations in groups, rather than adding each location individually. To add multiple locations as a group, there are two methods available.

1. **Shift+Click+Drag cursor** – This method allows you to quickly select multiple locations directly on the map. This is the quickest, but a less precise, method of selecting multiple locations because the selection boundaries are in a rectangular shape. Once you've selected locations using this method, you'll be prompted to confirm that you want to add these locations to your challenge. The prompt will include the number of locations that you've selected.
 2. **Select or Upload Area by creating a "Zone"** – This method allows you to define a zone by drawing a polygon, uploading a shapefile, or selecting from a library, which includes defined geographies such as cities, counties, and Tribal areas. To add a zone, click on the Zones tab in the left panel to define a new zone by drawing, uploading a shapefile or selecting from a library of official boundaries.
 3. **Upload List of Location IDs** – This method allows you to select locations by uploading a list of Location IDs as defined in FCC Data Fabric version 3.2. Further guidance is provided within the challenge portal.
 4. **Removing locations from selection** – If you inadvertently added locations you do not wish to challenge, you can remove the locations by clicking the trash icon next to the location in the right panel, or remove all of the selected locations by clicking "Remove All"
- d. **Upload Evidence and Documentation** – Once you've finalized the location(s) that you want to challenge you will be asked to provide any evidence and documentation that you want included in the review of your challenge. For challenges that require you to provide separate evidence files per location, you will be prompted to download and re-upload a .csv file with the selected Locations.
 - e. **Attestation** – After you've uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the challenge is true, complete, and accurate, subject to potential civil or administrative penalties.

Submitting Rebuttals

1. **Notifications of Rebuttal Phase Sent** – When the Rebuttal Submission Period opens, notifications will be sent to all registered Permissible Challengers to provide formal notice that the challenges are open for rebuttal. All permissible challengers will be notified of the opportunity to submit rebuttals to open rebuttal challenges, which includes any challenge not submitted directly against a provider. In addition to the standard notification, the Broadband Providers notification will include a notification of whether challenges were received against them. The formal notice will initiate the 30-day Rebuttal Submission Period.
2. **Log in to Challenge Portal** – There are two ways in which Users can log in to the portal:
 - a. Via a "Magic Link" - Users provide their registered email and then they will be sent an email with a direct link to log in without password.
 - b. Users can log in using their email/password combination.
3. **Expand "Challenge" Item in the Navigation Menu** – There are a range of options in the sidebar navigation menu. When clicking on the Challenge menu item, the sub-menu will expand to display two options: "Dashboard" and "Challenge Map." To view the challenges available for rebuttal, click on the "Dashboard."

4. **Go to “Dashboard”** – During the Rebuttal Phase, the Dashboard is your portal to review the challenges for which you are eligible to submit rebuttals. In the dashboard, you will have two tabs available to review challenges: “Challenges Received” (Providers Only) and “Open for Rebuttal.”
 - a. **Challenges Received (Providers Only)** – The Challenges Received tab will display the challenges that you’ve received against your reported service. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.
 - b. **Open for Rebuttal** – The Open for Rebuttal tab will display all of the challenges that are not directed at a specific broadband provider, such as Planned Service, Enforceable Commitment, or CAI challenges. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.
5. **View Challenge Details** – To begin the Rebuttal Process, click “View Details” on the challenge that you want to submit a rebuttal against. This will pull up an interface with a map displaying the locations and details on the challenged locations included in the submission. The information on the challenge submission will be available in the right panel, which has two tabs: Details and Locations.
 - a. **Details:** The challenge details will be similar to those provided in the Dashboard, but will include an expanded description of the challenge type.
 - b. **Locations:** The locations tab will provide a full list of locations that were challenged under the selected submission.
6. **Rebut or Accept Challenges** – Using the locations tab, you can choose which individual location challenges you want to rebut and which individual location challenges you want to accept. If you want to rebut or accept all of the challenges, you can do so using the Rebut All/Accept All buttons. Note that accepting challenges is only an option for providers reviewing challenges against them, since they are the only ones eligible to rebut those challenges. Open challenges can be rebutted by multiple entities, so they will remain open for the entire 30-day window.
7. **Upload Evidence and Documentation** – Once you’ve finalized the location(s) that you want to rebut you will be asked to provide any evidence and documentation that you want included in the review of your rebuttal.
8. **Attestation** – After you’ve uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the rebuttal is true, complete, and accurate, subject to potential civil or administrative penalties.

