

Proposed BEAD Challenge Process Guidance

The Broadband Equity, Access, and Deployment (BEAD) Program, established by the Infrastructure Investment and Jobs Act (IIJA), provides \$42.45 billion of funding to states, territories and the District of Columbia (“Eligible Entities”) for broadband planning, deployment, mapping, equity, and adoption activities. The National Telecommunications and Information Administration (NTIA), as the agency responsible for administering the BEAD program, issued a Notice of Funding Opportunity describing the program’s requirements, including the requirement that each Eligible Entity submit an Initial Proposal describing, among other things, a BEAD “challenge process” under which a unit of local government, nonprofit organization, or broadband service provider may challenge a determination made by the Eligible Entity in the Initial Proposal as to whether a particular location or community anchor institution is eligible for BEAD funds, including whether a particular location is unserved or underserved.

In response to inquiries from Eligible Entities and other stakeholders, NTIA is proposing to issue:

- A BEAD Challenge Process Policy Notice to provide Eligible Entities with additional guidance on how to design and conduct their BEAD challenge process; and
- A BEAD Model Challenge Process to provide Eligible Entities.

NTIA seeks comment from the public on this proposed guidance. If you wish to provide comment to NTIA, please submit to **BEAD@NTIA.gov** by **midnight EDT on May 5, 2023**.

Please note that these are draft documents. Eligible Entities may not rely on NTIA guidance until it is finalized.

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Policy Notice

ACTION: Notice

SUMMARY:

The Infrastructure Investment and Jobs Act (Infrastructure Act), enacted in November 2021, includes funding for robust investment in American infrastructure projects. The Infrastructure Act includes the Broadband Equity, Access, and Deployment (BEAD) Program, which provides \$42.45 billion of funding to achieve reliable, affordable, and high-speed Internet coverage throughout the United States. *See* Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60102, Public Law 117-58, 135 Stat. 429 (Nov. 15, 2021). The U.S. Department of Commerce, in keeping with its mission to create the conditions for economic growth and opportunity for all communities, is ready to lead the building of equitable access to universal high-speed Internet coverage in the United States, in partnership with other agencies and Departments.

The National Telecommunications and Information Administration (NTIA), as the agency responsible for administering the BEAD program, provides herein additional guidance to inform the submission of the Initial Proposal, including the design and implementation of the BEAD Eligible Entity challenge processes. This Policy Notice expands upon, but does not replace, the BEAD Eligible Entity (States, territories, and the District of Columbia) requirements outlined in the BEAD Notice of Funding Opportunity (NOFO) that each Eligible Entity must adhere to for the Assistant Secretary of Commerce for Communications and Information to approve its Initial Proposal.¹

¹ This guidance document is intended to help BEAD Eligible Entities better understand the BEAD Program requirements set forth in the Infrastructure Act and the BEAD Notice of Funding Opportunity (NOFO). This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.

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1. Policy Notice Purpose

The goal of the BEAD Program is to achieve affordable, reliable high-speed Internet coverage. To help achieve this goal, the Infrastructure Act requires each Eligible Entity to determine the locations and community anchor institutions (CAIs) within its jurisdiction that are eligible for BEAD funding and conduct a challenge process to validate and finalize those eligibility determinations.² The Infrastructure Act and the BEAD NOFO provide the Assistant Secretary discretion to oversee the challenge process during two key phases: challenge process review, when NTIA reviews and may modify the challenge process proposed by Eligible Entities, and challenge results review and approval, when NTIA reviews and may modify the final eligibility determinations made by Eligible Entities following the challenge process.³

This document outlines NTIA’s additional guidance for Requirement #3, Requirement #5, Requirement #6, and Requirement #7 of the BEAD Initial Proposal as outlined in the [NOFO](#), which include the identification of existing broadband funding, deduplication of funding process, identification of eligible locations, identification of Eligible CAIs, and the design of the challenge process.⁴ These four requirements may be submitted prior to the complete Initial Proposal—as part of Volume 1 of the Initial Proposal—to enable Eligible Entities to begin administering the challenge process more quickly. As such, these four requirements will hereafter be referred to collectively as “Volume 1.” Eligible Entities **must adhere to the requirements listed in this document** to receive the Assistant Secretary’s approval to conduct their challenge process.

This Policy Notice includes nine sections:

- **Sequence of Events (Section 2):** This section outlines the sequence of events for the submission of the Initial Proposal, challenge process administration, and challenge results review.
- **BEAD Volume 1 Submission Process (Section 3):** This section outlines the timeline and process for submitting the BEAD Initial Proposal Volume 1 to NTIA for review and approval.
- **Existing Broadband Funding Requirements (Section 4):** This section outlines the requirement to identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands (Initial Proposal Requirement #3).
- **Initial Location Data Requirements (Section 5):** This section outlines requirements for using the National Broadband Map prior to the initiation of the challenge process, including identification of unserved and underserved locations (Initial Proposal Requirement #5) and eligible CAIs (Initial Proposal Requirement #6).
- **Modifications to Location Classifications (Section 6):** This section provides an overview of the requirement to run a deduplication of funding process to identify and remove locations with enforceable commitments prior to the initiation of the challenge process and requirements for pre-challenge process modifications of the location dataset.⁵

² See Infrastructure Act Section 60102(h)(2)(A).

³ See Infrastructure Act Section 60102(h)(2)(D)(i); BEAD NOFO at 34-35, Section IV.B.6 (May 13, 2022), <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>. See also Appendix B of this document.

⁴ See BEAD NOFO at 31, Section IV.B.5.b (regarding Requirement #3, States and Territories that have completed Five-Year Action Plans may reference this plan to satisfy this requirement).

⁵ See BEAD NOFO at 36, n. 52, Section IV.B.7.a.ii.

- **BEAD Challenge Process Design Requirements (Section 7):** This section outlines the requirements for the design and implementation of the challenge process (Initial Proposal Requirement #7).
- **Post Challenge Process Updates (Section 8):** This section notes that Eligible Entities may, but are not required to, update their post-challenge data to reflect updates to the National Broadband Map that occur after the conclusion of the challenge process.
- **Post Challenge Process Review (Section 9):** This section outlines requirements for submission of the challenge process results to NTIA for review.

2. Sequence of Events

The BEAD challenge process is comprised of ten distinct phases, depicted below:

Figure 1: BEAD Challenge Process Sequence of Events Overview

1. Eligible Entity Develops Initial Proposal Volume 1

Eligible Entities consult with the Federal Program Officer (FPO) to identify unserved and underserved locations using the National Broadband Map, identify eligible CAIs, and develop a **transparent, evidenced-based, fair, and expeditious challenge process** for review that includes their proposed pre-challenge process location modifications (*e.g.*, the proposed deduplication process).

2. Eligible Entity Submits Initial Proposal Volume 1 (optional)

Eligible Entities may first submit Initial Proposal Volume 1 (defined in Section 3 below), which includes the **initial identification of unserved and underserved locations, the definition of CAI classification applied, their proposed pre-challenge process location modifications (*e.g.*, the proposed deduplication process), and their proposed challenge process**. Volume 1 may be submitted prior to Volume 2 and the Initial Proposal Funding Package and receipt of a Notice of Funding Availability.

3. Eligible Entity Submits Full Initial Proposal (Volume 1 and Volume 2)

Eligible Entities submit their full Initial Proposal, which includes **Volumes 1 and 2** (see Section 3). (Eligible entities that have already submitted Volume 1, above, need only submit Volume 2 at this stage.)

