NCDIT

NORTH CAROLINA
DEPARTMENT OF
INFORMATION
TECHNOLOGY

Division of Broadband and Digital Equity

State of North Carolina

BEAD CHALLENGE PROCESS RESOURCE GUIDE

Broadband Equity, Access, and Deployment (BEAD) Program

August 2024

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Introduction

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

The BEAD Challenge Process is designed to provide stakeholders in North Carolina with an opportunity to participate in the process of challenging the eligibility of locations for BEAD funding. Based on the process approved by the National Telecommunications and Information Administration (NTIA), challengers can dispute the data sourced from the National Broadband Map by using relevant and allowable evidence as outlined in the state's Initial Proposal Volume I.[1]

Please send questions related to technical assistance issues to nchelpdesk@ready.net. Questions related to policy items should be sent to bead@nc.gov.

Note: Much of the content in this user guide was prepared by Ready.net, the N.C. Department of Information Technology's Division of Broadband and Digital Equity's vendor, as a companion to its Challenge Portal application. Due to ongoing guidance from NTIA, the information in this document is subject to change.

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[1] "BEAD Initial Proposal Volume I," State of North Carolina, https://www.ncbroadband.gov/bead-volume-1-initial-proposal-approved-ntia-41824/download?attachment.

1. Permissible (Eligible) Challengers

1.1 Who Can Submit a BEAD Challenge?

Pursuant to NTIA requirements,[2] the N.C. Department of Information Technology's (NCDIT) Division of Broadband and Digital Equity (the division) will allow challenges from:

- Nonprofit organizations

- Units of local government

- Units of Tribal government

- Broadband service providers

1.2 Role for Individuals and Other Entities

While residents and businesses are not allowed to submit challenges directly to the division, they are an essential part of the Challenge Process. Consumers may contribute speed test results and other supporting evidence for challenges. Individuals may work directly with any of the entities identified in Section 1.1 to submit their challenge data during this process.

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[2] Eligible challengers are defined in NTIA's Challenge Process Policy Notice (https://broadbandusa.ntia.doc.gov/sites/default/files/2024-02/BEAD_Challenge_Process_Policy_Notice_v1.3.pdf) as "permissible" challengers.

2. Allowable Challenges

2.1 What Can Be Challenged?

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

The division will allow challenges on the following grounds:

- The identification of eligible Community Anchor Institutions (CAI), as defined in North Carolina's Initial Proposal Volume 1;

- CAI BEAD eligibility determinations;

- BEAD eligibility determinations for existing Broadband Serviceable Locations (BSLs) included in the FCC's National Broadband Map[3] (i.e., challenges to reported availability, speed, data cap, latency, technology, and business service only);

- Enforceable commitments for existing BSLs (i.e., locations with existing funding); and

- Planned service.

2.2 Area and MDU Challenges

The division will administer area and Multiple Dwelling Unit (MDU) challenges for availability, speed, technology, latency, and data cap challenge types. An area challenge reverses the burden of proof for availability, speed, latency, data caps, and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all locations it serves within the area or all units within an MDU.

An area challenge is triggered if six or more BSLs using a particular technology and a single provider within a census block group[4] are challenged under the same challenge type.

An MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined as one BSL listed in the Fabric (for example,

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[3] The division will use Version Four of the Broadband Serviceable Locations Fabric and the National Broadband Map Availability Data as of December 31, 2023 (updated May 14, 2024).
[4] Area challenge determinations will be based on 2020 Census Block Groups.

a complex of apartment buildings may be represented by multiple BSLs in the Fabric). An MDU challenge counts toward an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

A successful MDU challenge converts the status of the location to the lowest level of service across all units. For example, the location is considered unserved if one unit is found to be unserved, even if other units within the MDU reach the underserved or served speed thresholds.

Each type of challenge and each technology and provider is considered separately, e.g., an availability challenge (A) does not count toward reaching the area threshold for a speed (S) challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately because they are likely to have different availability and performance.

Area challenges for availability need to be rebutted in whole or by location with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or hybrid fiber-coaxial (HFC) infrastructure or by subscriber information. For fixed wireless service, the challenge must be rebutted with representative, random samples of the area in contention, but no fewer than 10 data points in which the provider has to demonstrate service availability and speed (e.g., with a mobile test unit).