Evidence and Documentation Requirements

The evidence and documentation submission is the most important part of the challenge submission. 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.

The minimum level of evidence required varies by challenge type.

Availability Challenges

The Availability challenge type in the BEAD Challenge Process closely resembles the FCC Challenge Process. It supports challenges that have evidence that the service reported in the maps at a specific location is not actually currently available, or cannot be scheduled for activation within 10 days, at the reported technology and maximum advertised speeds.

In alignment with the FCC Challenge Process, the BEAD Challenge Process requires the “Reason for the Challenge” to be documented, using the `reason_code` field from the *FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data*.²

Evidence for Availability Challenges and Rebuttals

When filing Availability challenges, you will be required to select one of the following reasons and provide evidence for each challenge. Table 1 outlines the acceptable evidence for each reason code and the maximum age of the evidence submitted to support the challenge.

If you choose to provide “Other evidence to support challenge,” instead of an explicitly stated evidence type, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as “Other.”

Evidence submitted for rebuttals must include evidence that counter the reason code and evidence provided by the challenger. The acceptable forms of evidence for rebuttals are provided below.

² See “Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data (Section 3.2),” Federal Communications Commission, January 12, 2023, [bdc-bulk-fixed-challenge-dataspecifications.pdf](#).

Table 1

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
1	Provider failed to schedule a service installation within 10 business days of a request.	<ul style="list-style-type: none">● Screenshot from provider website● Email from provider● Text message or voicemail transcript from provider● Letter from provider (Scan of physical letter or PDF of electronic letter)● Documentation of phone call or in-person interaction● Other evidence to support challenge	<ul style="list-style-type: none">● Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill)● If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability● A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
2	Provider did not install the service at the agreed-upon time.	<ul style="list-style-type: none">● Screenshot from provider website● Email from provider● Text message or voicemail transcript from provider● Letter from provider (Scan of physical letter or PDF of electronic letter)● Documentation of phone call or in-person interaction● Other evidence to support challenge	<ul style="list-style-type: none">● Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill)● If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability● A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
3	Provider requested more than the standard installation fee to connect the location.	<ul style="list-style-type: none">● Screenshot from provider website● Email from provider● Text message or voicemail transcript from provider● Letter from provider (Scan of physical letter or PDF of electronic letter)● Documentation of phone call or in-person interaction● Other evidence to support challenge	<ul style="list-style-type: none">● Evidence that service is now available as a standard installation (e.g., a copy of an offer sent to the location)

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
4	Provider denied the request for service.	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
5	Provider does not offer the technology entered above at this location.	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway • Other evidence to support challenge 	<ul style="list-style-type: none"> • Countervailing evidence from the provider's network management system showing an appropriate residential gateway that matches the provided service

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
7	Intentionally Omitted ³ (Does not constitute a formal challenge)	N/A	N/A
8	No wireless signal is available at this location (only for technology codes 70 and above).	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<ul style="list-style-type: none"> • Countervailing evidence to demonstrate service availability and speed (e.g., with a mobile test unit)

³ The Availability challenge does not adjudicate whether the actual speeds of the service falls below the advertised speeds. The FCC uses Code 7 for consumer complaints when “Subscribed Speed Not Achievable”

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
9	New, non-standard equipment had to be constructed at this location.	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that service is now available as a standard installation (e.g., via a copy of an offer sent to the location)

Additional Location Eligibility Determination Challenges

In addition to the Availability challenge type in the BEAD Challenge Process, there are four additional allowable Location Eligibility Determination challenge types: Speed, Latency, Data Cap, Technology, and Business Service Only.

Evidence for Speed Challenges

PBDA will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the Challenge Submission Period by more than 60 calendar days.