4. NTIA Reviews and Approves Initial Proposal Volume 1

NTIA reviews, and may modify, Initial Proposal Volume 1. NTIA may review and approve Volume 1 prior to completing its review of Volumes 2 and the Initial Proposal Funding Package or issuance of any Notice of Funding Availability.

5. Eligible Entities Run Approved Modifications and Deduplication of Funding Process

If NTIA approves an Eligible Entity's challenge process, the Eligible Entity modifies, if appropriate, the set of locations it proposes to make eligible for BEAD funding to reflect data not present in the National Broadband Map and runs the approved deduplication of funding process to identify and remove locations that have funding commitments under another program for deploying qualifying broadband service.



Eligible Entity Activity



NTIA Activity

6. Eligible Entities Run Approved Challenge Process

Eligible Entities run the approved challenge process to determine which locations are **served, unserved, or underserved**. In no circumstance may an Eligible Entity begin its challenge process prior to (a) receiving approval of the challenge process from NTIA and (b) submission of the full Initial Proposal (Volumes 1 and 2) to NTIA.

7. Eligible Entities Submit Challenge Results to NTIA

Eligible Entities submit challenge results and final eligibility determinations to NTIA to **approve or reverse**.

8. NTIA Reviews and Validates Challenge Results

NTIA **reviews challenge results** and determines whether to **approve or reverse** the Eligible Entity's determinations.

9. NTIA Communicates Determination to Eligible Entities

NTIA **communicates** the result of the challenge review to the respective Eligible Entity.

10. Eligible Entities Publish Final Determinations

Eligible Entities **provide public notice of the final determinations for each location and CAI** at least 60 days prior to allocating grant funds.

Eligible Entity Activity NTIA Activity

3. BEAD Volume 1 Submission Process

Eligible Entities must submit their BEAD challenge processes as part of Volume 1 of the Initial Proposal. To expedite approvals and enable Eligible Entities to begin administering the challenge process more quickly, Eligible Entities may submit the Initial Proposal in volumes as follows:

- Volume 1 will include the following Initial Proposal requirements as outlined in the BEAD NOFO:⁶
 - a. Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands (Requirement #3).
 - b. Identify each unserved location and underserved location within the Eligible Entity (*i.e.*, under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands), using the most recently published National Broadband Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the National Broadband Maps used for such identification (Requirement #5).⁷
 - c. Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all Eligible CAIs in its jurisdiction, identified all Eligible CAIs in applicable Tribal Lands, and assessed the needs of Eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations (Requirement #6).
 - d. Include a detailed plan as to how the Eligible Entity will conduct a challenge process as described in Section IV.B.6 of the BEAD NOFO (Requirement #7).
- Volume 2 will include all additional Initial Proposal requirements outlined in Section IV.B.5.b of the BEAD NOFO (*i.e.*, Requirements #1, 2,4, and 8-19).
- *Optional*: In the case of Eligible Entities that opt to request funding as part of their Initial Proposal, such Eligible Entities will also be required to submit an Initial Proposal Funding Package (*i.e.*, supporting budget documentation) to request funding. Additional information regarding the funding submission requirements will be provided in subsequent guidance. Eligible Entities will not need to have submitted the Initial Proposal Funding Package in order to obtain approval for Volumes 1 or 2.

NTIA will review and approve Volume 1 first to allow Eligible Entities to begin conducting their challenge process (if they desire) prior to full Initial Proposal approval. **In no circumstance may an Eligible Entity begin its challenge process prior to submission of the full Initial Proposal (Volumes 1 and 2) to NTIA and before receiving approval of Volume 1 from NTIA.**

Once submitted, the Assistant Secretary may modify the challenge process proposed by an Eligible Entity as necessary and will subsequently inform the Eligible Entity of any modifications required. Once an

⁶ See BEAD NOFO at 31, Section IV.B.5.b.

⁷ The National Broadband Map, referred to as the Broadband DATA Map in the BEAD NOFO, is the fixed broadband availability map created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).

Eligible Entity makes any required modifications, the Assistant Secretary shall approve the challenge process, either in conjunction with, or prior to, approval of the Eligible Entity’s overall Initial Proposal.

NTIA *strongly encourages* Eligible Entities to regularly consult with their assigned FPO on any questions and to submit their Initial Proposal Volume 1 prior to submitting Volume 2. This will allow for faster processing and review of submitted challenge processes by NTIA, and subsequently allow Eligible Entities to begin conducting their challenge process more quickly.⁸

4. Existing Broadband Funding Requirements

As part of the Initial Proposal, Eligible Entities must identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands. For States and Territories that have completed Five-Year Action Plans, reference to the Five-Year Action Plan in the Initial Proposal would satisfy this requirement.⁹

5. Initial Location Data Requirements

The goal of the BEAD challenge process is to ensure Eligible Entities identify the full universe of locations that are eligible for BEAD funding. In support of this goal, this section outlines the requirements for Eligible Entities to use the National Broadband Map as a starting point to identify the list of BEAD-eligible locations within their jurisdiction, prior to conducting a challenge process. As the first step in Volume 1 of the Initial Proposal, Eligible Entities will identify unserved locations, underserved locations, and Eligible CAIs within their jurisdiction.

5.1 National Broadband Map Use

As part of Volume 1 of the Initial Proposal, Eligible Entities are required to identify each unserved location and underserved location within the Eligible Entity (*i.e.*, under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands), using the most recently published National Broadband Map as of the date of submission of the Initial Proposal.¹⁰ In their submissions, Eligible Entities must include the publication date of the National Broadband Map used for such identification. Additional guidance on the data format for unserved and underserved locations can be found in Appendix A.

5.2 Community Anchor Institution Identification

As part of Volume 1 of the Initial Proposal, Eligible Entities are required to include the following:

- a. A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution” and identified all Eligible CAIs (*i.e.*, “a community anchor institution that lacks access to Gigabit-level broadband service”) in its jurisdiction and in applicable Tribal Lands;¹¹
- b. A description of how the Eligible Entity assessed the needs of Eligible CAIs, and of what types of CAIs the Eligible Entity intends to receive service under the BEAD Program;

⁸ Additional guidance on the complete Initial Proposal submission is forthcoming.

⁹ See BEAD NOFO at 31, Section IV.B.5.b.3.

¹⁰ See *id.*

¹¹ *Id.* at 12, Section I.C(h).

- c. A description of the categories of institutions proposed as CAIs, including during the public comment period, if any, that the Eligible Entity considered but declined to classify as an Eligible CAI, and a description of the basis on which the Eligible Entity determined that such category of CAI does not facilitate greater use of broadband service by vulnerable populations;
- d. If the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations; and
- e. A list of each Eligible CAI location identified within the jurisdiction of the Eligible Entity, including the National Broadband Map location ID (if applicable) and/or latitude and longitude for each Eligible CAI in the data format in Appendix A.

Categories of institutions may include but not be limited to the following:

- K-12 schools, junior colleges, community colleges, universities or other educational institutions;
- Libraries;
- Local, state, federal or Tribal government buildings;
- Health clinics, health centers, hospitals, or other medical providers;
- Public safety entities such as fire houses, emergency medical service stations, police stations, or public safety answering points (PSAP);
- Public housing organizations;¹² and
- Community support organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.