The division reserves the right to collect additional evidence of fixed wireless network capacity and throughput, should those details be necessary to evaluate challenges involving fixed wireless technologies. For MDU challenges, the rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service.

For a speed area challenge, the challenged provider must submit a rebuttal for at least 10 percent of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule, i.e. 80 percent of these locations must record a speed that equals or exceeds 80 percent of the speed threshold (i.e., 80/16 Mbps to be considered served at 100/20 Mbps). Only speed tests conducted by the provider between 7 p.m. and 11 p.m. local time will be considered as evidence for a challenge rebuttal.

3. Structure and Timing

The BEAD Challenge Process must be completed and approved by NTIA before the division can close the BEAD subgrant application window. This process ensures that any subgrants made under the program are based on the final list of eligible locations.

3.1 Challenge Process Phases

Prior to the kickoff of the Challenge Process, the division will publish the list of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of NTIA's BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process).[5] The division will also publish locations considered served, because those locations can also be challenged.

Timeline

Publication of eligible locations	Aug. 27, 2024
Challenge Phase	Sept. 3 – Oct. 3, 2024
Rebuttal Phase	Oct. 15 – Nov. 14, 2024
Final Determination Phase	Nov. 18 – Dec. 18, 2024

3.1.1 Challenge Phase

The challenge phase will run for 30 calendar days. During this phase, permissible challengers will be able to submit challenges using the Challenge Portal. After a challenge is submitted, the division will review the evidence and determine whether it meets the evidentiary requirements. If a challenge is determined to meet the minimum level of evidence, it will be considered a "sustained challenge."

After the challenges have been reviewed, the sustained challenges will be processed collectively to determine which challenges require a rebuttal. The division will also identify any area challenges at this time.

Because the goal of the challenge process is to correct the BEAD eligible locations list, rebuttals will only be required for locations where a successful challenge would

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[5] "BEAD Challenge Process Policy Notice," NTIA, Version 1.3, February 8, 2024, https://broadbandusa.ntia.doc.gov/sites/default/files/2024-02/BEAD_Challenge_Process_Policy_Notice_v1.3.pdf.

result in a modification of the eligibility status for the affected location. For example, if there are two providers reporting coverage at 100/20 Mbps and only one of those providers is challenged, the challenged provider will not be required to submit a rebuttal for that location. However, that challenge will still be considered for the purposes of reaching the area or MDU challenge threshold.

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

3.1.2   Rebuttal Phase

After the Challenge Phase closes and challenges are processed, the Rebuttal Phase will run for 30 calendar days. At the beginning of the Rebuttal Phase, all the challenges that require a rebuttal will be posted in the Challenge Portal.

For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location or area with evidence. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service and enforceable commitment challenges.

The provider will be notified of the challenges through an automated process. The challenged provider will have the option to concede the challenge or rebut the challenge. A rebutted challenge will be considered "disputed." If no rebuttal is filed in the allotted time, the challenge will be sustained.

After a rebuttal is submitted, the division will review the evidence and determine whether it meets the evidentiary requirements. If a rebuttal submission is determined to meet the minimum level of evidence, it will remain in the disputed state. At the close of the Rebuttal Phase, all challenges that remain in the disputed state will proceed to the Final Determination Phase.

3.1.3   Final Determination Phase

After closing the Rebuttal Phase, the division will review the evidence for each challenge, including the evidence from any rebuttals, and will make a final determination to "sustain" or "reject" each challenge. The reviewers will review the information included in each challenge and rebuttal prior to making any final determinations. Reviews will occur on a rolling basis, as challenges and rebuttals are received.

The division reserves the right to request additional information or evidence from the challenger or submitter of the rebuttal at any time during the Final Determination phase.

4. How to Participate in the Challenge Process

4.1 Account Registration

Before a permissible challenger can participate in the Challenge Process, they must register for an account in the Challenge Portal, ensuring that only eligible parties submit challenges.

4.2 Registration Steps

1. **Visit the registration page –** The registration page provides a brief overview of the challenge process and helpful links.

2. **Click the Register button –** The Register button will open an intake form to provide the necessary information.