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), optical network terminal (for fiber-to-the-home), or fixed wireless subscriber module;
2. A reading of the speed test available from within the residential gateway web interface;
3. A reading of the speed test found on the service provider's web page; or
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using the speed test tool embedded in PBDA's portal or an NTIA-approved speed test application (i.e., Ookla, M-Lab, Cloudflare, or Netflix).

Each speed test measurement must include:

- The time and date the speed test was conducted; and
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test;
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice); and
- An agreement, using an online form provided by PBDA, that grants access to these information elements to PBDA, any contractors supporting the Challenge Process, and the service provider.

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a Speed (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the median measured upload speed marks the location as underserved.

Speed tests may be conducted by subscribers during the Public Comment Period or after, but Speed challenges must be gathered and submitted as part of a formal challenge by Permissible Challengers.

Evidence for Speed Rebuttals

Only the challenged provider may submit a rebuttal to a Speed challenge. This evidence must include countervailing speed test evidence showing sufficient speeds, e.g., from their own network management system or the CAF performance measurements.

Speed tests must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days, but must be conducted between the hours of 7 pm and 11 pm local time to be considered as evidence for a challenge rebuttal. The median of the three tests is used for the rebuttal to the challenge.

Each measurement must include the following details:

- The time and date each speed test was conducted.
- The provider-assigned internet protocol (IP) address identifying the residential gateway where the test is conducted

Evidence for Latency Challenges

Latency challenges must provide evidence that the round-trip latency of the broadband service exceeds 100ms. This will require multiple speed tests by the subscriber at each challenged location, showing the excessive round-trip latency.

Each Latency challenge must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days. The median of the three tests is used to trigger the challenge. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Each speed test measurement must include:

- The time and date each speed test was conducted.

- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by PBDA, that grants access to these information elements to PBDA, any contractors supporting the challenge process, and the service provider.

To be considered valid, the speed tests must be performed using one of the following options:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), optical network terminal (for fiber-to-the-home), or fixed wireless subscriber module;
2. A reading of the speed test available from within the residential gateway web interface;
3. A reading of the speed test found on the service provider's web page; or
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using the speed test tool embedded in PBDA's Portal or an NTIA-approved speed test application (i.e., Ookla, M-Lab, Cloudflare, or Netflix).

Speed tests for latency may be conducted by subscribers during the Public Comment Period or after, but Latency challenges must be gathered and submitted as part of a formal challenge by Permissible Challengers.

Evidence for Latency Rebuttals

Only the challenged provider may submit a rebuttal to a Latency challenge. This evidence must include countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements.

Speed tests must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days, but must be conducted between the hours of 7 pm and 11 pm local time to be considered as evidence for a challenge rebuttal. The median of the three tests is used for the rebuttal to the challenge.

Each measurement must include the following details:

- The time and date each speed test was conducted.
- The provider-assigned internet protocol (IP) address identifying the residential gateway where the test is conducted

Evidence for Additional Location Eligibility Determination Challenges

Speed and Latency challenges have specific requirements that differ from the rest, as described above. However, the Data Cap, Technology, and Business Service Only challenge requirements are similar to those for Availability challenges. Table 3 outlines the acceptable evidence for each of

these challenge types and the maximum age of the evidence submitted to support the challenge. Evidence submitted for rebuttals must counter the reason code and evidence provided by the challenger. The acceptable forms of evidence for rebuttals are provided below.

If you choose to provide “Other evidence to support challenge,” instead of an explicitly stated evidence type, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as other.