6. Modifications to Location Classifications

This section outlines requirements each Eligible Entity is to undertake prior to implementing its challenge process.

As part of Volume 1 of the Initial Proposal, an Eligible Entity may, upon approval of the Assistant Secretary, modify the set of locations it proposes to make eligible for BEAD funding to reflect data not present in the National Broadband Map as described in Section 6.1. Eligible Entities also must submit a description of the deduplication process that will be conducted prior to implementing the challenge process. The deduplication process must meet the requirements outlined in Section 6.2 below. Upon approval of Volume 1 of the Initial Proposal, and prior to conducting the challenge process, Eligible Entities will complete any modification process approved under Section 6.1 and then the funding deduplication process described in Section 6.2. The set of eligible locations established after execution of these pre-challenge process requirements will then be the subject of the challenge process described in Section 7.

6.1 Modifications to Reflect Data Not Present in the National Broadband Map

Eligible Entities may, subject to the approval of the Assistant Secretary, modify the designation of a location as served, underserved or unserved on the National Broadband Map (see Section 5) and, subject to the challenge process, to reflect data not present in the National Broadband Map. Eligible Entities are

¹² This term is used broadly and includes any public housing agency, HUD-assisted housing organization, or Tribal housing organization. *Id.* at 11, n. 3, Section I.C.

required to provide sufficient justification that the modifications more accurately reflect the locations eligible for BEAD funding within the Eligible Entity’s jurisdiction.

Proposals may not (a) add or remove locations from the set of broadband serviceable locations the Commission has identified on the National Broadband Map (see Section 5), or (b) change the definitions of “unserved” and “underserved” from those set forth in the Infrastructure Act.

By way of example only, an Eligible Entity might propose the following:

- To treat locations that the National Broadband Map shows to have available qualifying broadband service (*i.e.*, a location that is “served”) delivered via DSL as “underserved” to facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service.
- To treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream.

The Assistant Secretary will not approve proposals to make wholesale changes to the classification of locations as unserved, underserved, or served based on an Eligible Entity’s views of the policies underpinning the Broadband DATA Act and the FCC’s implementation thereof. By way of example, the Assistant Secretary will not approve a proposal to require a standard service installation interval of less than 10 business days.¹³

6.2 *Deduplication of Funding*

An Eligible Entity may not treat as “unserved” or “underserved” any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process is concluded.¹⁴ In order to implement this requirement, Eligible Entities must identify potential project locations where enforceable commitments¹⁵ to provide qualifying broadband¹⁶ already exist (*i.e.*, the deduplication process).¹⁷

For locations with an enforceable commitment to deploy reliable broadband that is less than 100/20 Mbps, the Eligible Entity must, subject to the exceptions outlined below, classify these locations as unserved or underserved based on the speed the commitment requires.

¹³ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

¹⁴ See BEAD NOFO at 36, Section IV.B.7.a.ii, item 3.

¹⁵ For a definition of “enforceable commitment,” see *id.* at 36, n. 52, Section IV.B.7.a.ii.

¹⁶ For a definition of “qualifying broadband,” see *id.* at 36, Section IV.B.7.a.ii, item 3.

¹⁷ As described in the NOFO, Eligible Entities may fund locations in an area that has an enforceable commitment for the deployment of qualifying broadband if that commitment extends to less than 100 percent of the locations in that area. *Id.* at 36, n. 52, Section IV.B.7.a.ii. The challenge process must, however, seek to identify which locations in such an area will not be served by qualifying broadband service as a result of such enforceable commitment, and use that information in determining whether to treat each location as unserved or underserved within the relevant area. *Id.*

If the service provided in such a commitment meets the BEAD definition and requirements of reliable broadband, it will be considered an enforceable commitment regardless of the type of reliable broadband technology deployed.

If a provider offers to deploy broadband service to an area that is faster than what was required by a preexisting enforceable commitment,¹⁸ Eligible Entities may, but are not required to, enter into a binding agreement with the provider that reflects the new, higher speed commitment and consider the locations in that area served with the higher speed.¹⁹

For unserved locations and underserved locations on Tribal Lands, a commitment that otherwise meets the criteria set forth above shall not constitute an enforceable commitment for the deployment of qualifying broadband unless it includes a legally binding agreement which includes a Tribal Government Resolution between the Tribal Government of the Tribal Lands encompassing that location or its authorized agent and a service provider offering qualifying broadband service to that location.²⁰

6.2.1 Deduplication Process

In Volume 1 of the Initial Proposal, Eligible Entities must detail the process they will employ, including use of the BEAD Eligible Entity Planning Toolkit described in Section 6.2.2 below or alternative tools to remove locations that are subject to enforceable commitments to provide qualifying broadband from the list of locations that are eligible for funding and subject to the challenge process described in Section 7 below.

6.2.2 Tools for Identifying Potential Duplication of Funding

To support Eligible Entities as they administer the deduplication process mandated in the BEAD NOFO, NTIA will provide Eligible Entities with the option to use the BEAD Eligible Entity Planning Toolkit—NTIA-developed technology tools that, among other things, overlay multiple data sources to capture federal, state, and local enforceable commitments.

If an Eligible Entity declines to use the BEAD Eligible Entity Planning Toolkit,²¹ the Eligible Entity must:

- a. Certify that the Eligible Entity has the technological capability to aggregate multiple data sources to identify accurately the broadband-serviceable locations (BSLs) subject to existing federal, state, and local commitments;
- b. Certify that the Eligible Entity will use, at a minimum, the data available from the Broadband Funding Map published by the Federal Communications Commission pursuant to Section 60105 of the Infrastructure Act, data the Eligible Entity possesses from state broadband deployment programs (to include programs that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury), and such other datasets as NTIA shall specify prior to the initiation of challenge processes by Eligible Entities;
- c. Provide the list of programs included as part of the proposed deduplication of funding process; and

¹⁸ For example, a provider has a binding commitment only to provide 25/3 Mbps service under a state program but intends to deploy network facilities capable of delivering 100/20 Mbps service to meet that binding commitment and to offer 100/20 Mbps service over those facilities.

¹⁹ Eligible Entities must also ensure that service commitments meet the requirement that latency be less than or equal to 100 milliseconds. *See* BEAD NOFO at 16, n. 17.

²⁰ *See id.* at 36, n. 52, Section IV.B.7.a.ii.

²¹ Additional guidance on the NTIA BEAD Eligible Entity Planning Toolkit is forthcoming.

- d. Ensure the list of programs included in the proposed deduplication of funding process include all programs in the NTIA tool.

6.2.3 Deduplication Waivers

The BEAD NOFO also provides the Assistant Secretary with the ability to waive the requirement to exclude locations or areas with prior enforceable commitments at the request of the Eligible Entity in cases where the Eligible Entity can demonstrate that such a waiver is necessary to achieve the goals of the program.²²

To the extent that an Eligible Entity wishes to fund locations with prior enforceable commitments and exclude them from the deduplication of funding process, the Eligible Entity must request a waiver from NTIA (a) when it submits its proposed challenge process or (b) if the enforceable commitment was made after the proposed challenge process was submitted to the Assistant Secretary, prior to the initiation of the Eligible Entity's subgrantee selection process.

NTIA will review waiver requests on a case-by-case basis. The Assistant Secretary will grant such a waiver only for good cause shown, and when such approval will be in the best interest of the Federal Government. This standard will be satisfied if the Eligible Entity demonstrates to the satisfaction of the Assistant Secretary that treatment of certain locations subject to a prior enforceable commitment as "unserved" or "underserved" is necessary to achieve the goals of the program.

