

Overview of the BEAD Program for Tribal Governments

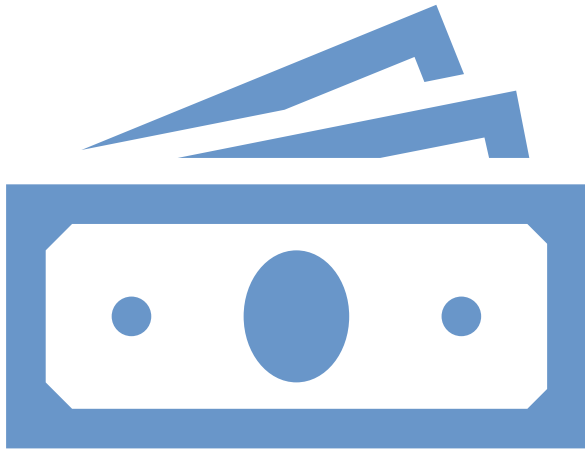
Participating in the Challenge Process and Subgrantee Selection Process



California Public
Utilities Commission

BEAD Program overview

Funding priority

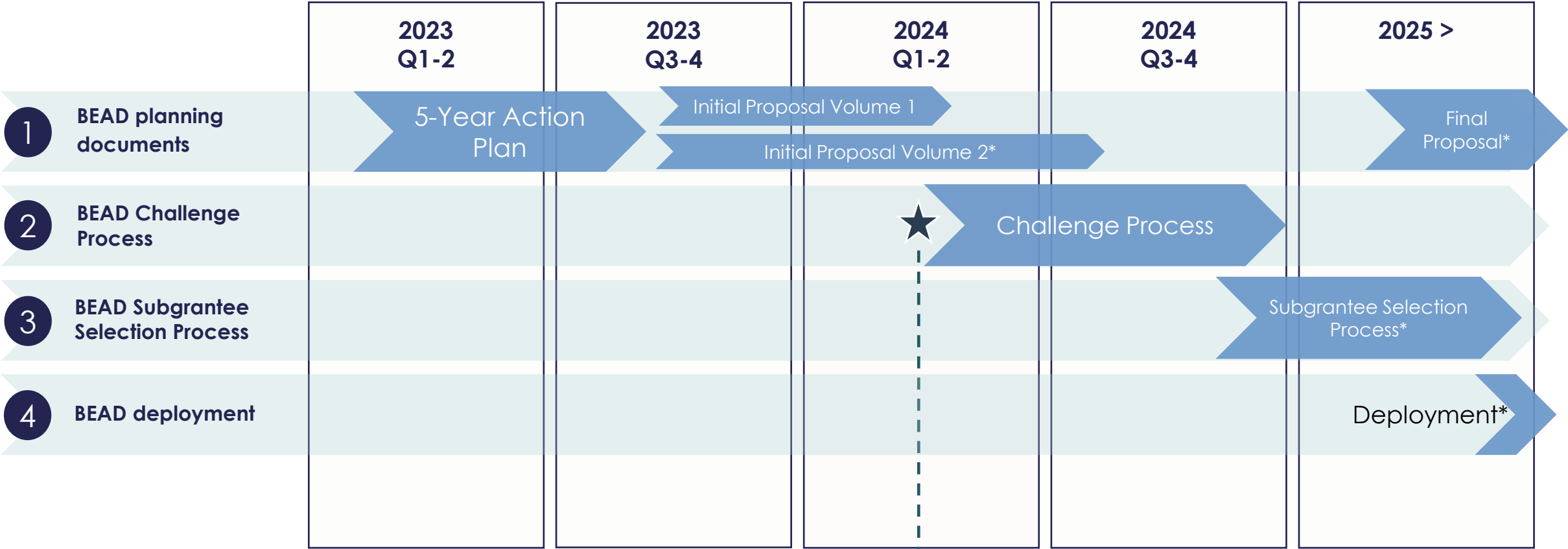


How will BEAD funding be prioritized?

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.