Table 2

Type	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.	<ul style="list-style-type: none"> ● Screenshot from provider website ● Email from provider ● Text message or voicemail transcript from provider ● Letter from provider (Scan of physical letter or PDF of electronic letter) ● Documentation of phone call or in-person interaction ● Terms of Service / Service Description ● End-User contract or offer ● Other evidence to support challenge 	Terms of service showing that the provider does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap
Technology	Provider does not offer the technology entered above at this location (the technology indicated for this location is incorrect).	<ul style="list-style-type: none"> ● Screenshot from provider website ● Email from provider ● Text message or voicemail transcript from provider ● Letter from provider (Scan of physical letter or PDF of electronic letter) ● Documentation of phone call or in-person interaction ● Terms of Service / Service Description ● End-User contract or offer ● Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway 	Countervailing evidence from the provider’s network management system showing an appropriate residential gateway that matches the provided service

Type	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
		<ul style="list-style-type: none"> Other evidence to support challenge 	
Business Service Only	The location is residential, but the service offered is marketed or available only to businesses.	<ul style="list-style-type: none"> Screenshot from provider website Email from provider Text message or voicemail transcript from provider Letter from provider (Scan of physical letter or PDF of electronic letter) Documentation of phone call or in-person interaction Terms of Service / Service Description End-User contract or offer Other evidence to support challenge 	Documentation that the service listed in the BDC is available at the location and is marketed to residential customers

Enforceable Commitment Challenges

In preparation for the deployment of the BEAD program, PBDA is required to identify every location where an “Enforceable Commitment” exists to deploy qualifying broadband service at or above 100/20 Mbps, regardless of the current service available at the funded locations. This includes identifying the broadband serviceable locations served by federal and State funding programs.

Evidence for Enforceable Commitment Challenges

The Enforceable Commitment Challenge allows Permissible Challengers to provide evidence that unserved or underserved locations have existing federal, State, or local funding that should make those locations ineligible for BEAD.

The following details and evidence will be required:

1. Obligation deployment download speed in Mbps
2. Obligation deployment upload speed in Mbps
3. Obligation deployment technology
4. An attestation to confirm that the round-trip latency of deployed service will be under 100ms
5. An attestation to confirm that the network will be fully deployed to the challenged locations by the dates required by the award
6. Whether the deployed service be available as residential service, business service, or both
7. Evidence should include:

- a. Evidence of award such as authorization letter and/or executed agreement with funding entity
- b. List of funded locations included in award
- c. If available, methodology used to match awarded locations to Fabric IDs
- d. If any locations included in the award are on Tribal Lands, you will need to attach a legally binding agreement with Tribal Government, certified by Tribal Resolutions

Evidence for Enforceable Commitment Rebuttals

Any Permissible Challenger may file a rebuttal to an Enforceable Commitment challenge if they have documentation that the provider has defaulted on the commitment, is otherwise

unable to meet the commitment, or that the location(s) are in an area that are subject to an Enforceable Commitment for less than 100% of locations and the location(s) in question are not covered by that commitment.

Enforceable Commitment Identification – Process and Methodology

PBDA has deduplicated the list of BEAD-eligible locations, based on existing funding from current programs, using the following process:

Federally-Administered Grant Programs

PBDA used the BEAD Eligible Entity Planning Toolkit to identify existing federal Enforceable Commitments, which includes data on funding from the following programs:

- NTIA Broadband Infrastructure Program (BIP)
- NTIA Tribal Broadband Connectivity Program (TBCP)
- FCC Rural Digital Opportunity Fund (RDOF)
- FCC Connect America Fund II (CAFII)
- USDA Rural eConnectivity Broadband Loan and Grant Program (ReConnect)
- USDA Telephone Loan Program (TLP)
- USDA Community Connect Grant Program (CCGP)

PBDA is aware that the FCC adopted rules for the Enhanced Alternative Connect America Model (A-CAM), allowing providers to participate in the extension of the program and deploy at speeds of 100/20 Mbps or greater. As of the publication of Version 1.0 of this guide, the FCC has not confirmed the locations funded by Enhanced A-CAM. However, an additional deduplication process will be run following the Challenge Process. This second round of deduplication is expected to occur in May 2024. If you are a provider electing to participate in Enhanced A-CAM, we encourage you to notify PBDA proactively by emailing ra-dcpbda_bead@pa.gov.