7. BEAD Challenge Process Design Requirements

Eligible Entities shall ensure a transparent, evidence-based, fair, and expeditious challenge process is included as part of their BEAD program implementation. To do so, Eligible Entities must adhere to the requirements outlined below when designing their challenge processes. Consistent with the record retention and access requirements applicable to all Federal awards, Eligible Entities must retain all records pertinent to their BEAD grants (including the Challenge Process) and allow access to such records by NTIA as requested.²³

7.1 Description of Challenge Process

Eligible Entities must describe in detail how they propose to administer the challenge process within their jurisdiction. While Eligible Entities may determine their preferred approach, the challenge process for each location must include the following four phases: (a) publication of eligible locations; (b) challenge; (c) rebuttal; and (d) final determination.

- a. **Publication of Eligible Locations:** The Eligible Entity publishes the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 (*i.e.*, the full universe of locations potentially eligible for BEAD funding minus those removed in the modifications to location classifications process).
- b. **Challenge:** A representative of one of the permissible challengers submits a challenge to the Eligible Entity, using an online portal maintained by the Eligible Entity. These challenges must

²² See BEAD NOFO at 36, Section IV.B.7.a.ii.3. This waiver authority will be implemented consistent with the statutory requirement that BEAD funds may only supplement, not supplant, the amounts that the Eligible Entity would otherwise make available for the purposes for which the grant funds may be used. See Infrastructure Act, Section 60102(l).

²³ See 2 C.F.R. §§ 200.334-338.

be visible to the service provider whose service availability is being contested.²⁴ The location enters the “challenged” state.²⁵ Each Eligible Entity must define a minimum level of evidence that must be presented before a challenge will be recognized as valid and subject to rebuttal.²⁶

- c. **Rebuttal:** 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 substantiated. A provider may also agree with the challenge and thus transition the location to the “sustained” state.
- d. **Final Determination:** If the challenge for a location is in the “disputed” state, the Eligible Entity makes the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”

7.2 Allowable Challenges

The following table outlines the classes of challenges that are allowable and unallowable as part of the BEAD challenge process. Additional information on the acceptable evidence to be used in the BEAD challenge process is outlined in Section 7.4, Table 3.

²⁴ The portal *may*, but does not have to, notify the provider of the challenge by email or API call.

²⁵ Optional **Area Challenge:** If the challenger determines that an area served by a provider within a census block should be reclassified as unserved or underserved in step (1), the Eligible Entity may issue an area challenge (*i.e.*, may declare all locations by that provider within the area to be similarly unserved or underserved). All locations in that area enter the “challenged” state.

²⁶ See Table 3 for examples of the minimum level of evidence.

Table 2: BEAD Challenge Process Allowable Challenges

Scope	Challenge Class	Challenge Type	Detail
Allowable	Location eligibility determination	<ul style="list-style-type: none"> • Availability (A) • Speed (S) • Latency (L) • Business Service Only (B) • Data Cap (D) • Technology (T) 	NTIA will permit challenges to the classification of a location as an unserved or underserved location eligible for BEAD funds (<i>i.e.</i> , challenges to the broadband service availability data) for existing BSLs included in the FCC’s Broadband Serviceable Location Fabric (Fabric). This includes the classification of individual BSLs that are multi-dwelling units (MDUs) based on the availability of broadband service to individual units within the BSL. ²⁷
	CAI Eligibility Determination		NTIA will permit challenges to the classification of a CAI as eligible for BEAD funds (<i>i.e.</i> , challenges that a CAI does not receive at least 1 Gigabit broadband speeds).
	Identification of CAIs	<ul style="list-style-type: none"> • Location is a CAI (C) • Location is Not a CAI (R) 	NTIA will permit challenges to the Eligible Entity’s identification of CAIs.
	Enforceable Commitments	<ul style="list-style-type: none"> • Enforceable Commitment (E) • Not Part of an Enforceable Commitment (N) 	NTIA will permit challenges to the identification of previous federal, state, or local enforceable commitments to minimize duplication of funding.
	Planned service	<ul style="list-style-type: none"> • Planned Service (P) 	NTIA will permit challenges where a broadband provider offers convincing evidence that they are currently building out broadband to challenged locations without government subsidy or are building out broadband offering performance beyond the program requirements.
Not Allowable	Classification of BSLs		NTIA will not permit challenges to the classification of a BSL on the Fabric (<i>e.g.</i> , altering the BSL’s “Building Type” classification on the Fabric to reflect a BSL’s subscription to mass-market broadband service).
	Addition or Removal of BSLs		NTIA will not permit new BSLs to be added to or removed from the Fabric. <i>See</i> , Infrastructure Act, 60102(a)(2)(H).

²⁷ An Eligible Entity may, for example, allow a challenge to the classification of a BSL that is a MDU based on the fact that qualifying broadband service is not available to every unit in the MDU. An Eligible Entity may not, however, offer or honor challenges that seek to reclassify a single BSL that is a MDU as multiple BSLs. NTIA expects, however, that Eligible Entities and potential subgrantees may seek to take the characteristics of BSLs that are MDUs into account during the subgrantee selection process.

7.3 Permissible Challengers

Eligible Entities may only allow challenges from the following parties:²⁸

- Units of local and tribal government,
- Nonprofit organizations, and
- Broadband service providers.

7.4 Evidence Requirements

Eligible Entities must ensure their challenge process is evidence-based.

In their challenge process submissions, Eligible Entities must outline a rigorous evidentiary review process through which they will review and make determinations based on challenges received. Eligible Entities may accept a wide range of data sources to substantiate challenges, as long as any potential source of evidence used to substantiate challenges is documented and verifiable by a third party.

To help Eligible Entities meet this standard, the table below provides examples of acceptable evidence for challenges and rebuttals for each potential challenge type. If an Eligible Entity proposes to accept a data source other than those described in Table 3 below, that proposal is subject to NTIA's review and approval, and the Eligible Entity must provide sufficient explanation of the circumstances under which it will be accepted (*e.g.*, when combined with another accepted data source). The data source categories below apply to both the challenge submission phase and the rebuttal phase of the challenge process.

In general, citizen surveys do not constitute acceptable evidence for either challenges or rebuttals. For speed tests, Eligible Entities must either follow the NTIA Model Challenge Process or describe, as part of Volume 1, how the Eligible Entity will ensure that the speed test data has been gathered in a scientifically rigorous and reliable manner, including the allowable speed test modalities (*e.g.*, permissible software or web pages; any restrictions on the time-of-day speed tests can be gathered) and the required number of speed tests and their geographic distribution that constitute sufficient evidence for a challenge or rebuttal.

Propagation studies for fixed wireless service are subject to NTIA evaluation of their methodology. The methodology must have been shown to reliably predict the actual network availability and minimum performance in the topography of the area subject to the challenge and for the specific wireless technology that is deployed in that area. For example, propagation studies that have only been tested in unobstructed line-of-sight environments may not accurately predict the performance and coverage in forested or mountainous topographies.

²⁸ See Infrastructure Act Section 60102(h)(2)(A); BEAD NOFO at 34-35, Section IV.B.6.

