

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

# PENNSYLVANIA BROADBAND DEVELOPMENT AUTHORITY

#### **MISSION**

TO FOSTER AND CREATE EQUITABLE, AFFORDABLE, AND ROBUST HIGH-SPEED BROADBAND INFRASTRUCTURE AND SERVICES CONNECTING PENNSYLVANIA FOR THE 21<sup>ST</sup> CENTURY AND BEYOND.

#### **VALUES**

PARTNERSHIP COMMUNITY TRANSPARENCY EQUITY SUSTAINABILITY ACCOUNTABILITY



# TODAY'S WEBINAR

- Today's webinar will include the following:
  - An introduction to the BEAD Challenge process
  - Discussion of acceptable evidence
  - A review of PBDA challenge workflows
  - A description of the adjudication process
  - Next steps



## **BEAD CHALLENGE PROCESS**

The goal of the BEAD program is to connect everyone in America to affordable, reliable high-speed internet service.

To achieve this goal, the **Infrastructure Investment and Jobs Act** (**Bipartisan Infrastructure Law**) requires each eligible entity (i.e. the state) to conduct a challenge process to validate and finalize eligibility determinations.

This challenge process will determine which broadband serviceable locations and Community Anchor Institutions (CAIs) are eligible to be served by BEAD funded networks.



# PERMISSIBLE CHALLENGERS

# Eligible participants in the BEAD challenge process are:

- 1. Units of local governments
  - 2. Nonprofit organizations
- 3. Internet service providers



## BEAD CHALLENGE PORTAL

PBDA has contracted with Ready.net to create the challenge portal. It will be available through the PBDA website.

- To register
  - register.broadband.pa.gov
- Access challenge portal
  - challenge.broadband.pa.gov
- Available through PBDA website:
  - <a href="https://www.broadband.pa.gov/funding/broadband-equity-access-and-deployment-bead-program/">https://www.broadband.pa.gov/funding/broadband-equity-access-and-deployment-bead-program/</a>



## **ACCOUNT REGISTRATION**

- 1. Visit the registration site
- 2. Click the Register button
- 3. Complete the intake form
  - a) General information
  - b) Broadband provider information
  - c) Unit of local government information
  - d) Nonprofit information
- 4. Click "Finish" and submit form
- 5. Wait for account approval
- 6. Complete setting up your account



# CHALLENGE PORTAL REGISTRATION

## Register For The BEAD Challenge Process

SECTION 1 OF 2

#### **About You**

* Entity Name	
Entity Name	
* Entity Website	
https:// Entity Website	
* Primary Contact Name	
R Primary Contact Name	
* Primary Contact Email	
Primary Contact Email	
Primary Contact Number	
* Type of Organization	
Type of Organization	~

#### Register For The BEAD Challenge Process

SECTION 2 OF 2

#### Organizational Information

Please confirm which provider you are. If your name is not on this list, p	lease select other.
	V
Please type your EIN	
FCC Registration Number (FRN)	
FCC Registration Number (FRN)	
Address Line 1	
uddress Line 2	
City	
State	
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## ALLOWABLE CHALLENGES

- Provider Service Level
   — these include challenges to reported service availability, speed, data caps, latency, technology, and residential/business service
- 2. Enforceable commitments— locations with existing funding commitments that will change the location's service status
- **3.** Planned service deployments locations with existing planned deployments, not as part of an enforceable commitment, that will change the location's service status
- **4. 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



# CHALLENGE PROCESS PHASES

# **Timeline**

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



## SUBMIT CHALLENGES

- 1. Log in to the Challenge Portal
- 2. Expand "Challenge" Item in the Navigation Menu
- 3. Click on either "Dashboard" or "Challenge Map"
- 4. Click on "Add Challenge" Button
- 5. Create a Challenge
- 6. Upload Evidence and Documentation
- 7. Attestation



## SUBMIT REBUTTALS

- Notifications of Rebuttal Phase Sent
- Log in to Challenge Portal
- 3. Expand "Challenge" Item in the Navigation Menu
- Go to "Dashboard"
- 5. View Challenge Details
- 6. Rebut or Accept Challenges
- 7. Upload Evidence and Documentation
- 8. Attestation