Evidence for Not An Enforceable Commitment Challenges

The Not An Enforceable Commitment challenge allows Permissible Challengers to provide evidence that a location is not covered by an Enforceable Commitment identified by PBDA. This evidence provided for the challenge type should demonstrate on the following:

- Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment. This may include:

- Public notice of default published by the funding agency
- Default notice sent to the provider
- Documentation that the location(s) are in an area that are subject to an Enforceable Commitment to less than 100% of locations and the location(s) are not covered by that commitment.
- If locations are on Tribal lands, the Tribal Government may challenge based on a failure of the provider to obtain consent from the Tribal Council for the application and/or receiving the award.

Evidence for Not An Enforceable Commitment Rebuttals

Only the provider with the challenged Enforceable Commitment can submit a rebuttal to a Not An Enforceable Commitment challenge.

The rebuttal must produce evidence that counters the challenge and may include the following:

- Evidence that provider has not defaulted on the commitment
- Evidence that the provider is able to meet the commitment
- Evidence that 100% of the locations are covered by the commitment
- A Tribal Council Resolution or requisite legally binding agreement with the Tribal Government supporting the Enforceable Commitment

Planned or Existing Service Challenges

If a provider has deployed, or will deploy, service that will be available by December 31, 2025, not as part of an Enforceable Commitment, they can file a Planned or Existing Service challenge.

Evidence for Planned Service Challenges

If you have begun building out broadband service to unserved and/or underserved locations, you may challenge under the “Planned Service” subtype and provide evidence that service will be available to the locations by December 31, 2025.

The information and evidence required for this challenge type includes:

1. Maximum advertised download speed in Mbps
2. Maximum advertised upload speed in Mbps
3. Technology type of service
4. Confirmation that the round-trip latency will not exceed 100ms
5. Evidence that the deployment is on track to be completed on time, which may include, but not be limited to:
 - a. Planned network diagrams
 - b. Evidence of all necessary permits that were obtained
 - i. If permits have been applied for but not yet obtained, provide a letter from county or municipal government or pole owner indicating that such permits are under review and noting the timeline for construction

- c. Inspection results
 - d. Construction contracts and invoices
6. Letter from county or local government office confirming that construction has begun
 7. An affidavit or equivalent attestation confirming that service will be deployed to the locations included in this challenge by December 31, 2025, with the technology, speeds, and latency described, including confirmation that the provider is not seeking BEAD funds to complete the already-planned build
 8. A contract or similar binding agreement between the State 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

You are also encouraged to submit other evidence that may demonstrate that the deployment is in progress.

Evidence for Planned Service Rebuttals

Any Permissible Challenger may submit a rebuttal for a Planned Service challenge. The rebuttal must include countering evidence that demonstrates that the planned service cannot be deployed by December 31, 2025, or that the planned deployment will not meet BEAD technology or performance requirements.

It is anticipated that the primary rebuttals will be submitted by units of Local or Tribal government that have knowledge and evidence that necessary permits, reviews, or other pre-construction requirements have not been met.

Evidence for Existing Service Challenges

If you have completed broadband deployment to locations currently designated as unserved and/or underserved, you may challenge under the “Existing Service” subtype and provide evidence that your service is currently available.

The information and evidence required for this challenge type includes:

1. Maximum advertised download speed in Mbps
2. Maximum advertised upload speed in Mbps
3. Technology type of service
4. Confirmation that the round-trip latency does not exceed 100ms
5. Indication of whether you have already reported the available broadband service to FCC’s Broadband Data Collection Program (BDC)
 1. If yes, you will need to confirm which BDC filing window you filed the service under
 2. If no, you will need to attest that the service availability will be reported to the FCC during the next BDC filing window
6. Evidence that the service is deployed and available (provide as many of the following as possible):
 1. Submitted BDC filing (If applicable)

2. Evidence of subscribers
3. Network diagram of deployments
4. Evidence of completed deployment, such as evidence of all necessary permits that were obtained, inspection results, or construction contracts and invoices

Evidence for Existing Service Rebuttals

Any Permissible Challenger may submit a rebuttal for an Existing Service challenge. The rebuttal must include countering evidence that demonstrates that the claimed service is not available.

