BEAD Challenge Process: Working with Members of the Public to Submit Individual Challenges

How to encourage individual participation in the Challenge Process

California Public
Utilities Commission

Welcome

Laura Sasaki

Program and Project Supervisor

CPUC BEAD Branch

Agenda

1. Welcome
2. BEAD Overview
3. Challenge Process overview
4. Permissible challengers' role in the process
5. Portal access and challenge submission
6. How challengers can engage with individuals
7. Evidence required for individual challenges
8. Takeaways and next steps

# Housekeeping

Tips for getting the most out of this webinar

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

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

Select Side-by-Side: Speaker Mode for the best viewing experience when slides are shared

Chat: Keep an eye on the chat because we will use it to send useful links to you.
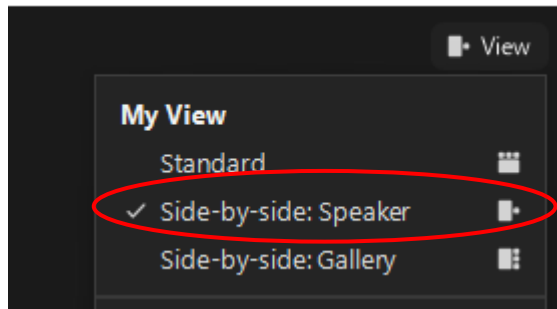
Who should be involved?

- The target audience for this presentation is **local governments, Tribal governments, and nonprofit organizations who choose to submit challenges on behalf of individuals.** According to federal rules these are the only entities that can submit challenges, alongside broadband service providers

- These groups have specific capabilities and responsibilities in the Challenge Process related to **challenges, rebuttals, and facilitating individuals' participation**

- When preregistering in the Challenge Portal you must select the **option to submit individual challenges**

- Though **broadband service providers** are permissible challengers, they **cannot submit challenges on behalf of individuals**

Why is this important?

- The Challenge Process is the **only opportunity for entities to propose changes** to the FCC National Broadband Map in terms of **locations eligible for BEAD funding**

- BEAD funding is unprecedented; California is allocated **$1.86 billion** for broadband infrastructure

- Once the final map is approved, **only those areas identified as eligible will receive funding for last-mile infrastructure**

- The ultimate goal is to get **high-speed connectivity to all broadband serviceable locations**

BEAD overview

Joanne Hovis

President

CTC Technology and Energy

BEAD Overview

What is the BEAD Program?

- The **Broadband Equity, Access, and Deployment** (BEAD) **Program** was created by the **bipartisan Infrastructure Investment and Jobs Act (IIJA)** in 2021

- Allocates **$42.45 billion of federal funding** to all 50 states, Washington D.C., and territories

- Administered by the **National Telecommunications and Information Administration (NTIA)**

- Goal of **expanding high-speed internet access** through infrastructure deployment

Funding priority
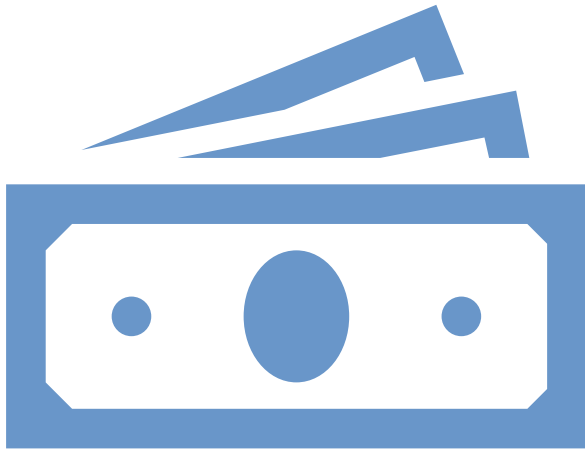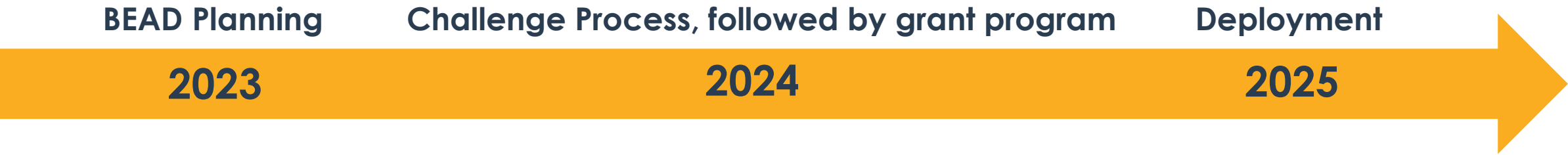
How will BEAD funding be prioritized?