3. **Complete the intake form –** The intake form will ask you for the information needed to verify your account as an eligible challenger.

   a. **General information –** Every registrant for the challenge process will be asked to provide the following information:
      i. Entity name
      ii. Entity website
      iii. Primary contact name
      iv. Primary contact email (please use domain affiliated with entity)
      v. Primary contact phone number
      vi. Category of entity (select from dropdown)

   b. **Broadband provider information**
      i. Provider name (select from dropdown)
      ii. FCC Registration Number (FRN)
      iii. Physical address
      iv. Additional documentation to verify identity

   c. **Unit of local government information**
      i. Physical address
      ii. Additional documentation to verify identity

   d. **Unit of Tribal government information**
      i. UEI number assigned by Sam.gov
      ii. Tribe's name as listed by the Bureau of Indian Affairs

   iii. Physical address

   iv. Additional documentation to verify identity

  e. Nonprofit organization information

   i. Federal Employer Identification Number (EIN)

   ii. Physical address

   iii. Additional documentation to verify identity

4. **Click "Finish" and submit the form –** After you submit the form, you will receive an email confirmation. **You do not need to do anything at this point.**

5. **Wait for account approval –** After submitting your account request, each registration will be manually reviewed by the division before it is approved. As a result, there will be a slight delay between registration and account setup. If your registration lacks necessary details, you will be notified by email to update your account request with the necessary information.

6. **Complete setting up your account –** Once approved, you will receive an email with a link to complete the setup of your account, where you will be asked to set a password.

Please note: Each challenger can have only one Primary Contact. If a second individual from the same entity attempts to register, the second registration will be denied as duplicative.

5. How to Submit Challenges and Rebuttals

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

5.1   Submitting Challenges

In general, all permissible challengers are eligible to submit challenges of any type. The primary exception is that planned service or existing service challenges will require an agreement between the provider challenger and the division.

The steps in this process are as follows:

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 password.

2. **Expand "Challenge" item in the navigation menu –** There are a range of options in the sidebar navigation menu. When clicking on the Challenge menu item, the sub-menu will expand to display two options: "Dashboard" and "Challenge Map."

3. **Click on either "Dashboard" or "Challenge Map" –** Both options provide different functionality, but each of them will allow you to open a challenge submission window. The Challenge Map provides a geospatial representation of the eligibility designations under BEAD, while the Dashboard is your portal to review the challenges that you have submitted. If you are a provider, you will eventually see challenges submitted on your reported service in your Dashboard.

4. **Click on "Add Challenge" button –** The "Add Challenge" button is on the top right of the "Submitted Challenges" panel of the Challenge Map page or on the top-right of the challenges table on the Dashboard page. This button will open the "Create a Challenge" page, which includes the Challenge Map with a challenge flow panel on the right and layers that can be used to filter the map based on a range of parameters.

5. **Create a challenge –** When creating a challenge in the Challenge Portal, there are several steps:

    a. **Select challenge class and type –** Each challenge category includes multiple challenge types to select from:

        i. **Planned or existing service**
            1. Planned service
            2. Existing service

     ii. **Enforceable commitment**
- 1. Covered by enforceable commitment
- 2. Not covered by enforceable commitment

    iii. **Provider service level**
- 1. Availability
- 2. Speed
- 3. Latency
- 4. Data cap
- 5. Technology
- 6. Business service only

    iv. **Anchor institution classification**
- 1. Location is a CAI
- 2. Location is not a CAI
- 3. CAI: Qualifying broadband unavailable
- 4. CAI: Qualifying broadband available

b. **Select challenge details –** After selecting the Challenge Type, the data in the map will be filtered to display only those locations that are eligible for the selected challenge type. For example, if an area is already unserved, you will not be able to file an availability challenge. From the locations eligible for the selected challenge type, you will be prompted to provide the challenge details that will further filter the locations, based on the options you select. The required challenge details will vary by challenge type, as described below.

c. **Select locations –** After providing challenge details, only the locations eligible for the challenge type and details provided will be displayed. From the remaining locations, you will be prompted to select the location(s) that you want to challenge. You can add locations one-by-one or select a group of locations.

    i. **Adding individual locations –** To add an individual location, click on the location on the map, which will then provide a pop-up of the address of that location and an "Add to Challenge" button. If the address aligns with the location you intend to add to the challenge, click "Add to Challenge" and then click "Confirm" in the following prompt. You can add multiple locations to the same challenge submission using this method.