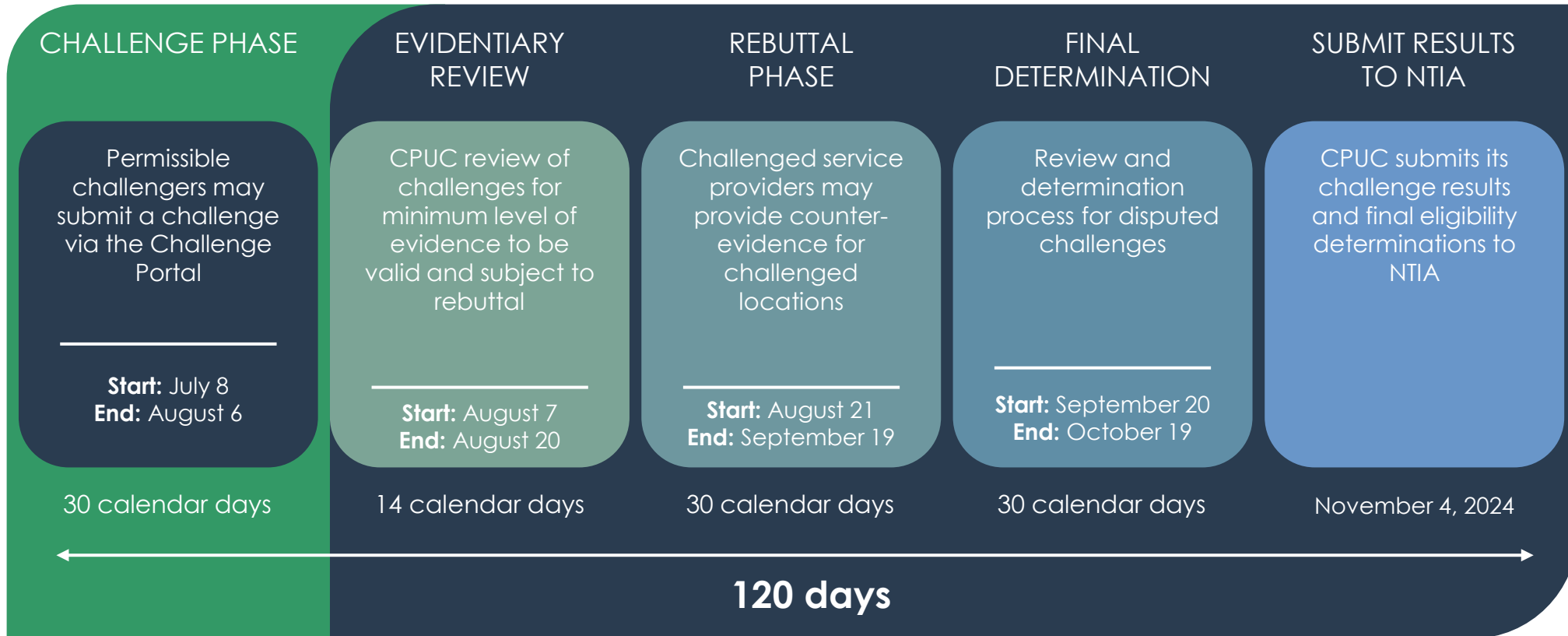
Timeline of BEAD Program



**We are here:
Challenge Process**

*Exact timeline dependent on NTIA approval schedule

California's BEAD Challenge Process



Challenge Process overview: Eligibility for BEAD funds

Purpose



What is the BEAD Challenge Process?

- Will determine **locations** and **community anchor institutions** within the state that are **eligible for BEAD funding**
- Allows entities the **opportunity to offer input** on whether **specific locations** are not accurately reported in the datasets and therefore **should be eligible for BEAD funding**
- If a location is not shown as BEAD eligible after the Challenge Process, **it will not be able to gain BEAD funding**

Note that challengers will not be able to add or delete broadband serviceable locations (BSLs)

Relevance



Why participate in the Challenge Process?

- You can impact **eligibility for BEAD funding** (which totals **\$1.86 billion** in California)
 - If your Tribe's locations are not shown to be eligible, this is the process for challenging that eligibility
 - If you prove a location is unserved or underserved, BEAD Program rules **require that the location be eligible for the BEAD Program**
- It is the **single best chance** to correct the FCC's Broadband Data Map for this program and future programs to base funding decisions on
- You can **advocate for your community** by providing evidence that it is unserved or underserved

Who can submit a challenge?