The evidence may include the allowable evidence from Table 1, but may also include evidence such as failure to pass inspection or other evidence that demonstrates that the provider is unable to deliver service to Broadband Serviceable Locations as claimed.

CAI Challenges

There are two categories of Community Anchor Institutions (CAI) challenges, including:

- Identification of CAIs
- Eligibility based on broadband need

The identification of Community Anchor Institutions for the purposes of BEAD is based on the definition and process outlined in {Section #} of BEAD Initial Proposal, Volume I, which includes: {Modify following to reflect Volume 1}

- **Schools:** K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools.” This category also includes State-Supported Schools.
- **Libraries:** Including all libraries identified by the State Library; libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
- **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier. PBDA also included emergency cooling centers in this category.
- **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, evacuation centers, police stations, sheriff and constable offices, and public safety answering points (PSAPs), based on records maintained by the State and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry.
- **Institutions of higher education:** Institutions of higher education include all institutions that are part of PBDA and institutions that have an NCES ID in the category “college,” including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.
- **Public and supportive housing organizations and State residential facilities:** Public housing organizations were identified by reviewing the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research

Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD), which PBDA also consulted.

- **Community support organizations:** PBDA included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, individuals with disabilities, and aged individuals. PBDA included the following types of locations in this category:
 - Senior centers
 - Job training centers
 - Homeless shelters and other locations providing services for homeless individuals: Shelters and homeless service facilities are a critical resource for providing digital access to individuals who do not have reliable access to a home broadband subscription.
 - Community organizations offering programming for individuals with disabilities (e.g., disability-specific community centers or Independent Living Centers): Such organizations have a unique understanding of the specific barriers to broadband access and use that are faced by the disability community and can offer support and training that is customized to these needs.
 - Daycare facilities: These locations are a vital resource to support working parents and a critical safety net for children and family health, especially in vulnerable populations. Broadband service is utilized by children and care providers to support early childhood education and communicate with family members.
 - Nonprofit-run organizations providing youth after-school programming: These are key locations for children and teens to access connectivity to complete schoolwork, especially for those without reliable broadband access at home.
 - Nonprofit public computing centers: The primary purpose of these facilities is to facilitate free access to devices and connectivity for members of the public, as well as digital skills training and other resources.

The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database was accessed at the American Job Center Finder. The National Council on Aging (NCOA) helped identify senior centers. Other community support organizations were identified through the Office of Temporary and Disability Assistance and Office of Children and Family Services.

- **Other sources of data:** In each case, PBDA also drew on State, Tribal, county, and municipal resources to identify additional eligible CAIs that were not contained in the data sources listed above. In addition, PBDA used the Initial Proposal public comment process to further refine its CAI definition.

Identification of CAI

All Permissible Challengers can challenge the designation of the location as a CAI, based on the categories described above.

Evidence for Location is a CAI Challenge

If you believe that a location is incorrectly identified as a non-CAI, you may challenge to have that location included as a CAI. To submit a successful challenge, you will need to submit the following information and evidence:

1. Official entity name of the institution
2. The type of CAI, selecting from the categories defined above
 1. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
 2. If a Community Support Organization, explanation of how organizations facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
3. Evidence to support the challenge, which may include:
 1. Registration documents
 2. Contact information to confirm organizational details
 3. Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI

When challenging to add a location as a CAI, you will be given an opportunity to indicate whether the institution currently has access to broadband at the CAI target threshold of 1000/1000 Mbps.

If the location for a CAI is missing entirely from the map, please reach out to radcpbda_bead@pa.gov.

Evidence for Location is a CAI Rebuttal

Any Permissible Challenger may submit a rebuttal for a Location is a CAI challenge. The information and evidence must include:

1. Identify the basis for the challenge that claims the location is not a CAI
 1. Location is a residence
 2. Location is a non-CAI business
 3. Institution does not fall under listed category
 1. Identify the institution type that the location should be listed as
 4. CAI has ceased operations
 1. Date CAI ceased operations:
2. Evidence to support rebuttal

Evidence for Location is Not a CAI Challenge

If you believe that a location is incorrectly identified as a CAI, you may challenge to have that location removed from the list. Please note that PBDA is not allowed to add Broadband Serviceable Locations (BSLs) to the map, so a successful challenge will remove this location from BEAD eligibility altogether.