1. **Top priority: Unserved areas** (locations with internet speeds below 25/3 Mbps)

2. **Second priority: Underserved areas** (locations with speeds between 25/3 and 100/20 Mbps)

3. **Third priority: Community anchor institutions** (those with internet service under 1 Gbps symmetric)

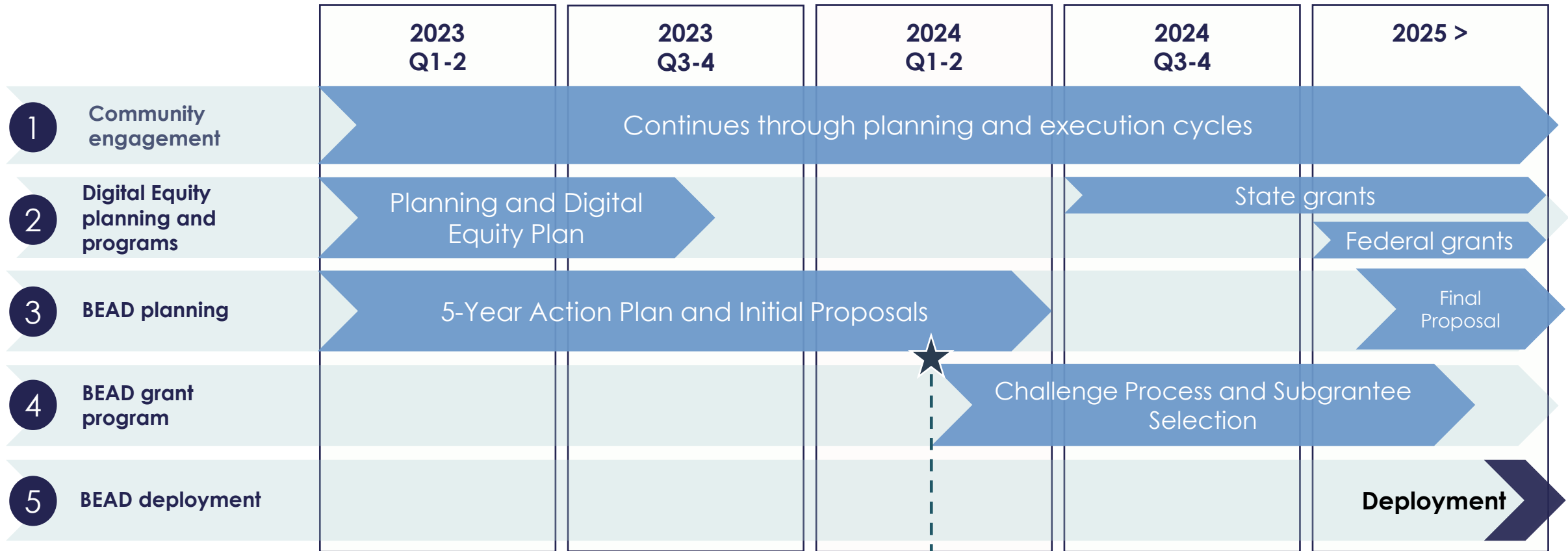**The BEAD Program requires the state to deliver service to all unserved and underserved areas.**

The BEAD Program in California

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

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

BEAD Planning	Challenge Process, followed by grant program	Deployment
2023	**2024**	**2025**

Overall BEAD status and timeline

		2023 Q1-2	2023 Q3-4	2024 Q1-2	2024 Q3-4	2025 >
1	Community engagement	Continues through planning and execution cycles				
2	Digital Equity planning and programs	Planning and Digital Equity Plan			State grants / Federal grants	
3	BEAD planning	5-Year Action Plan and Initial Proposals				Final Proposal
4	BEAD grant program			★	Challenge Process and Subgrantee Selection	
5	BEAD deployment					Deployment

**We are here:
Challenge Process**

BEAD Challenge Process overview

Joanne Hovis

President

CTC Technology and Energy

Purpose

What is the BEAD Challenge Process?