Table 3: Examples of Acceptable Evidence for BEAD Challenges and Rebuttals

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • Lack of suitable infrastructure (e.g., no fiber on pole). • A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.²⁹ • A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider's standard installation charge in order to connect service at the location. 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within 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.
S	Speed	The actual speed of the fastest available service tier falls below the unserved or underserved thresholds.	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. ³⁰
L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system. ³¹

²⁹ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

³⁰ As described in the NOFO, provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. *See Performance Measures Order*, 34 FCC Rcd at 6528, para. 51. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

³¹ *Ibid.*

D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ³²	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to consumer. 	Provider has terms of service showing that it does not impose a data cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
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.	<ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. • Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal grant program), 	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.

³² For example, this excludes business-oriented plans not commonly sold to residential locations. An unreasonable capacity allowance is defined as a data cap that falls below the capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022).

			including the expected date deployment will be completed, which must be on or before June 30, 2024.	
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. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. ³³	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	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

7.5 Fairness Requirements

Eligible Entities must ensure their challenge process is fair. To demonstrate fairness in their proposed challenge process submissions, Eligible Entities must detail, at a minimum:

- a. An approach that ensures that sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges; and
- b. An approach that ensures the challenge process standards of review are applied uniformly to all challenges submitted, allowing for unbiased and uniform challenge adjudication.

7.6 Transparency Requirements

Eligible Entities must ensure their challenge process is transparent. To demonstrate transparency in their proposed challenge process submissions, Eligible Entities must detail their plans to, at a minimum:

- a. Publicly post documentation explaining their challenge process once it is approved by NTIA and prior to beginning the challenge process;
- b. Actively inform units of local government, relevant nonprofit organizations and broadband providers to the challenge process and its deadlines;
- c. Publicly post all submitted challenges and rebuttals before final determinations are made, including:
 1. The nonprofit, unit of local government or provider making the challenge;
 2. The type of the challenge (e.g., availability);
 3. A summary of the challenge; and
 4. A summary of the rebuttal(s) to the challenge;

³³ For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.

- d. Host a public-facing website on which all required documentation listed above will be posted; and
- e. Ensure the protection of Personally Identifiable Information (PII) and proprietary information as applicable.

Following the conclusion of the challenge process and NTIA's review of challenge determinations, an Eligible Entity must also publicly post its final determination in three lists: unserved locations, underserved locations, and Eligible CAIs. The lists must be available at least 60 days prior to allocating grant funds.³⁴

7.7 *Timing Requirements*

Eligible Entities must ensure their challenge process is expeditious. To demonstrate expediency in their proposed challenge process submissions, Eligible Entities must detail their plans to, at a minimum:

- a. Complete the entire challenge process within 90 days, starting with the initiation of the challenge submission window and ending with submission to NTIA for review and approval the final classifications of each unserved location, underserved location, or Eligible CAI within the jurisdiction of the Eligible Entity after resolving each challenge;
- b. Allow a minimum challenge submission window of at least 14 days;
- c. Allow rebuttals within a time period of at least 14 days after the challenge is available on the challenge portal maintained by the Eligible Entity; and
- d. Following approval by NTIA, publicly post the final classifications of each unserved location, underserved location, or Eligible CAI within the jurisdiction of the Eligible Entity at least 60 days before allocating grant funds for network deployment.³⁵

These minimum timing requirements are intended to ensure that Eligible Entities have sufficient time to run the challenge process, publish final determinations, conduct subgrantee selection and prepare Final Proposals for submission to NTIA no later than 365 days after the approval of the Initial Proposal by the Assistant Secretary. Eligible Entities may, however, choose longer periods when determining the specific timeframes for the various components of the challenge process (*e.g.*, challenge submission, rebuttal window). In particular, Eligible Entities are encouraged to consider adopting longer submission and rebuttal windows, if possible based on the Eligible Entity's preferred timelines and capacity.

8. Post Challenge Process Updates

Upon the conclusion of the challenge process and prior to implementing the subgrantee selection process described in Section IV.B.7 of the BEAD NOFO, each Eligible Entity must conduct a final deduplication review process to remove from the list of eligible locations that are eligible for BEAD funding any locations that are subject to enforceable broadband deployment commitments.³⁶

³⁴ See BEAD NOFO at 34-35, Section IV.B.6.

³⁵ See BEAD NOFO at 34, Section IV.B.6.

³⁶ This post challenge deduplication process will remove, for example, locations that had their classification changed to unserved or underserved from served due to the challenge process but are subject to an enforceable broadband deployment commitment. It will also remove unserved and underserved locations that became subject to a new binding broadband deployment commitment during the course of the challenge process.

Eligible Entities may, but are not required to, update their post-challenge data to reflect updates to the National Broadband Map that occur after conclusion of the challenge process.³⁷

9. Post Challenge Process Review

Upon completion of the challenge process and the final deduplication of funding process, each Eligible Entity must submit to NTIA for review and approval the proposed final classifications of each unserved location, underserved location, or Eligible CAI within the jurisdiction of the Eligible Entity.

Each Eligible Entity must also notify NTIA of any modifications to the Initial Proposal that are necessitated by successful challenges to its initial determinations.

Pursuant to the discretionary authority granted to the Assistant Secretary in the Infrastructure Act, NTIA may reverse the determination of an Eligible Entity with respect to the eligibility of a particular location or CAI.

10. Appendix A: Data Formats

This appendix describes the format of the data files Eligible Entities must submit to NTIA to meet the requirements of the NOFO.

10.1 List of Unserved and Underserved Locations

The Eligible Entity must submit two Comma Separated Value (CSV) files³⁸ named `unserved.csv` and `underserved.csv` that lists all unserved and underserved IDs, respectively. Each row contains one identifier. The first row should not contain a header field.

10.2 Community Anchor Institutions

The Eligible Entity must submit a CSV file named `cai.csv` that lists all CAIs.

All fields are mandatory unless otherwise noted.

The Eligible Entity is responsible for defining the criteria that make an institution or building an Eligible CAI as defined in 47 U.S.C. § 1702(a)(2)(E).³⁹ The definitions given are thus illustrative and are not meant to enumerate all categories of institutions or require that all institutions that may match the colloquial definition of the term are included.

A tool to look up entity numbers for schools and libraries can be found at <https://opendata.usac.org/E-rate/E-Rate-Entity-Search-Tool/59r2-zbdq>.

³⁷ See BEAD NOFO at 35, n. 48, Section IV.B.6.

³⁸ See “Common Format and MIME Type for Comma-Separated Values (CSV) Files,” *RFC Editor (The Internet Society)*, October 2005, [RFC 4180: Common Format and MIME Type for Comma-Separated Values \(CSV\) Files \(rfc-editor.org\)](https://rfc-editor.org/rfc/rfc4180/) for the formal specification of the file format.

³⁹ See Infrastructure Act, Section 60102(a)(2)(E).

Address information must identify the physical location of the CAI, not the administrative location. For example, the address should describe the location of the school building, not that of the board of education administrative building.