## POSTING OF CHALLENGE/REBUTTAL DATA

- PBDA will post all submitted challenges and rebuttals before final challenge determinations are made, including:
  - The provider, nonprofit, or unit of local government that submitted the challenge
  - The census block group containing the challenged location(s)
  - The type of challenge (e.g., availability or speed)
  - A summary of the challenge, including whether a provider submitted a rebuttal



## CHALLENGE ADJUDICATION / FEDERAL REVIEW

- Challenge determinations regarding BSL eligibility (served or unserved/underserved) and CAI eligibility will be made during the adjudication phase
- Adjudication will consist of comparing evidence submitted in the challenge phase and rebuttal phase and determining an outcome.
- Upon PBDA's completion of adjudicating challenges submitted:
  - PBDA will prepare a deliverable to submit to the NTIA of all challenges
  - NTIA will review to ensure accuracy and compliance with adjudication results



## CHALLENGE EVIDENCE

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.



#### AVAILABILITY CHALLENGE CODES AND REASONS

- 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.
- 7. Intentionally Omitted (Does not constitute a formal challenge).
- 8. No wireless signal is available at this location (only for technology codes 70 and above).
- 9. New, non-standard equipment had to be constructed at this location.

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



#### CHALLENGE CODE 1 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

#### **Rebuttal:**

- 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



#### CHALLENGE CODE 2 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

#### **Rebuttal:**

- 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



#### CHALLENGE CODE 3 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

#### Rebuttal:

• Evidence that service is now available as a standard installation (e.g., a copy of an offer sent to the location)



#### CHALLENGE CODE 4 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

#### **Rebuttal:**

- 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



#### CHALLENGE CODE 5 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

#### **Rebuttal:**

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



#### CHALLENGE CODE 6 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

## **Rebuttal:**

- 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



#### CHALLENGE CODE 7 EVIDENCE AND REBUTTAL

#### **Evidence:**

N/A

#### Rebuttal:

N/A

#### Note:

Intentionally Omitted (Does not constitute a formal challenge 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"



## CHALLENGE CODE 8 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

## **Rebuttal:**

 Countervailing evidence to demonstrate service availability and speed (e.g., with a mobile test unit)



#### CHALLENGE CODE 9 EVIDENCE AND REBUTTAL

#### **Evidence:**

- 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

## **Rebuttal:**

• 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

There are four additional allowable Location Eligibility Determination challenge types.

- Speed and Latency
- Data Cap
- Technology
- Business Service Only



#### EVIDENCE FOR SPEED AND LATENCY CHALLENGES

An eligible entity may submit groups of speed test data from customers, i.e. a municipality may collect data from residents.

- Consists of three measurements taken on different days that includes:
  - Date and time of test
  - The provider-assigned IP address
  - Name and street address of customer
  - · Certification of the speed tier to which the customer is subscribed
  - An agreement allowing PBDA access to these data elements
- Speed tests can take four forms:
  - A reading of the physical line speed provided by the residential gateway
  - A reading of the speed test available from within the residential gateway web interface
  - · A reading of the speed test found on the service provider's web page; or
  - A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an NTIA-approved speed test application



#### REBUTTALS FOR SPEED AND LATENCY CHALLENGES

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.

- Consist of three measurements taken on different days between 7pm and 11pm that includes:
  - 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



#### DATA CAP CHALLENGE

#### **Evidence:**

- 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

#### **Rebuttal:**

 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 CHALLENGE

#### **Evidence:**

- 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

## **Rebuttal:**

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



#### **BUSINESS ONLY SERVICE CHALLENGES**

#### **Evidence:**

- 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

#### **Rebuttal:**

 Documentation that the service listed in the BDC is available at the location and is marketed to residential customers



#### ENFORCEABLE COMMITMENT CHALLENGES

# **Details required:**

- Obligation deployment download speed in Mbps
- Obligation deployment upload speed in Mbps
- Obligation deployment technology
- An attestation to confirm that the round-trip latency of deployed service will be under 100ms
- An attestation to confirm that the network will be fully deployed to the challenged locations by the dates required by the award
- Whether the deployed service is available as residential service, business service, or both

- Evidence of award such as authorization letter and/or executed agreement with funding entity
- List of funded locations included in award
- If available, methodology used to match awarded locations to Fabric IDs



#### NOT AN ENFORCEABLE COMMITMENT CHALLENGES

- 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.