- The Challenge Process will determine **locations** and **community anchor institutions** within the state that are **eligible for BEAD funding**

- It must **confirm whether existing data is correct** about which areas **lack adequate internet service**

- Challengers offer input on **whether specific locations are not accurately reported** in the datasets and therefore should be **eligible for BEAD funding**

Relevance

Why is the BEAD Challenge Process so important?

- It will **determine eligibility for BEAD funding** (which totals **$1.86 billion** in California)

- It is the **single best chance** to correct the FCC's Broadband Data Map

- You can **advocate for your community** by providing evidence that it is unserved or underserved

- The improved data will help the BEAD Program and future programs **allocate funding to the areas that need it most**

Timeline of events

Eligible locations published at least 7 days before Challenge Phase

Challengers have 30 days to submit challenges

14-day period for CPUC review of challenges

Eligible rebutters may provide counter-evidence for challenged locations for 30 days

30-day review and determination process for disputed challenges

Final list of eligible locations

NTIA approves final list

Challenge Phase

Review Period

Rebuttal Phase

Final Determination Phase

Who can submit a challenge?

Local governments

Nonprofit organizations

Tribal governments

Broadband service providers

Can individuals participate?
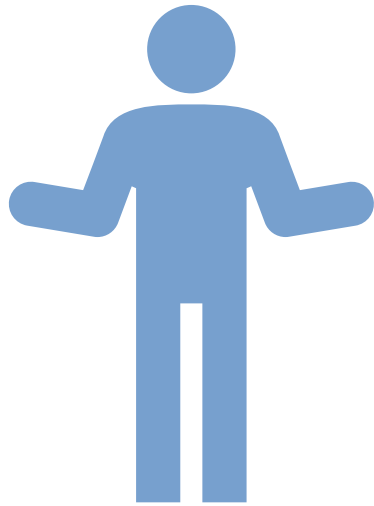
- While NTIA requirements don't allow individuals to submit challenges directly, **they can gather and submit evidence for permissible challengers to submit on their behalf** to the CPUC

- Later in this presentation, we will explain how individuals **can work with and submit evidence** to permissible challengers

What can be challenged?

- **Internet availability** and other specifications (including speed, latency, data caps, and technology)
- **Community anchor institution eligibility** and identification
- **Enforceable commitments**
- **Planned service**