Local governments



Nonprofit organizations



Tribal governments



Broadband service providers

Tribal involvement in the Challenge Process

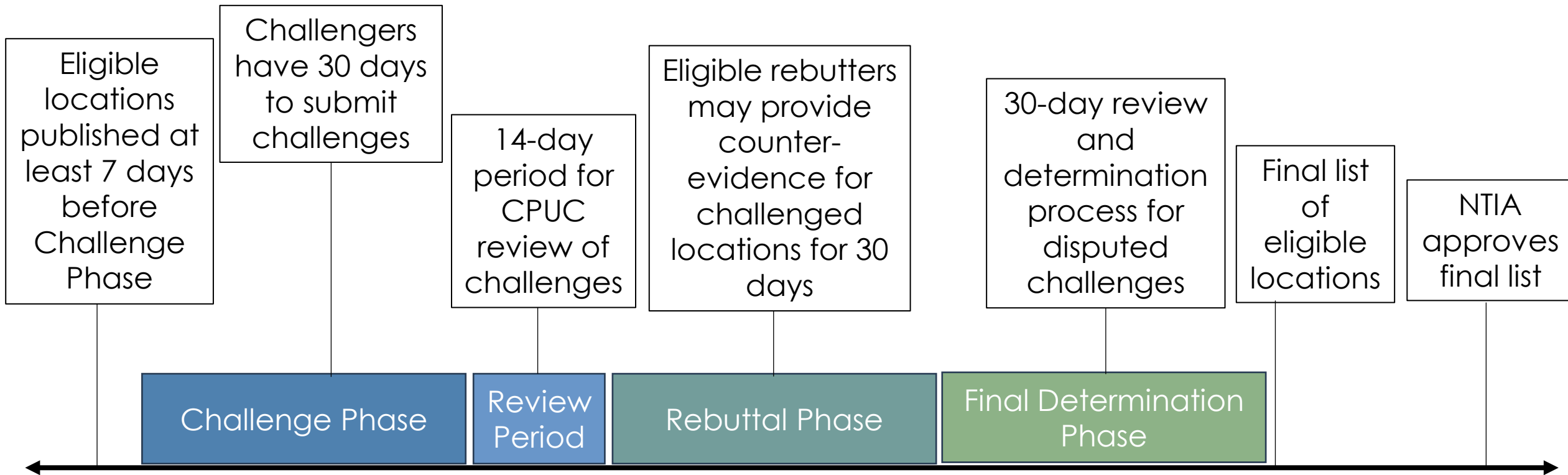
- **Permissible challengers** include Tribal governments, Tribal nonprofits and service providers
- **Tribal governments** are defined as those in the list of Federally Recognized Indian Tribes
- For enforceable commitment challenges on Tribal land, the commitment does not qualify unless it includes a **legally binding agreement between the relevant Tribal Government and ISP** for the location(s) at issue
- Community anchor institutions can include **Tribal government buildings**, as well as public safety entities (including firehouses, emergency medical stations, and police stations), schools, libraries, hospitals and health centers, institutions of higher education, public housing organizations, and community support organizations

What happens in the Challenge Process?

- 1. Challenge Phase:** Challengers can submit evidence that shows the data need to be corrected at a certain location
- 2. Rebuttal Phase:** Entities can submit evidence to rebut a submitted challenge
- 3. Final Determination Phase:** The CPUC reviews both sets of evidence and determine whether the data need to be corrected or not and submit their list of locations that should be eligible for BEAD funding to the NTIA

The Challenge Process is expected to run from this summer to early fall.

Sequence of events



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
- A **publicly available website** will be available where individuals can submit evidence