Note that bulk challenges may not exceed 250 locations per bulk challenge.

ii. **Add locations in bulk –** When filing bulk challenge submissions, you can add locations in groups, rather than adding each location individually. The methods for adding multiple locations are as follows:

1. **Upload list of locations –** This method allows you to upload a list of valid fabric location IDs in .csv format. The .csv must be a single column with the header: location_id**.**

2. **Select or upload area by creating a "zone" –** This method allows you to define a zone by drawing a polygon, uploading a shapefile, or selecting from a library, which includes defined geographies such as cities, counties, and Tribal areas. To add a zone, click on the Zones tab in the left panel to define a new zone by drawing, uploading a shapefile, or selecting from a library of official boundaries.

3. **Shift+click+drag cursor –** This method allows you to quickly select multiple locations directly on the map. This is the quickest, but less precise method of selecting multiple locations, because the selection boundaries are in a rectangular shape. Once you have selected locations using this method, you will be prompted to confirm that you want to add these locations to your challenge. The prompt will include the number of locations that you have selected.

4. **Removing locations from selection –** If you inadvertently added locations you do not wish to challenge, you can remove the locations by clicking the trash icon next to the location in the right panel or remove all the selected locations by clicking "Remove All."

d. **Upload evidence and documentation –** Once you have finalized the location(s) you want to challenge you will be asked to provide evidence.

e. **Attestation –** After you have uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the challenge is true, complete, and accurate, subject to potential civil or administrative penalties.

5.2   Submitting Rebuttals

The steps in this process are as follows:

1. **Notifications of Rebuttal Phase sent –** When the Rebuttal Phase opens, notifications will be sent to all registered permissible challengers to provide formal notice that the challenges are open for rebuttal. All permissible challengers will be notified of the opportunity to submit rebuttals to open challenges, which includes any challenge not submitted directly against a provider. In addition to the standard notification, the portal will send to each broadband provider a notification of whether challenges were received against them—as described below, each broadband provider can review challenges filed against them in the portal's Challenges Received tab.

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

3. **Expand "Challenge" item in the navigation menu –** When clicking on the Challenge menu item, the sub-menu will expand to display two options: "Dashboard" and "Challenge Map." To view the challenges available for rebuttal, click on the "Dashboard."

4. **Go to "Dashboard" –** During the Rebuttal Phase, the Dashboard is your portal to review the challenges for which you are eligible to submit rebuttals. In the dashboard, you will have two tabs available to review challenges: "Challenges Received" (providers only) and "Open for Rebuttal."

    a. **Challenges received (providers only) –** The Challenges Received tab will display the challenges that received against your reported service. The challenges will be grouped by submission and display information including the challenging entity, challenge type, and number of challenged locations.

    b. **Open for rebuttal –** The Open for Rebuttal tab will display all the challenges that are not directed at a specific broadband provider, such as planned service, enforceable commitment, or CAI challenges. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.

5. **Click View Details –** To begin the rebuttal process, click "View Details" on the challenge that you want to submit a rebuttal against. The information on the

challenge submission will be available in the right panel, which has two tabs: Details and Locations.

  a. **Details –** The challenge details will be similar to those provided in the dashboard but will include an expanded description of the challenge type.

  b. **Locations –** The Locations tab will provide a full list of locations that were challenged under the selected submission.

6. **Rebut or accept challenges –** Using the locations tab, you can choose which individual location challenges you want to rebut and which individual location challenges, if any, you want to accept. If you want to rebut or accept all the challenges, you can do so using the Rebut All/Accept All button. Note that accepting challenges is only an option for providers reviewing challenges against them, since they are the only ones eligible to rebut those challenges. Open challenges can be rebutted by multiple entities, so they will remain open for the entire 30-day window.

7. **Upload evidence and documentation –** Once you have finalized the location(s) that you want to rebut, you will be asked to provide any evidence and documentation that you want included in the review of your rebuttal.