Challenge types

Availability

Speed

Latency

Data cap

Technology

Business service only

Enforceable commitment

Planned service

Not part of enforceable commitment

Location is a CAI

Location is not a CAI

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Working with Members of the Public to Submit Individual Challenges
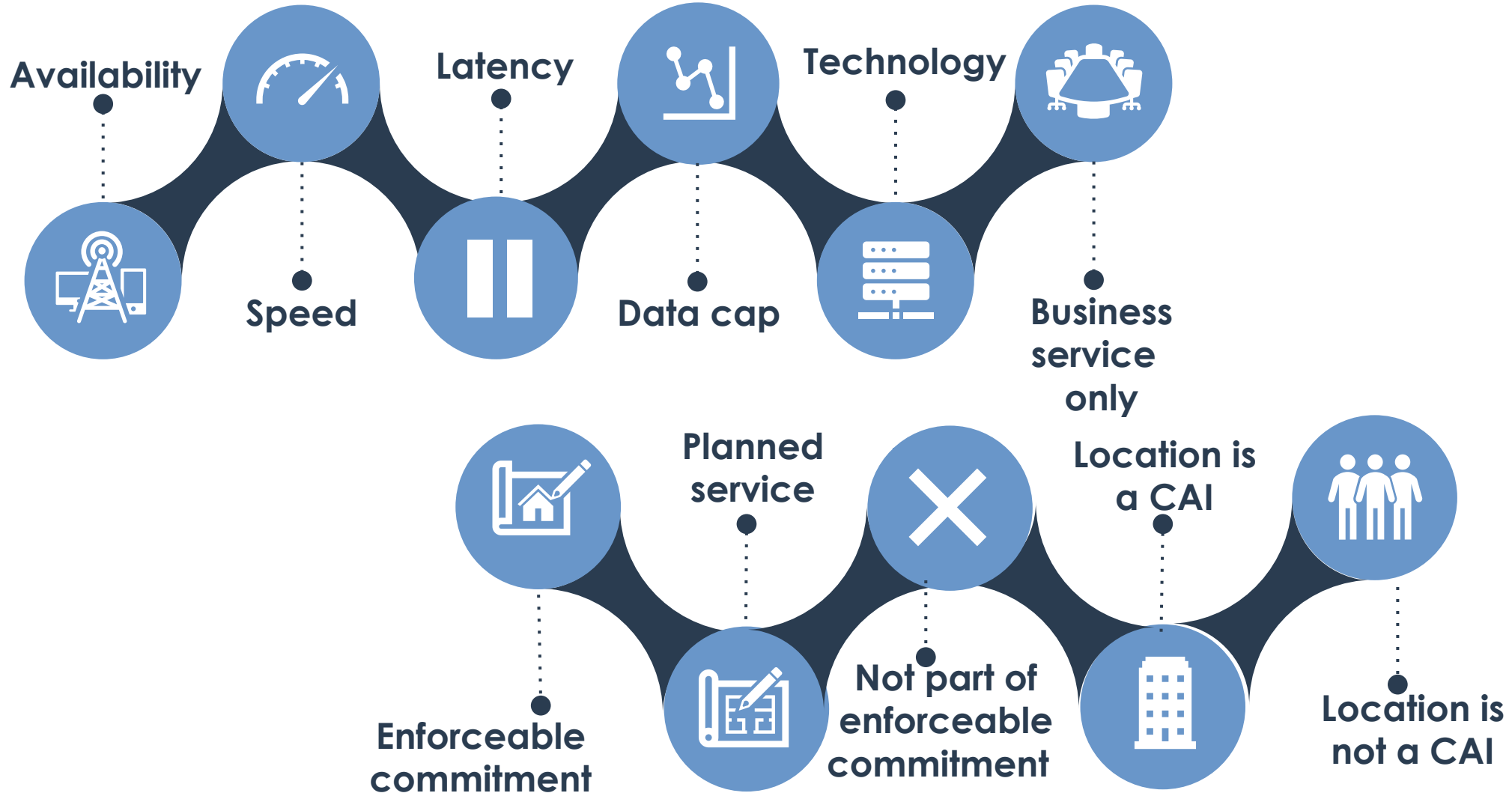
Area and Multi-Dwelling Unit (MDU) challenges

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

- **Availability**
- **Speed**
- **Latency**
- **Data cap**
- **Technology**

- **If enough challenges are submitted** in a particular area or building, **all the locations in that area or MDU become challenged** and the provider must show they are sufficiently served

- **Area challenges** are triggered if **six or more** broadband serviceable locations using a specific technology and reportedly served by a single broadband service provider **within a census block group** are challenged

- **MDU challenges** are triggered if challenges are submitted for one unit for MDUs with less than 15 units, two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs

What is your role in the Challenge Process as a permissible challenger?

Joanne Hovis

President

CTC Technology and Energy

Permissible challengers

According to NTIA's requirements, local governments, Tribal governments, nonprofits, and broadband service providers:

- **Have full access to the Challenge Portal** once registered
- **Can submit challenges** for specific locations using approved evidence types
- **Can rebut challenges**

Some permissible challengers (local governments, Tribal governments, and nonprofits) **can engage individuals** on evidence submission

Most common individual evidence types will be for 'Availability' and 'Speed' challenges

Note: Permissible challengers will benefit from actively engaging during the CPUC's outreach to understand the timeline, acceptable evidence, and the Challenge Portal. Individuals will not be able to register for the Challenge Portal.