To submit a challenge, you will need to submit the following information and evidence:

1. Basis for the challenge:
 1. Location is a residence
 2. Location is a non-CAI business
 3. Institution does not fall under listed category
 1. Identify the institution type that the location should be listed as
 4. CAI has ceased operations
 1. Date CAI ceased operations
 2. If there is another CAI currently operating at this location:
 1. Official entity name of the institution
 2. The type of CAI, selecting from the categories defined above
 - a. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
 - b. If a Community Support Organization, explanation of how organizations facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
 - c. Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI
2. Evidence that demonstrates that the location is a non-CAI or is no longer in operation

Evidence for Location is Not a CAI Rebuttal

Any Permissible Challenger may submit a rebuttal for a Location is a CAI challenge. The information and evidence must include evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

CAI BEAD Eligibility Based on Broadband Need

Evidence for CAI Does Not Have Access to 1 Gbps Service Challenge

If a CAI is reported to have access to 1 Gbps symmetrical service, but you have countervailing evidence, you may file a CAI Does Not Have Access to 1 Gbps Service challenge.

To submit this challenge type, you must provide the following information and evidence:

1. Attest that this location does not currently have access to 1 Gbps/1Gbps broadband service and does not have a connection that is readily scalable to 1 Gbps speeds at a higher tier of service over the existing infrastructure.
2. If there is an available Internet connection at the location, you'll be asked to provide the following information:
 1. Who is the current provider?
 2. What technology is delivering the current services?⁴
 3. What are the speeds of your current plan?
3. Upload evidence of recent bill/invoice, photo of the provider gateway, or other evidence to support the challenge
4. Signed attestation

Evidence for CAI Does Not Have Access to 1 Gbps Service Rebuttal

Any Permissible Challenger may submit a rebuttal for a CAI Does Not Have Access to 1 Gbps Service challenge. The information and evidence must include evidence that the CAI location has an existing connection capable of delivering 1 Gbps/1Gbps speeds or a connection that is readily scalable to 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

Evidence for CAI Has Access to 1 Gbps Service Challenge

If a CAI is reported to not have access to 1 Gbps symmetrical service, but you have countervailing evidence, you may file a CAI Has Access to 1 Gbps Service challenge. For this type of challenge, the acceptable challenge and evidence types would be the reverse of those for the CAI Does Not Have Access to 1 Gbps Service challenge type above.

Obtaining CostQuest BSL Fabric Licenses

In order to administer the BEAD program, PBDA is required to use the FCC National Broadband Map as the baseline, which provides reported broadband availability data at the location level and relies on a proprietary dataset to provide the location data.

PBDA was required to enter into a license agreement with CostQuest Associates, the owner of the dataset, to access the data for the purposes of the BEAD program including the Challenge Process. The terms of this license agreement restrict PBDA from making the data fully available to stakeholders participating in the Challenge Process.

⁴ Note that copper or cable connections would generally not be sufficient to achieve 1 Gbps service.

While PBDA cannot make the data fully available to stakeholders, the participants in the Challenge Process are eligible to apply for their own licenses with CostQuest. NTIA entered into a contract with CostQuest to cover the cost of these licenses, so there is no expense to licensees.

A CostQuest License is not required to file challenges directly through the challenge portal. However, a license from CostQuest will simplify the submission of bulk challenges, especially those with large numbers of locations, by enabling you to select locations by uploading a list of BSL Location IDs.

License Tiers

There are two tiers of licenses relevant for the BEAD Program:

- **Tier D License** – The Tier D License is available to all qualified, or presumptively qualified, recipients and subrecipients of federal broadband grants. This license is available to broadband providers, including co-ops, and units of Tribal governments. [Request License](#)
- **Tier E License** – The Tier E license is intended for units of local government, nonprofits, and other organizations that have signed an FCC Tier 4 license.

[Request License](#)