Table 4: Guidance on Data Formats for CAIs

Field	Header	Data type	Example	Description / notes														
Type	type	enumerated string {1}	S	Enumerated character identifying the type of CAI: <table border="1" data-bbox="1036 373 1399 1266"> <tr> <td>S</td> <td>K-12 school, junior college, community college, university or other educational institution</td> </tr> <tr> <td>L</td> <td>library</td> </tr> <tr> <td>G</td> <td>local, state, federal or Tribal government building</td> </tr> <tr> <td>H</td> <td>health clinic, health center, hospital, or other medical provider</td> </tr> <tr> <td>F</td> <td>public safety entity such as a fire house, emergency medical service station, police station, or public safety answering point (PSAP)</td> </tr> <tr> <td>P</td> <td>public housing organization</td> </tr> <tr> <td>C</td> <td>community support organizations that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals</td> </tr> </table>	S	K-12 school, junior college, community college, university or other educational institution	L	library	G	local, state, federal or Tribal government building	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 organizations that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
S	K-12 school, junior college, community college, university or other educational institution																	
L	library																	
G	local, state, federal or Tribal government building																	
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 organizations that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals																	
Entity name	entity_name	string	Leonia Middle School	Official name of the CAI.														
Entity number	entity_number	integer	7688	USAC assigns a unique identifying number to each school or library that participates in the E-Rate program, the entity number. Mandatory if CAI participates in E-Rate program. Leave empty for CAIs that are neither type S nor L.														
CMS number	CMS number	string	31D2254089	The CMS certification number (CCN) ⁴⁰ for CAIs of type H. Leave empty for other CAIs.														
FRN	frn	integer	0015433808	FCC registration number (if applicable; likely for type S, L, H)														
Location ID	location_id	integer	1081756084	The identifier for the BSL from														

⁴⁰ See “S&C’s Quality, Certification and Oversight Reports (QCOR),” *Center for Medicare and Medicaid Services*, September 29, 2022, [S&C QCOR Home Page \(cms.gov\)](#), among other sources.

				the Broadband Data Collection. Leave empty if the CAI has no location id.
Street address	address_primary	string	500 Broad Ave	Street number, street name, and any applicable prefix or suffix of the first address line (primary address) of the CAI.
City	city	string	Leonia	Full name of the city, town, municipality, or census designated place associated with address.
State or territory	state	enumerated string {2}	NJ	Two-letter USPS abbreviation identifying the state or territory associated with address.
Zip code	zip_code	string {5}	07605	Five-digit USPS ZIP code associated with address, including any leading zeros.
Longitude	longitude	decimal(10,7)	-73.9838782322	Unprojected (WGS-84) geographic coordinate longitude in decimal degrees for the CAI, with a minimal precision of 6 decimal digits.
Latitude	latitude	decimal(10,7)	40.867420374	Unprojected (WGS-84) geographic coordinate latitude in decimal degrees for the CAI, with a minimal precision of 6 decimal digits.
Explanation	explanation	string	senior center	For CAIs of type C, provide a brief explanation of how the institution facilitates greater broadband use and the population it serves, either as text or as a reference to a longer explanation accompanying the submission. For example, the submitter may define a set of sub-categories of CAI category C and describe how they meet the conditions.
Broadband need	need	integer	1000	Broadband need, in Mbps download speed

10.3 Challengers

The Eligible Entity must submit a CSV file named `challengers.csv` that enumerates the names, category and contact information of challengers, *i.e.*, organizations that submitted challenges.

Table 5: Guidance on Data Formats for Challengers

Field	Header	Data type	Example	Description / notes
Challenger identifier	challenger	string	Anytown	Text key identifying the challenger organization. The string is not case sensitive, <i>i.e.</i> , ANYTOWN and Anytown are considered equivalent.
Category	category	enumerated {L, N, B}	L	L = unit of local government N = nonprofit organization B = broadband provider
Organization	organization	string	Anytown, PA	Official name of organization; include state or territory if unit of local government
Web page	webpage	string	https://example.com	Web page of unit of local government, nonprofit organization or broadband provider
Provider	provider_id	string	131425	Only for challengers of category B: A unique 6-digit code generated by the FCC that identifies each service provider. Leave empty for challengers of category L and N.
Contact name	contact_name	string	Jane Broadband	Full name of the individual contact associated with the challenge at the location.
Email	contact_email	string	challenge@example.com	Email address of the challenger.
Phone	contact_phone	string	201-555-2368	Phone number of the contact in NNN-NPA-XXXX (000-000-0000) format; optional.

10.4 Challenge Outcome

The challenge data set documents the challenge determinations made by the Eligible Entity.

The Eligible Entity must upload a file in CSV format, named challenges.csv, that matches the specification below. All columns are mandatory unless otherwise specified. The header row must use the field names listed. The specification is derived, but simplified, from the FCC Broadband Data Collection (BDC) Filer API specification⁴¹ and the *Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data*.⁴² It should only include US ASCII characters.

⁴¹ See “Broadband Data Collection (BDC) Filer API Specifications,” *Federal Communications Commission*, January 26, 2023, <https://us-fcc.app.box.com/v/bdc-fixed-response-api-spec>.

⁴² See “Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data,” *Federal Communications Commission*, January 12, 2023, <https://us-fcc.app.box.com/v/bdc-bulk-fixed-challenge-spec>.

Some fields only apply for certain challenge types, listed in the “Challenge types” column. Leave field empty for other challenge types. If there is no entry in the challenge types column below, the field is mandatory for all challenge types. Information on challenge types and their corresponding codes is outlined Section 6.4, Table 3.

All dates must be in ISO 8601 extended date format, *i.e.*, with hyphens, such as 2023-07-01, not 20230701.

File names for evidence and responses must only contain US ASCII letters, the digits 0-9, hyphens (-) and underscore () characters. File names are not case sensitive. The file name extension must be pdf (PDF files); other file types may be permitted in the future.

Table 6: Guidance on Data Formats for Challenge Outcomes

Field	Challenge Type	Header	Data type	Example	Description / notes
Challenge identifier		challenge	Integer (≤ 7 digits)	1234567	A unique numeric identifier generated by the Eligible Entity. Not all numbers have to be assigned. Leading zeroes are not allowed. The CSV file does not need to be sorted by this field.
Challenge type		challenge_type	enumerated string {1}	A	One of the challenge types identified in Table 3.
Challenger		challenger	string	Anytown	String that uniquely identifies a challenger in the table challenger.csv. The string is not case-sensitive.
Challenge date		challenge_date	date	2023-07-01	Date challenge was submitted and deemed to be complete. This date may differ from the date a challenge was first submitted if the Eligible Entity determined that

					the information provided initially was incomplete or erroneous (e.g., did not identify a valid location).
Rebuttal date		rebuttal_date	date	2023-07-15	Data rebuttal was submitted, Leave empty if there was no rebuttal. The rebuttal date must be later than the challenge date.
Resolution date		resolution_date	date	2023-07-20	Date the challenge was resolved with the disposition code below. Leave empty if the challenge has not been resolved.
Disposition of challenge		disposition	enumerated string {1}	S	The disposition of the challenge: I – incomplete (the challenge data was incomplete and the challenger did not provide the missing date in time; thus, the challenge could not be submitted for rebuttal); considered “rejected” N – the provider did not respond within the rebuttal deadline; considered “sustained” A – the provider agreed with the challenge;

					considered “sustained” S – sustained (after rebuttal and evaluation) R – rejected (after rebuttal and evaluation) D – disputed (still unresolved)
Provider		provider_id	integer	131425	A unique 6- digit code generated by the FCC that identifies each service provider. ⁴³
Technology		technology	integer {2}	50	Code for the technology of the service being challenged, as shown on the Broadband Map. - Value must be one of the following codes: 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

⁴³ For list of service IDs, see “BDC Provider ID Table of Service Providers (column hoconum),” *Federal Communications Commission*, <https://us-fcc.app.box.com/v/bdcprovideridtable>.