Permissible challengers must also register to submit challenges on behalf of individuals

Sample challenges

Per NTIA, all permissible challengers can submit all types of challenges

- **Example**: A nonprofit submits a '**Speed**' challenge claiming a specific location that the FCC Map shows as 'served' has speeds of 10/3 Mbps, using approved speed tests as evidence.
- **Example**: A Tribal government submits an '**Availability**' challenge to demonstrate that a location that the FCC Map shows as 'served' is not served by that provider. The Tribal government submits a letter from the provider denying a service request as evidence.

Each type of challenge has its own evidentiary requirements. Please see the NTIA Policy Notice for more information

Portal Access and challenge submission
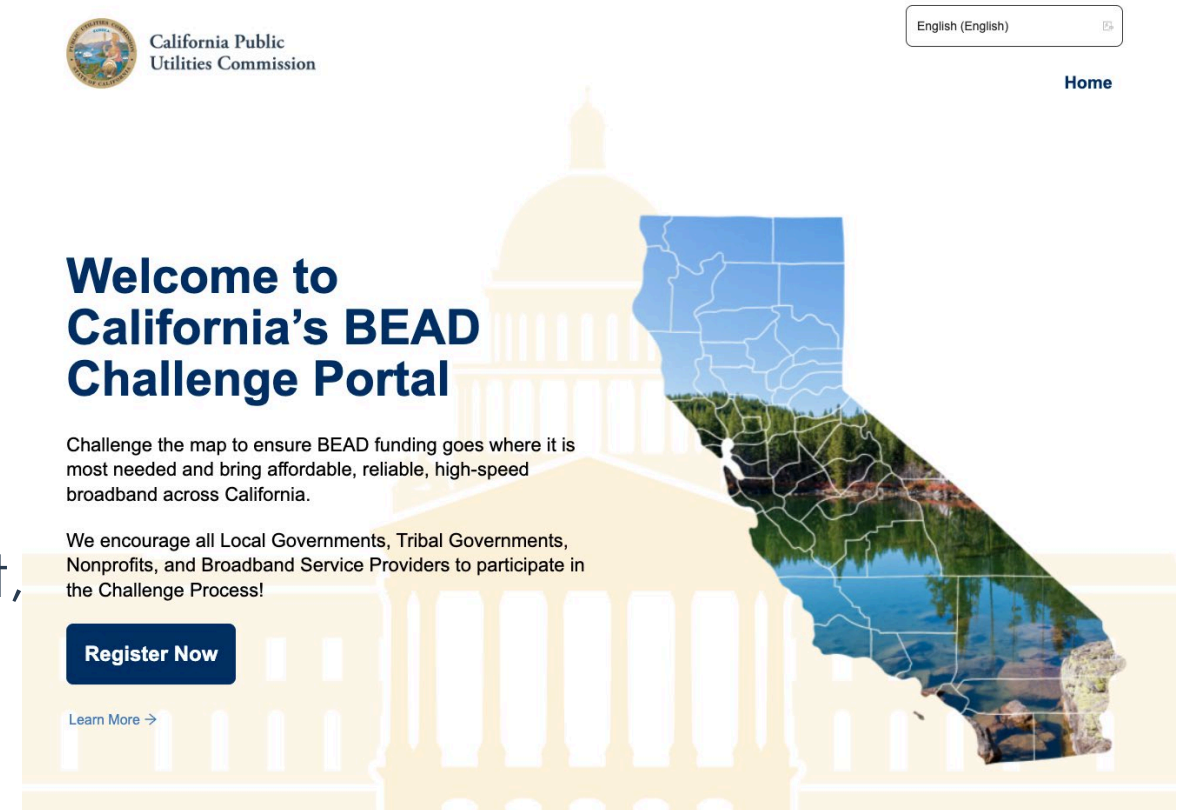
Clayton Wooley

Director of Technical Strategy

Ready.net

Registration for the Challenge Portal for permissible challengers

1. Visit register.challenge.cpuc.ca.gov and select **'Register Now'**
2. Fill out the form of **basic information** about your organization
3. Select to submit challenges and evidence **on individuals' behalf**
4. Fill out information **specific to your organization type** (local government, Tribal government, nonprofit)
5. Select **'Finish'**
6. Receive **approval** and email to **set up account**

English (English)

Home

California Public Utilities Commission

Welcome to California's BEAD Challenge Portal

Challenge the map to ensure BEAD funding goes where it is most needed and bring affordable, reliable, high-speed broadband across California.