#### PLANNED PROVISION OF SERVICE CHALLENGES

- Maximum advertised download speed in Mbps
- Maximum advertised upload speed in Mbps
- Technology type of service
- Confirmation that the round-trip latency will not exceed 100ms
- Evidence that the deployment is on track to be completed on time, which may include, but not be limited to:
  - Planned network diagrams
  - Evidence of all necessary permits that were obtained
  - Inspection results
  - Construction contracts and invoices
- Letter from county or local government office confirming that construction has begun
- An affidavit or equivalent attestation confirming that service will be deployed to the locations included in this challenge by June 30, 2024
- A contract or similar binding agreement between the State and the provider committing that planned service will meet the BEAD definition and requirements



#### **EXISTING SERVICE CHALLENGES**

- Maximum advertised download speed in Mbps
- Maximum advertised upload speed in Mbps
- Technology type of service
- Confirmation that the round-trip latency does not exceed 100ms
- Indication of whether you have already reported the available broadband service to FCC's Broadband Data Collection Program (BDC)
  - If yes, you will need to confirm which BDC filing window you filed the service under
  - If no, you will need to attest that the service availability will be reported to the FCC during the next BDC filing window
- Evidence that the service is deployed and available (provide as many of the following as possible):
  - Submitted BDC filing (If applicable)
  - Evidence of subscribers
  - Network diagram of deployments
  - Evidence of completed deployment, such as evidence of all necessary permits that were obtained, inspection results, or construction contracts and invoices



#### LOCATION IS A CAI CHALLENGE

#### **Evidence:**

- Official entity name of the institution
- The type of CAI, selecting from the categories defined above
  - Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
  - 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
- Evidence to support the challenge, which may include:
  - Registration documents
  - Contact information to confirm organizational details
  - Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI

#### Rebuttal:

- Location is a residence
- Location is a non-CAI business
- Institution does not fall under listed category
  - Identify the institution type that the location should be listed as
- CAI has ceased operations
  - Date CAI ceased operations:
  - Evidence to support rebuttal



# CAI ELIGIBILITY BASED ON BROADBAND NEED

#### **Evidence:**

- 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.
- If there is an available Internet connection at the location, you'll be asked to provide the following information:
  - Who is the current provider?
  - What technology is delivering the current services?
  - What are the speeds of your current plan?
  - Upload evidence of recent bill/invoice, photo of the provider gateway, or other evidence to support the challenge
- Signed attestation

#### Rebuttal:

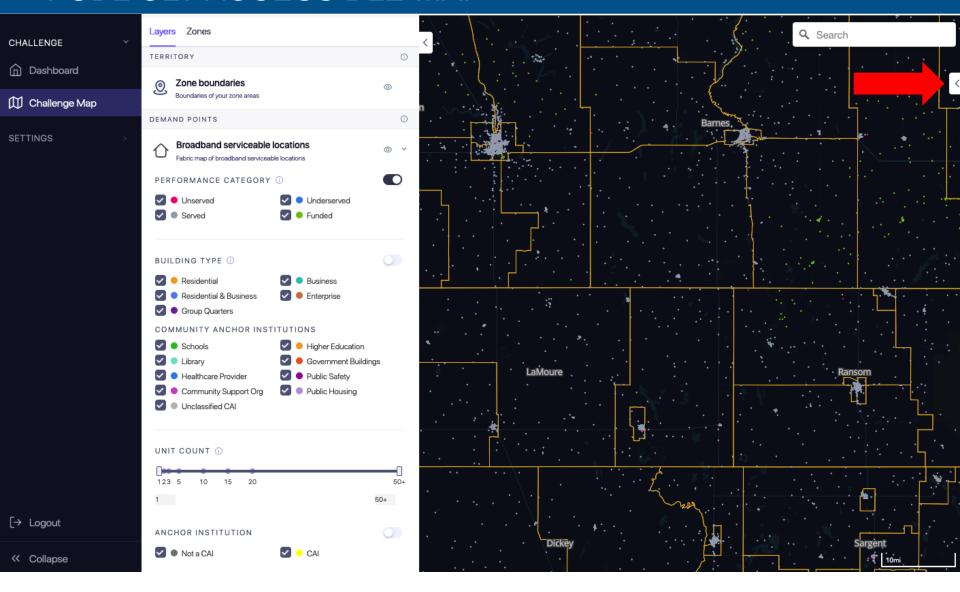
Any Permissible Challenger may submit a rebuttal for a CAI Does Not Have Access to 1
Gbps Service challenge. The information and evidence must include evidence that the
CAI location has an existing connection capable of delivering 1 Gbps/1Gbps speeds or a
connection that is readily scalable to 1 Gbps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