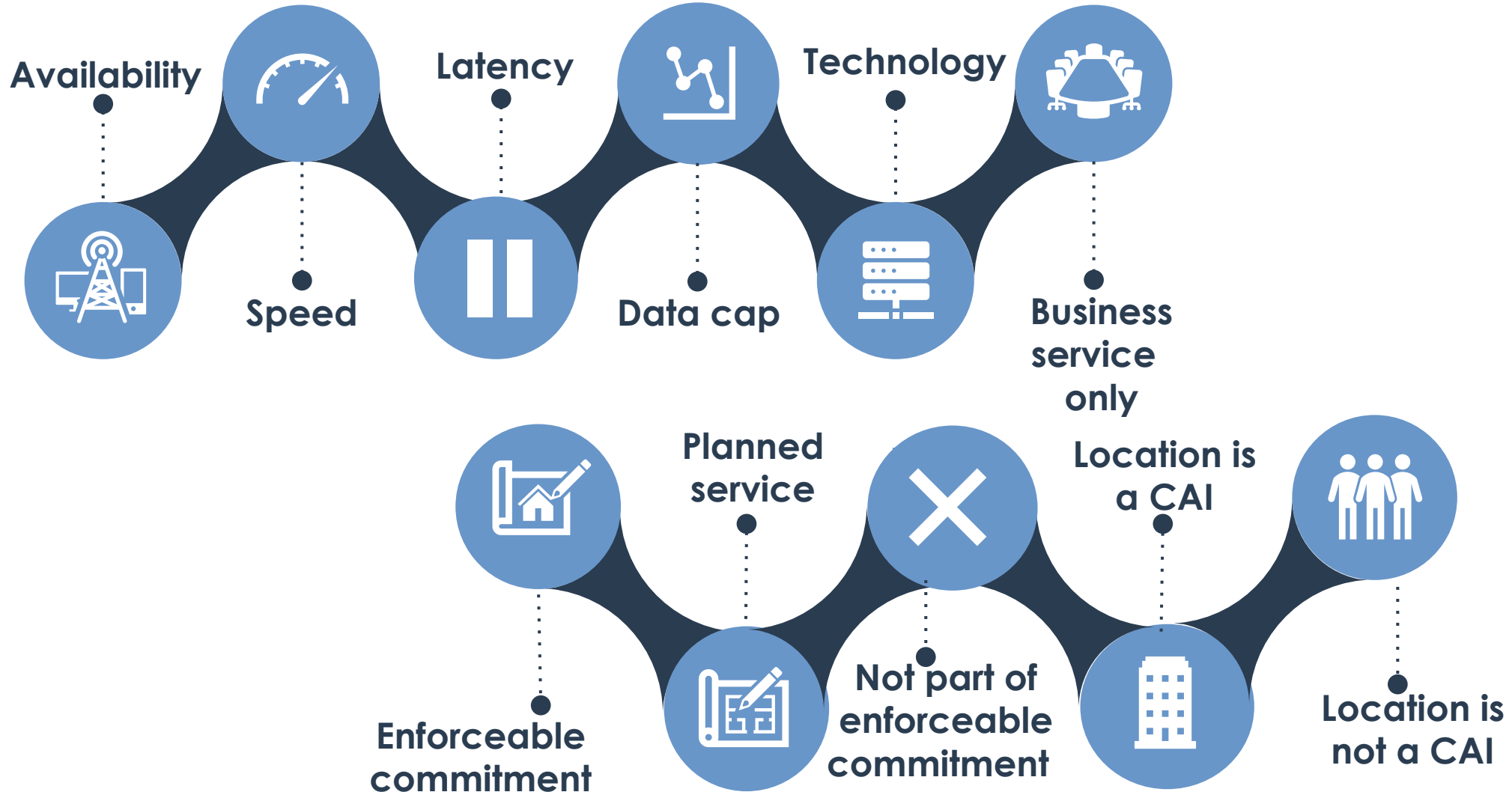
What can be challenged?



- **Internet speeds and other specifications** for Broadband Serviceable Locations included in the FCC's National Broadband Map (to determine BEAD eligibility for those locations)
- **Community anchor institution eligibility and identification**
- **Enforceable commitments**
- **Planned service**

Note: Each challenge type has specific evidentiary requirements (for example, speed test software). See the NTIA [Policy Notice](#) and CPUC [Initial Proposal Volume I](#) for details.

Challenge types



Area and 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 Multiple Dwelling Unit (MDU) become “challenged”** and the provider must show they are sufficiently served
- To count toward the area or MDU challenge, each one must be from the same ISP, technology, and census block group or MDU
 - For area challenges, it takes six challenges in one census block group
 - For MDUs, it takes one, two, or three challenges, depending on the size of the MDU

Who can rebut a challenge



- **Broadband service providers** are the only entities that can rebut or concede challenges related to reclassification of their service locations (e.g., a speed or availability challenge to their service)
- **All eligible challengers** may rebut certain challenges: these include planned service challenges and enforceable commitment challenges
 - For example, a Tribal government may rebut an enforceable commitment challenge on Tribal lands with evidence there is no binding agreement between the Tribe and the ISP
- **Community anchor institutions** may rebut challenges regarding their CAI status or service levels