We encourage all Local Governments, Tribal Governments, Nonprofits, and Broadband Service Providers to participate in the Challenge Process!

Register Now

Learn More →
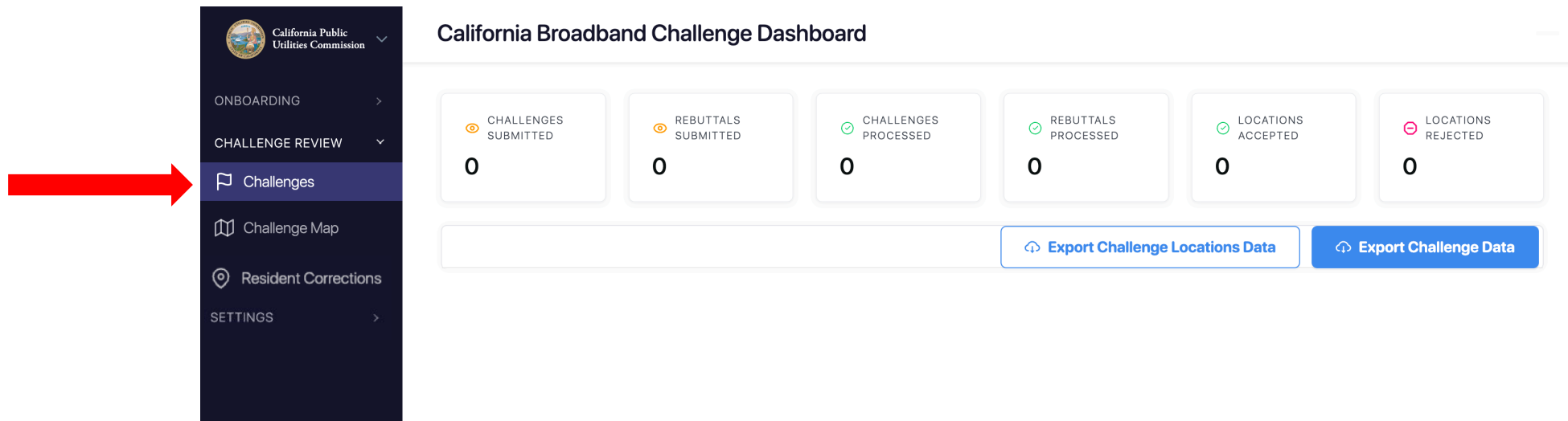
Application for CostQuest Tier E Fabric License

- **Tier E license** is for local governments, Tribal governments, and nonprofits and while not required, is strongly recommended.
- The Challenge Portal is based on the **FCC Fabric**, a dataset of all locations that can receive broadband service
- The Portal displays each of these locations but **the actual address data is not downloadable** (instead, it only allows export of Location IDs)
- With the CostQuest Tier E Fabric License, you can **take a Location ID number from the Portal and pair it with the address** it is associated with
- Find out more on the NTIA website and register here
  - You will need an FCC Registration Number (FRN) to register

  Tip: **Apply early** - it may take time for the application to be processed

How to submit a challenge

1. **Log in to the Challenge Portal** – Users can log in using email/password combo or use a "Magic Link" which sends an email with a link to log-in directly without a password.

2. **Select 'Challenge' Item in the Navigation Menu** – The display will show the Dashboard.

How to submit a challenge

Broadband Challenge Dashboard

Invite Teammate | Challenge Submission

The broadband challenge process is now open! Prepare your challenges and rebuttals to ensure your community can get the broadband they deserve.

The broadband challenge process is an essential step conducted prior to deploying BEAD funding. Participation in the challenge process helps ensure that the map data is accurate and is a key step in making sure that grant funding reaches communities in need.