# CHALLENGE WALKTHROUGH

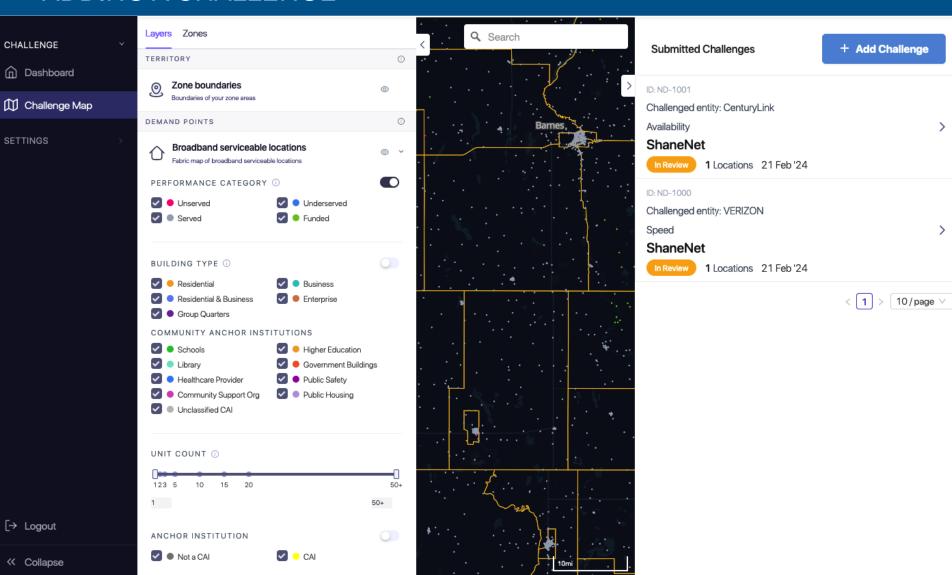


## PUBLICLY ACCESSIBLE MAP



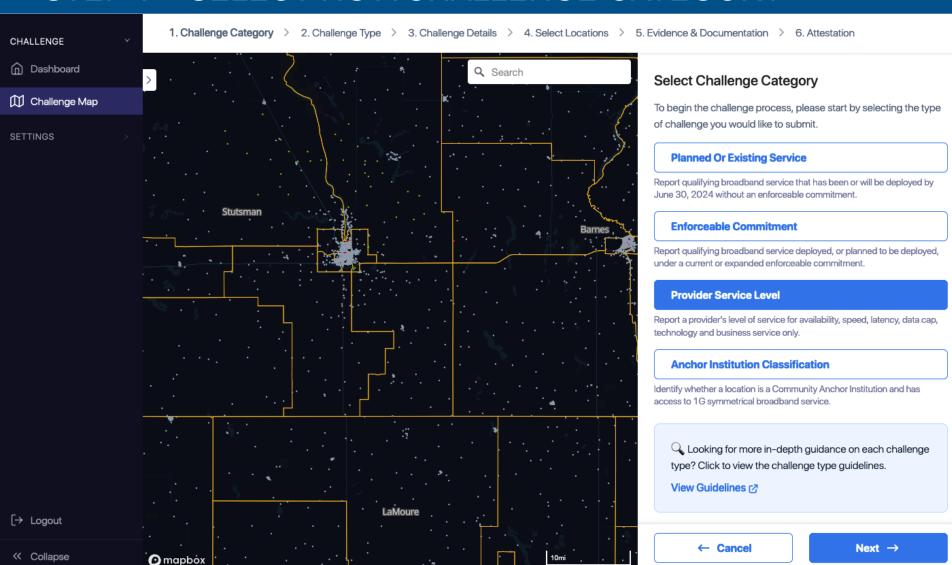


#### **ADDING A CHALLENGE**



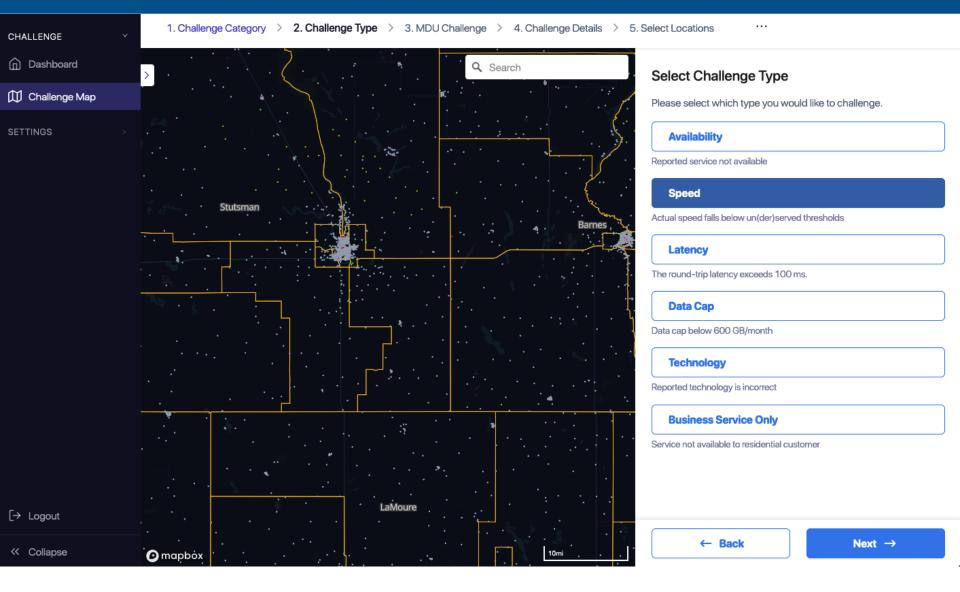


## STEP 1 – SELECTING A CHALLENGE CATEGORY



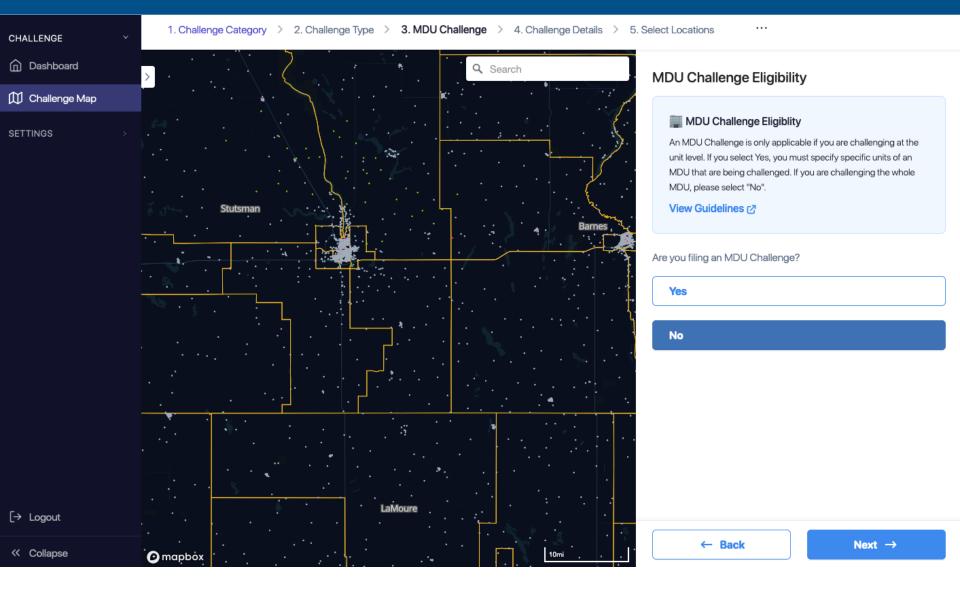


## STEP 2 – SELECTING A CHALLENGE TYPE



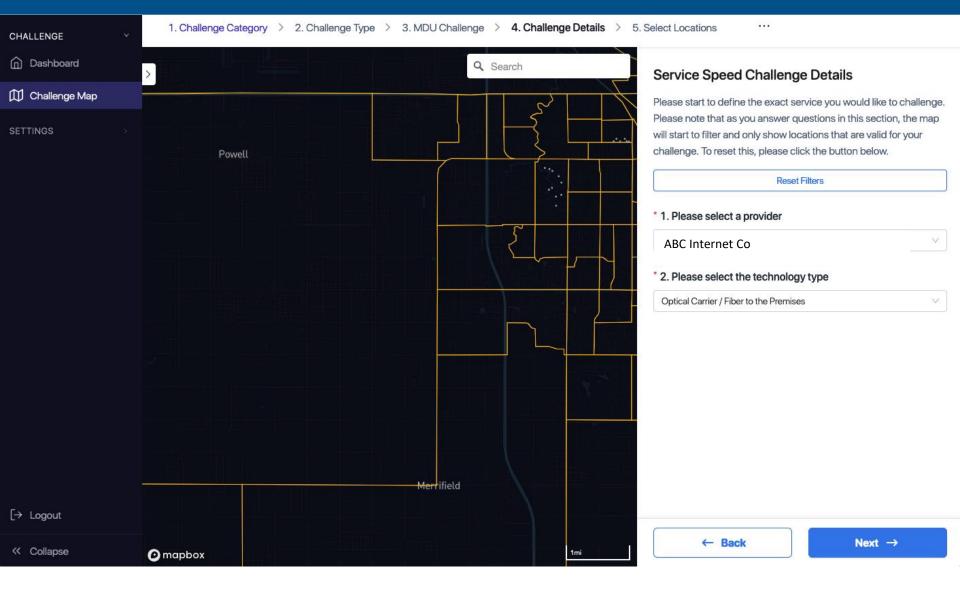


## STEP 3 - MDU CHALLENGE



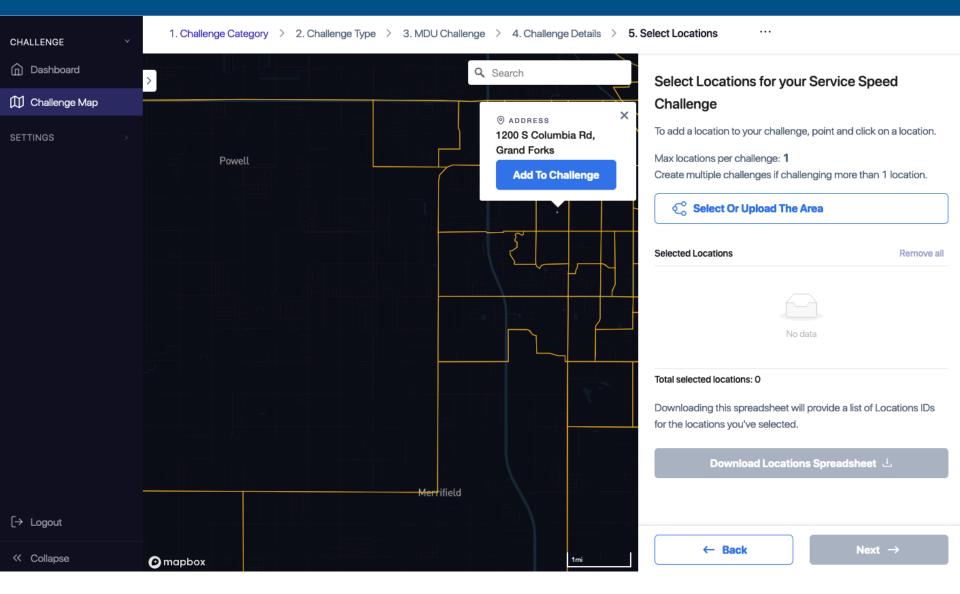