					Terrestrial Fixed Wireless 0 – Other
Location ID		location_id	Integer	1081756084	Unique identifier for the location from the BSL Fabric at which the fixed availability information is being challenged.
Unit	A, S, L, D	unit	string	3-G	The unit (apartment) where service is being challenged. Omit “Apt” and “#”. Leave empty if service for whole location is being challenged.
Availability reason	A	reason_code	enumerable	1	The evidence or reason for the availability challenge. See table below for values.
Evidence file		evidence_file_id	string	E1234567.pdf	File name of evidence for this challenge.
Rebuttal file		response_file_id	string	R1234567.pdf	File name of the response (rebuttal). Optional.
Resolution		resolution	string	checked provider web page	Comments on resolution provided by Eligible Entity; required for I, S, R and D.
Advertised download speed	S, L, A, E, P	advertised_download_speed	integer	1000	Download speed, in Mbps, advertised by the provider. Use 0 for speeds below 1 Mbps and round down (e.g., a speed of 2.6 Mbps is listed as 2, not

					3).
Download speed	S	download_speed	float	957	Measured download speed in Mbps.
Advertised upload speed	S, L, A, E, P	advertised_upload_speed	int	200	Advertised upload speed in Mbps. Use 0 for speeds below 1 Mbps and round down.
Upload speed	S	upload_speed	float	157.3	Measured upload speed in Mbps.
Latency	L	latency	float	27.5	Measured round-trip latency in milliseconds (ms).

The reason_code field for challenges of type A (availability) is drawn from the *FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data*.⁴⁴

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).
9	New, non-standard equipment had to be constructed at this location.

If a unit number is provided, the reason applies only to the specific unit (e.g., apartment) within a broadband serviceable location.

10.5 Community Anchor Institution Challenge (Type C and R)

The Eligible Entity must upload a file in Comma Separated Value (CSV) format,⁴⁵ named cai_challenges.csv, that matches the specification below. All columns are mandatory unless otherwise specified. The header row must use the field names listed. The specification is derived, but simplified, from the FCC Broadband Data Collection (BDC) Filer API specification⁴⁶ and the *Broadband Data*

⁴⁴ See “Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data (Section 3.2),” *Federal Communications Commission*, January 12, 2023, [bdc-bulk-fixed-challenge-data-specifications.pdf](#).

⁴⁵ See “Common Format and MIME Type for Comma-Separated Values (CSV) Files,” *RFC Editor (The Internet Society)*, October 2005, [RFC 4180: Common Format and MIME Type for Comma-Separated Values \(CSV\) Files \(rfc-editor.org\)](#) for the formal specification of the file format.

⁴⁶ See “Broadband Data Collection (BDC) Filer API Specifications,” *Federal Communications Commission*, January 26, 2023, <https://us-fcc.app.box.com/v/bdc-fixed-response-api-spec>.

Collection: *Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data*.⁴⁷ It should only include US ASCII characters.

The file format for challenges for labeling CAIs or contesting their labeling uses the same fields as those in Appendix A, Section A. For challenges of type C, the fields describe the CAI the challenger believes to be missing in the list of CAIs provided by the Eligible Entity. For challenges of type R, the fields identify the location that the challenger believes to be mislabeled as a CAI, drawn from the CAI data provided by the Eligible Entity.

These fields are preceded by the following fields:

Table 7: Guidance on Data Formats for CAI Challenges

Field	Header	Data type	Example	Description / notes
Challenge identifier	challenge	Integer (≤ 7 digits)	1234567	A unique numeric identifier generated by the eligible entity. Not all numbers have to be assigned. Leading zeroes are not allowed. The CSV file does not need to be sorted by this field.
Challenge type	challenge_type	enumerated string {1}, C or R	C	Must be either C or R.
Challenger	challenger	string	Anytown	String that uniquely identifies a challenger in the table challenger.csv. The string is not case-sensitive.
Rationale	category_code	enumerated string {1}	X	Reason for challenging the designation or non-designation of a location as a CAI. See table below
Explanation	explanation	string	Ceased operation on 2023-01-30.	An explanation for the rationale, e.g., a date.

Table 8: Guidance on Data Formats for Submitted Challenges (Codes)

X	R	CAI has ceased operation.
B	R	Location does not require fiber broadband service appropriate for CAI. (For example, the location is a remote field station affiliated with a university.)
R	R	CAI is a private residence or a non-CAI business, <i>i.e.</i> , it is mislabeled in the CAI list. For example, a former school building has been converted into an apartment building.
D	C or R	Definition: The challenger believes that the location either satisfies the definition of a CAI established by the Eligible Entity (challenge type C) or fails to meet the definition (challenge type R). For example, while the location may be correctly labeled as a school, the challenger believes that it does not fall within the definition of a school put forth by the Eligible Entity.
N	C	New CAI, <i>i.e.</i> , CAI established or to be operational by June 30, 2024.

⁴⁷ See “Data Specifications for Bulk Fixed Availability Challenge and Crowdsourced Data,” *Federal Communications Commission*, January 12, 2023, <https://us-fcc.app.box.com/v/bdc-bulk-fixed-challenge-spec>

I (letter I)	C	Independent location, <i>i.e.</i> , this CAI is affiliated with a listed CAI, but is a separate location and requires its own broadband service.
T	C	The type of the CAI contained in the list provided by the Eligible Entity is wrong. The remainder of the fields should clearly identify the existing listing. The type field should describe the type the challenger believes to be correct.
O (letter O)	C or R	Other, as described in the explanation column.

11. Appendix B: Relevant Instructions from the Infrastructure Act and BEAD NOFO

A. Relevant Instructions from Infrastructure Investment and Jobs Act, Section 60102(h)(2)(A)

After submitting an initial proposal under subsection (e)(3) and before allocating grant funds received under this section for the deployment of broadband networks, an eligible entity shall ensure a transparent, evidence-based, and expeditious challenge process under which a unit of local government, nonprofit organization, or other broadband service provider can challenge a determination made by the eligible entity in the initial proposal as to whether a particular location or community anchor institution within the jurisdiction of the eligible entity is eligible for the grant funds, including whether a particular location is unserved or underserved.

B. Relevant Instructions from Infrastructure Investment and Jobs Act Section 60102(h)(2)(D)(i)

The Assistant Secretary – (i) may modify the challenge process required under subparagraph (A) as necessary; and (ii) may reverse the determination of an eligible entity with respect to the eligibility of a particular location or community anchor institution for grant funds under this section.

C. Relevant Instructions from Infrastructure Investment and Jobs Act 60102(a)(1)(E)

ELIGIBLE COMMUNITY ANCHOR INSTITUTION. —The term “eligible community anchor institution” means a community anchor institution that lacks access to gigabit-level broadband service.

D. Relevant Instructions from BEAD NOFO Section IV.B.6

Each Eligible Entity shall develop and describe in the Initial Proposal, a transparent, evidence-based, fair, and expeditious challenge process under which a unit of local government, nonprofit organization, or broadband service provider can challenge a determination made by the Eligible Entity in the Initial Proposal as to whether a particular location or community anchor institution within the jurisdiction of the Eligible Entity is eligible for grant funds. Among other things, the process must allow for challenges regarding whether a particular location is unserved or underserved as those terms are defined in the Infrastructure Act and Section I.C of this NOFO. Eligible Entities should update the data provided in their Initial Proposal to reflect the most recently published version of the National Broadband Maps available as of the initiation of the challenge process.