Learn more ↗

CHALLENGES SUBMITTED	CHALLENGES NEED REVISION	CHALLENGES WITHDRAWN
0	0	0

My Submitted Challenges (0)   Needs Revision (0)   Initial Review Processed (0)   Withdrawn (0)   + **Add Challenge**

Search by challenge ID / entity

Challenged Entity	Challenge Type	Locations	Date Submitted	Status	Details

No data

3. **Select 'Add Challenge'** from the Dashboard

Working with Members of the Public to Submit Individual Challenges

How to submit a challenge

4. Select either 'Dashboard' or 'Challenge Map' – This is a view of the Challenge Map

5. Select 'Challenge Category'

6. Define a zone

How to submit a challenge

7. Define the zone boundaries by:
a) drawing boundaries on the map
b) uploading shapefiles
c) selecting from the shapefile library

How to submit a challenge

8. You can add a location by selecting it and then **selecting 'Add to challenge'**

Add multiple locations by using Shift + Click + Drag or uploading an area you defined or a list of Fabric IDs

How to submit a challenge

9. **Upload Evidence and Documentation -** Upload the required evidence for the challenge you're submitting. For challenges that may require you to provide separate evidence files per location, you will be prompted to download a .csv file with the selected locations.

10. **Attestation** – Confirm that, to the best of your knowledge and belief, the challenge is true, complete, and accurate.

How to view and submit individuals' submitted evidence

- You as a permissible challenger will be able to **view, evaluate, and submit evidence** from individuals **through the Portal**
- The process will involve the following steps:
  1. Select an individual's submitted evidence visible to you through the Portal
  2. View details of the challenge, including location and type of challenge
  3. Review the evidence attachments to evaluate that it substantiates the challenge
  4. Select to submit the evidence and it will automatically populate a challenge submission and be sent as a challenge

Rebut challenges

- Broadband service providers are the **only entities that can rebut challenges to their service**
  - **Example**: A challenge is submitted with evidence showing 30/5 Mbps service in an area that the FCC Map claims is 'served' (i.e., 100/20 Mbps or more). Only the broadband service provider that provides the relevant service can rebut, for example by providing a countervailing speed test from their internal network management system showing speeds of 100/20 Mbps or more.

- All **permissible challengers can rebut 'Planned service' and 'Enforceable commitment'** challenges and CAIs may rebut challenges related to their service or status

- Once a challenge is rebutted, the CPUC will analyze the evidence submitted and issue a final determination at the end of the Challenge Process

How permissible challengers can engage with individuals

Joanne Hovis

President

CTC Technology and Energy

Engage with individuals on evidence submission

- Permissible challengers—especially local governments, Tribal governments, and nonprofits—are **encouraged to engage with individuals and review their evidence** for challenges

- Why choose to engage with individuals' evidence submissions?
  - Expand the amount of evidence you can draw upon for challenges
  - Empower members of the public to make a change to broadband data
  - Advocate for your community

- Permissible challengers can:
  - **Promote participation** in the Challenge Process to their community
  - **Collect evidence** from individual submitters through the Challenge Portal
  - **Submit evidence** on individuals' behalf as long as it meets evidentiary standards

Individuals in the Challenge Process

What they can do

- Upload evidence to make it available to permissible challengers through a publicly available site, including:
  - Speed tests
  - Availability evidence
  - Other evidence regarding provider service

What they can't do

- Submit a challenge to the CPUC
- Register in the Challenge Portal
- Rebut challenges
- View challenge status in real time

Community engagement

Permissible challengers may want to run significant community planning and mobilization to individual through **outreach campaigns** via:

- **Email**
- **Physical mail**
- **Phone calls**
- **Webinars**

The CPUC will provide outreach materials to permissible challengers in a toolkit

Community outreach campaigns
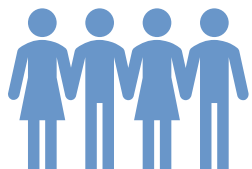
Campaigns by permissible challengers should offer community members with relevant information about the Challenge Process, such as:

- **How to conduct speed tests**
- **How to provide results to the entity submitting the challenge**

The CPUC will provide outreach materials to permissible challengers in a toolkit

What is in the toolkit for permissible challengers?