8. **Attestation –** After you have uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the rebuttal is true, complete, and accurate, subject to potential civil or administrative penalties.

6. Evidence and Documentation Requirements

Submission of evidence and documentation are the most important aspects of a challenge submission. If a submission does not meet the minimum level of evidence sufficient to establish a valid challenge, it will not be approved to proceed to the rebuttal phase.

At a minimum, each challenge must:

- Challenge an address that can be found in the Fabric and is a BSL, and

- Provide a challenger's e-mail address that can be confirmed by the Challenge Portal using an automated process.

Additional evidence required varies by challenge type.

6.1 Availability Challenges

The availability challenge type supports challenges with evidence that the service reported in the maps at a specific location is not actually currently available or cannot be scheduled for activation within 10 days.

In alignment with the FCC Challenge Process, the BEAD Challenge Process requires the "Reason for the Challenge" to be documented, using the reason_code field from the *FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data.*[6]

6.1.1 Evidence for Availability Challenges

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

If you choose to provide "other evidence to support challenge," instead of an explicitly stated evidence type, the evidence may not meet the minimum requirements. To support the division's review, please provide a thorough explanation of any evidence classified as "other."

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[6] See "Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data (Section 3.2)," Federal Communications Commission, May 13, 2024, https://us-fcc.app.box.com/v/bdc-bulk-fixed-challenge-spec. See also, "BEAD Challenge Process Policy Notice," NTIA, Version 1.3, February 8, 2024, https://broadbandusa.ntia.doc.gov/sites/default/files/2024-02/BEAD_Challenge_Process_Policy_Notice_v1.3.pdf, at p. 31.

Table 1: Acceptable Evidence for Availability Challenges

Code	Reason	Acceptable Evidence Types for Challenges	Data Age Max
1	Provider failed to schedule a service installation within 10 business days of a request	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Other evidence to support challenge	180 days
2	Provider did not install the service at the agreed-upon time	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Other evidence to support challenge	180 days
3	Provider requested more than the standard installation fee or quoted an amount in excess of the provider's standard installation charge to connect the location	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Other evidence to support challenge	180 days
4	Provider denied the request for service	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Other evidence to support challenge	180 days

Code	Reason	Acceptable Evidence Types for Challenges	Data Age Max
5	Provider does not offer the technology entered above at this location	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Terms of service/service description • End user contract or offer • Infrastructure knowledge/ evidence, including manufacturer and model number of residential gateway • Other evidence to support challenge	180 days
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Terms of service / service description • End-user contract or offer • Infrastructure knowledge/evidence • Other evidence to support challenge	180 days
7	Intentionally omitted[7] (does not constitute a formal challenge)	N/A	N/A

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[7] The availability challenge does not adjudicate whether the actual speeds of the service falls below the advertised speeds. The FCC uses Code 7 for consumer complaints when "Subscribed Speed Not Achievable."

Code	Reason	Acceptable Evidence Types for Challenges	Data Age Max
8	No wireless signal is available at this location (only for technology codes 70 and above)	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Infrastructure knowledge/evidence • Other evidence to support challenge	180 days
9	New, non-standard equipment had to be constructed at this location	• Screenshot from provider website showing URL and date • Email or letter from provider • Text message or voicemail transcript from provider showing source and date/time • Documentation of phone call or in-person interaction • Infrastructure knowledge/evidence • Other evidence to support challenge	180 days

6.1.2   *Evidence for Availability Rebuttals*

Only the challenged provider may submit a rebuttal to an availability challenge. This evidence must counter the reason code and evidence provided by the challenger. The acceptable forms of evidence are provided in Table 2.

Table 2: Acceptable Evidence for Availability Rebuttals

Code	Reason	Acceptable Evidence Types for Rebuttals
1	Provider failed to schedule a service installation within 10 business days of a request	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map.

Code	Reason	Acceptable Evidence Types for Rebuttals
2	Provider did not install the service at the agreed-upon time	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. The screenshot must show location information for the served location. Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map.
3	Provider requested more than the standard installation fee to connect the location	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.
4	Provider denied the request for service	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. The screenshot must show location information for the served location. Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map.
5	Provider does not offer the technology entered above at this location	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. The screenshot must show location information for the served location.