#### STEP 4 – SERVICE SPEED CHALLENGE DETAILS



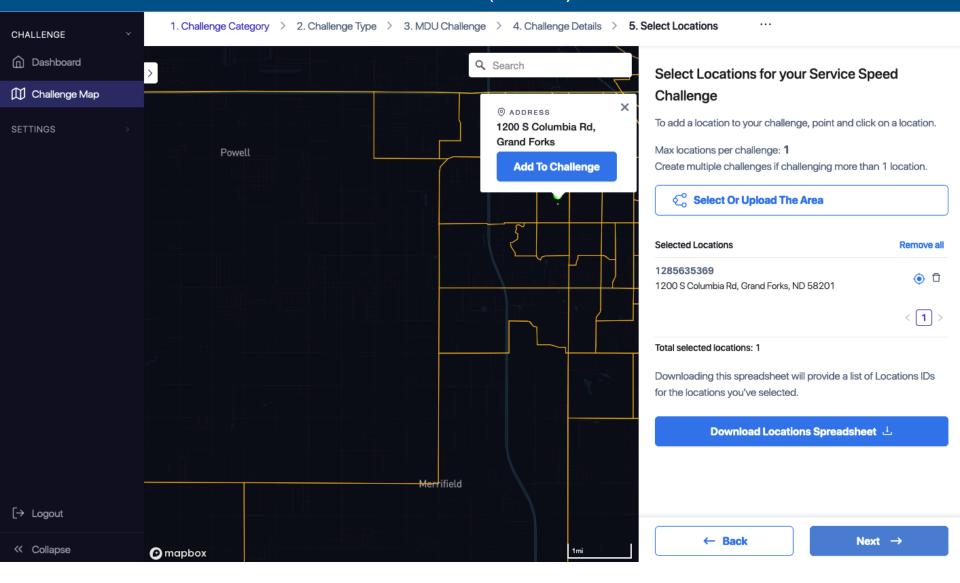


#### STEP 5 – SELECTING LOCATIONS TO CHALLENGE



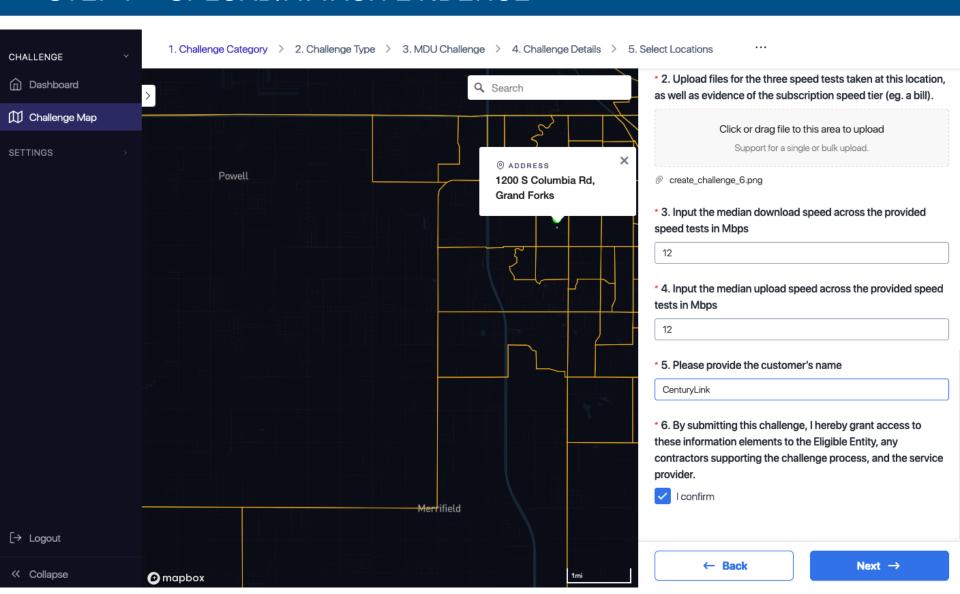


## STEP 6 – SELECTING LOCATIONS (cont'd)



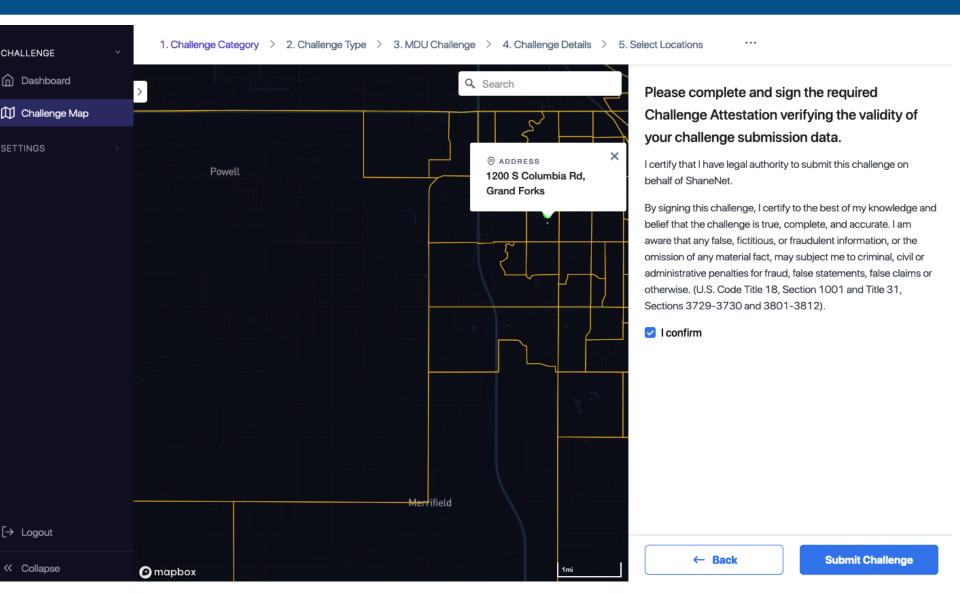


#### STEP 7 – UPLOAD/ATTACH EVIDENCE





## **STEP 8 - ATTESTATION**





## PERSONALLY IDENTIFIABLE INFORMATION (PII)

 PBDA will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names and customer IP addresses. To ensure all PII is protected, PBDA will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.



#### CONFIDENTIAL / PROPRIETARY INFORMATION

 PBDA will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.



#### COSTQUEST ASSOCIATES LICENSES

#### 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.

Challengers should obtain CQA licenses as soon as possible.

Visit: <a href="https://apps.costquest.com/NTIArequest/">https://apps.costquest.com/NTIArequest/</a>



## **NEXT STEPS**

- PBDA is committed to an evidence-based, fair, transparent, and expeditious challenge process. Next steps include:
  - For continued communication and updates about the process and timeline, PBDA will inform stakeholders through its email distribution list and email newsletters.
  - Instructions for the challenge process will be posted on PBDA's public website (broadband.pa.gov).
  - A "Frequently Asked Questions" document will be available on PBDA's website very soon to address additional process details.
  - Results of the challenge process will be shared with the public after PBDA adjudication.



## **QUESTIONS?**

- Live Office Hours will be hosted where you can ask questions about the BEAD Challenge Process:
  - April 19, 2024
  - April 23, 2024
  - April 25, 2024
- For immediate questions: <u>RA-DCPBDA\_BEAD@pa.gov</u>