To conduct outreach to individuals during the Challenge Process, the CPUC will provide permissible challengers with:

- Customizable slides to conduct training sessions
- Video of training session for individuals
- A recording of this webinar
- Flyers and handouts in PDF format

Evidence required for individual challenges

Joanne Hovis

President

CTC Technology and Energy

Minimum level of evidence to submit a challenge

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

- **Address provided** for challenge is a **Broadband Serviceable Location** and can be **found in the Fabric** (dataset showing all locations where fixed broadband is or could be deployed)

- Challenged service is **on the National Broadband Map** and meets the definition of **reliable broadband service** (service accessible via fiber-optic technology, cable modem/hybrid fiber-coaxial technology, digital subscriber line (DSL) technology, or terrestrial fixed wireless technology with entirely licensed spectrum or a hybrid of licensed and unlicensed spectrum)

- **Email address** used to send challenge can be **verified and is reachable** (by sending confirmation message to email listed)

- If **scanned images** are used, the quality must be good enough to **allow for optical character recognition (conversion of image with text into a machine-readable text format)**
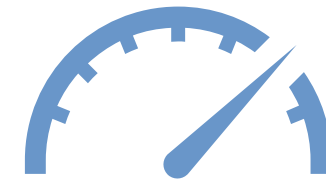
Common challenge types

Individuals may submit evidence for the following types of challenges:
- Availability
- Speed
- Latency
- Data cap
- Technology
- Business service only

The most common types for individuals are Availability and Speed

Important factors for permissible challengers to remember

- Review the **evidence** necessary for the challenge type
  - **Check that all required information is represented** in evidence, the median is correct for speed tests, the submitter subscribes to at least 100/20 Mbps for speed tests, and that each evidence attached is the right file for the challenge
  - Challenges with inaccurate or insufficient evidence will not be accepted
- Submit evidence **before the end of the Challenge Phase**
  - The 30-day Challenge Phase will require quick action
  - Early submission allows more time for communications with individual submitters to correct any errors

Note: specific evidentiary requirements for individuals are included in the customizable presentation for individuals

The CPUC is focused on transparency

The CPUC will post **all submitted challenges and rebuttals** before final challenge determinations are made including:

- **The unit of local or Tribal government, nonprofit or broadband service provider** that submitted the challenge

- The **census block group** containing the challenged broadband serviceable location(s)

- The **challenged party**

- The **type of challenge**

- A **summary of the challenge** (including if the challenged party submitted a rebuttal)

Note: CPUC will not post any personally identifiable information about individuals providing evidence

Takeaways

Laura Sasaki

Program and Project Supervisor

CPUC BEAD Branch

The bigger picture

- BEAD is a **once-in-a-generation investment** in the nation's broadband infrastructure

- **Success of BEAD hinges upon** the CPUC receiving the most updated, conclusive **data about broadband availability**

- **Your participation in the Challenge Process** will show the CPUC locations of potential concern

- May also help influence what **funding opportunities after BEAD** will look like and where potential future CPUC efforts should be directed

Upcoming webinars

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

DATE/TIME	TOPIC
May 23, 2024 10 -11:00a.m. PST	Office Hours
May 30, 2024 10 -11:00a.m. PST	Office Hours
June 6, 2024 10 -11:00a.m. PST	Office Hours
Date to be announced	Challenge Process for Broadband Service Providers

Next Steps

Ways to Prepare to Participate in the Challenge Process

- Attend a webinar and register for office hours
- Pre-register to submit a challenge

* Are you interested in submitting challenges on behalf of residents?

Yes

- Request a CostQuest License
  - Tier D
  - Tier E
- Sign up for email updates and news
- Conduct community outreach to promote public participation in the challenge process using the CPUC provided toolkit

Questions?

If you have questions about the Challenge Portal or need technical assistance, please email cahelpdesk@ready.net.

For general questions about the BEAD Program in California, please email the CPUC BEAD team at BEAD@cpuc.ca.gov.

For more information visit:

The CPUC's BEAD Page – general program information

CPUC BEAD Challenge Process – Challenge Process information

BEAD Frequently Asked Questions – answers to your BEAD questions

Thank you!

We appreciate your attendance and your questions.

We hope to see you at future webinars!

California Public Utilities Commission