The Assistant Secretary may modify the challenge process proposed by the Eligible Entity as necessary and shall inform the Eligible Entity of any modifications required. Once an Eligible Entity makes any required modifications, the Assistant Secretary shall approve the challenge process, either in conjunction with, or prior to, approval of the Eligible Entity’s Initial Proposal. The Eligible Entity shall conduct the approved challenge process before allocating grant funds received from BEAD for the deployment of broadband networks to subgrantees.

After resolving each challenge and at least 60 days before allocating grant funds for network deployment, an Eligible Entity must provide public notice of the final classification of each unserved location, underserved location, or Eligible Community Anchor Institution within the jurisdiction of the Eligible Entity. An Eligible Entity must also notify NTIA of any modifications to the Initial Proposal that are necessitated by successful challenges to its initial determinations. Pursuant to the discretionary authority granted to the Assistant Secretary in the Infrastructure Act, NTIA may reverse the determination of an Eligible Entity with respect to the eligibility of a particular location or community anchor institution.

E. Relevant Instructions from BEAD NOFO Section IV.B.5

Initial Proposals must, at a minimum... Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published National Broadband Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the National Broadband Maps used for such identification.

F. Relevant Instructions from BEAD NOFO Section IV.B.7.a.ii

In identifying an Unserved Service Project or Underserved Service Project, an Eligible Entity may not treat as “unserved” or “underserved” any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process described in Section IV.B.6 of this NOFO is concluded.

G. Relevant Instructions from BEAD NOFO Section I.C.u

Reliable Broadband Service—The term “Reliable Broadband Service” means broadband service that the National Broadband Maps show is accessible to a location via: (i) fiber-optic technology; (ii) Cable Modem/ Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

H. Relevant Instructions from BEAD NOFO Section I.C.f

Community Anchor Institution (CAI)—The term “community anchor institution” means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity,

institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. An Eligible Entity may propose to NTIA that additional types of institutions should qualify as CAIs within the entity’s territory. If so, the Eligible Entity shall explain why it has determined that the institution or type of institution should be treated as such and affirm that the institution or class of institutions facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

I. Relevant Instructions from BEAD NOFO Section IV.B.7.a.ii, Page 36, Footnote 52

An enforceable commitment for the deployment of qualifying broadband to a location exists when the commitment to deploy qualifying broadband service to that location was made as a condition of:

- Any grant, loan, or loan guarantee provided by an Eligible Entity to the provider of broadband service;
- Any grant, loan, or loan guarantee provided by the Secretary of Agriculture under:
 - Title VI of the Rural Electrification Act of 1936 (7 U.S.C. § 950bb et seq.), including: any program to provide grants, loans, or loan guarantees under Sections 601 through 603 of that Act (7 U.S.C. § 950bb et seq.); and the Community Connect Grant Program established under Section 604 of that Act (7 U.S.C. § 950bb-3); or
 - The broadband loan and grant pilot program known as the “Rural eConnectivity Pilot Program” or the “ReConnect Notice of Funding Opportunity Program” authorized under Section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115-141; 132 Stat. 348);
 - Any high-cost universal service support provided under Section 254 of the Communications Act of 1934 (47 U.S.C. § 254), except that in the case of the Rural Digital Opportunity Fund, a location will be considered to have an enforceable commitment for qualifying broadband only (a) after the Federal Communications Commission has announced in a Public Notice that RDOF support for that location is ready-to-authorize or is authorized, and (b) the provider does not rely on satellite technologies to deliver service;
- Any grant provided under Section 6001 of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. § 1305);
- Amounts made available for the Education Stabilization Fund established under the heading “DEPARTMENT OF EDUCATION” in title VIII of division B of the CARES Act (Public Law 116-136; 134 Stat. 564), and funded under the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act), and the American Rescue Plan Act (ARP Act);
- Amounts made available for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) established under the American Rescue Plan Act of 2021 (Public Law 117-2; 135 Stat. 4) (ARPA);
- Amounts made available for the Capital Projects Fund established by Section 604 of the Social Security Act, as added by Section 9901 of ARPA; or
- Any other grant, loan, or loan guarantee provided by, or funded in whole or in part by, the federal government or a State or Territorial government for the provision of broadband service.”

Eligible Entities may fund Unserved Service Projects and Underserved Service Projects that include

locations in an area that has an enforceable commitment for the deployment of qualifying broadband to less than 100 percent of the locations in that area. *See, e.g.*, 47 C.F.R. § 54.308(a). Eligible Entities must, however, seek to identify as part of the challenge process described in Section IV.B.6 of this NOFO those unserved locations and underserved that will not be served by qualifying broadband service as a result of such enforceable commitment, and use that information in determining whether to treat each location as unserved or underserved within the relevant area.

Further, for unserved locations and underserved on Tribal Lands, a commitment that otherwise meets the criteria set forth above shall not constitute an enforceable commitment for the deployment of qualifying broadband unless it includes a legally binding agreement, which includes a Tribal Government Resolution, between the Tribal Government of the Tribal Lands encompassing that location, or its authorized agent, and a service provider offering qualifying broadband service to that location.

J. Relevant Instructions from BEAD NOFO Section IV.B.7.a.ii.3

For the purposes of the subgrantee selection process, “qualifying broadband” to a location that is not a CAI is Reliable Broadband Service with (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds; “qualifying broadband” to a CAI is Reliable Broadband Service with (i) a speed of not less than 1 Gbps for downloads and uploads alike and (ii) latency less than or equal to 100 milliseconds.

K. Relevant Instructions from BEAD NOFO Section IV.B.7.a.ii, Page 36, Footnote 52

Eligible Entities may fund Unserved Service Projects and Underserved Service Projects that include locations in an area that has an enforceable commitment for the deployment of qualifying broadband to less than 100 percent of the locations in that area. *See, e.g.*, 47 C.F.R. § 54.308(a). Eligible Entities must, however, seek to identify as part of the challenge process described in Section IV.B.6 of this NOFO those unserved locations and underserved that will not be served by qualifying broadband service as a result of such enforceable commitment, and use that information in determining whether to treat each location as unserved or underserved within the relevant area.

L. Relevant Instructions from BEAD NOFO Section IV.B.7.a.ii.3

The Assistant Secretary may waive such treatment of locations or areas with prior enforceable commitments at the request of the Eligible Entity in cases where the Eligible Entity can demonstrate to the satisfaction of the Assistant Secretary that such treatment of such locations or areas is necessary to achieve the goals of the program, including where purported commitments do not have the appropriate documentation with respect to Tribal lands consistent with requirements set out above.

M. Relevant Instructions from BEAD NOFO Section IV.B.6, Page 35, Footnote 48

Eligible Entities may, but are not required to, update their post-challenge data to reflect updates to the

National Broadband Maps that occur after conclusion of the challenge process.

N. Relevant Instructions from BEAD NOFO Section I.2.C.u, Page 15, Footnote 13

NTIA acknowledges concerns that, in some cases, DSL arrangements fail to provide consistent access to advertised speeds. To the extent a particular location is identified on the National Broadband Maps as served by DSL at speeds that warrant treatment of that location as “served” or “underserved” but is not in fact reliably served at such speeds, this would be a proper basis for challenging the relevant location’s service status during the challenge process created by the Eligible Entity.