State and NTIA review



- The state conducts **final review** of the challenge and rebuttal
- Final decision is made, in which **challenge is labeled “sustained” or “rejected”**
- **Final determinations** are made after the end of the Rebuttal Phase
- Following state review and determination, **NTIA will review and approve** the list of eligible locations

How to participate



- For Tribal governments, nonprofits, and service providers:
 - **Register** for the challenge process
<https://register.challenge.cpuc.ca.gov/register/bead>
 - Review the map to see where the **reported service or speeds are incorrect**
 - **Provide evidence** in the Challenge Portal showing the real situation
 - Process evidence **submitted by individuals** in your area
 - **Rebut** challenges if necessary
- For individuals:
 - Submit evidence in a publicly available webpage about service at their address

Tribal involvement in BEAD



- Identifying eligible location in the Challenge Process
- NTIA rules generally require a **25 percent match**, but this is **waived for designated “high-cost areas”**
 - **Discussion of applicability to Tribal Lands.**
- **Connecting with CPUC and NTIA resources**
 - CPUC Tribal Technical Assistance Grants
 - CPUC Caseworkers
 - NTIA Tribal Connectivity Program
 - NTIA Tribal Connectivity Team (TBCP@ntia.gov)
- **Tribal consent**

CPUC Tribal Technical Assistance Program

- Provides grants to California Tribes for technical assistance to improve voice and broadband service
 - Funds consultants for environmental, feasibility, and engineering design studies or development of needs assessments, market studies, broadband strategic plans, or business plans
 - Funds allocated for a reimbursable consulting contract
- California Tribes with or without federal recognition
 - Tribal communities on reservations, trust lands, and surrounding areas
 - Demonstrate Tribal leadership support
- Applications due October 1, January 1, April 1, July 1
 - Maximum amount: \$250,000 per Tribe, per fiscal year
- [Tribal Technical Assistance program webpage](#)
 - Email questions to: Tribal_Tech_Assist@cpuc.ca.gov
- [Broadband Resources for Tribes in California](#)
- Need to talk to someone to help with strategy and questions?
broadbandcaseworkres@cpuc.ca.gov

Tribal consent in applications

- For any application on Tribal land, the **applicant will be required to submit evidence of Tribal consent** (e.g., Tribal resolution), and it is encouraged for applications in proximity to Tribal lands
 - The CPUC does not intend to award any funds for deployment on Tribal lands without a written formal Resolution of Consent or other formal form of consent consistent with the applicable Tribe's governing structure from the applicable Tribal government
 - The CPUC encourages prospective applicants to construe requirements for meaningful consultation and demonstration of consent broadly and seek Tribal consent and collaboration to serve Tribal members living in proximity to Tribal lands

Scoring criteria



- **Three criteria make up 75 percent** of points available:
 - Affordability
 - Fair Labor Practices
 - Minimum BEAD Outlay
- **Other criteria** will include:
 - Technical Capability
 - Speed to Deployment
 - Equity
 - Resilience

What you can do

- **Develop a strategy and/or seek partnerships** to develop a broadband infrastructure project to apply for BEAD funds
- **Communicate with service providers** of your choice about opportunities for new projects
- Prepare to examine and evaluate applications proposing projects on Tribal lands, as they will need **formal Tribal consent**
- Take advantage of **technical assistance**

If you have more questions:

Please contact us at:

BEAD@cpuc.ca.gov



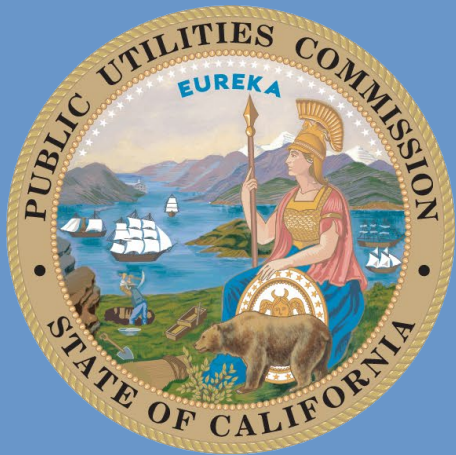
For more information visit:

[California Broadband Equity, Access, and Deployment \(BEAD\) Program](#)

[BEAD Challenge Process](#)

- Information about the challenge process
- Sign up for updates
- [Events](#)





California Public Utilities Commission