Code	Reason	Acceptable Evidence Types for Rebuttals
		Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map.
7	Intentionally omitted[8] (does not constitute a formal challenge)	N/A
8	No wireless signal is available at this location (only for technology codes 70 and above)	Provider has countervailing evidence to demonstrate service availability and speed (e.g., with a mobile test unit).
9	New, non-standard equipment had to be constructed at this location	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.

6.2   Additional Provider Service Level Challenges

In addition to the availability challenge type in the BEAD Challenge Process, there are five additional allowable provider service level challenge types: Latency, speed, data cap, technology, and business service only.

6.2.1   *Evidence for Data Cap, Technology, and Business Service Only Challenges*

The data cap, technology, and business service only challenge requirements are similar to those for availability challenges. Table 3 outlines the acceptable evidence for the data cap, technology, and business service only challenge types and the maximum age of the evidence.

The speed and latency challenges have specific requirements that differ from the rest, as described below in "Evidence for Speed Challenges" and "Evidence for Latency Challenges."

If you choose to provide "other evidence to support challenge," instead of an explicitly stated evidence type, the evidence may not meet the minimum

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[8] The availability challenge does not adjudicate whether the actual speeds of the service fall below the advertised speeds. The FCC uses Code 7 for consumer complaints when "Subscribed Speed Not Achievable."

requirements. To support review, please provide a thorough explanation of any evidence classified as other.

Table 3: Acceptable Evidence for Data Cap, Technology, and Business Service Only Challenges

Type	Reason	Acceptable Evidence Types for Challenges	Data Age Max
Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer[9]	- Screenshot from provider website showing URL and date - Email from provider - Text message or voicemail transcript from provider showing source and date/time - Letter from provider (physical or PDF) - Documentation of phone call or in-person interaction - Terms of service / service description - End-user contract or offer - Other evidence to support challenge	180 days
Technology	Provider does not offer the technology entered above at this location (the technology indicated for this location is incorrect)	- Terms of service / service description - End-user contract or offer - Infrastructure knowledge/evidence, including manufacturer and model number of residential gateway - Other evidence to support challenge	365 days
Business Service Only	The location is residential, but the service offered is marketed or available only to	- Screenshot from provider website showing URL and date - Email from provider - Text message or voicemail transcript from provider showing source and date/time - Letter from provider (physical or PDF)	180 days

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[9] An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338), December 16, 2022, https://www.fcc.gov/document/2023-urban-ratesurvey-posting-data-and-minimum-usageallowance. Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Type	Reason	Acceptable Evidence Types for Challenges	Data Age Max
	businesses	• Documentation of phone call or in-person interaction • Terms of service / service description • End-user contract or offer • Other evidence to support challenge	

6.2.2 Evidence for Data Cap, Technology, and Business Service Only Rebuttals

Only the challenged provider may submit a rebuttal to a Provider Service Level Determination challenge. This rebuttal must counter the reason code and evidence provided by the challenger. The acceptable forms of evidence are in Table 4.

Table 4: Acceptable Evidence for Data Cap, Technology, and Business Service Only Rebuttals

Type	Reason	Acceptable Evidence Types for Rebuttals
Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer[10]	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.
Technology	Provider does not offer the technology entered above at this location (the technology indicated for this location is incorrect)	Provider has countervailing evidence from its network management system showing an appropriate residential gateway that matches the provided service.
Business service only	The location is residential, but the service offered is marketed or available only to businesses	Provider documentation that the service listed in the BDC is available at the location and is marketed to residential customers.

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[10] An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338), December 16, 2022, https://www.fcc.gov/document/2023-urban-ratesurvey-posting-data-and-minimum-usageallowance.

6.2.3   Evidence for Speed Challenges

The division will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed challenge must include three measurements, taken on three different days; the days do not have to be adjacent. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed challenges must provide evidence that the download/upload speeds of the broadband service at the location are materially lower than 100/20 Mbps, as described below. Since speed tests can only be used to change the status of locations from "served" to "underserved," only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered.

The median of the three tests (i.e., the second highest or lowest speed) is used to trigger a speed challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

Even if a particular service is not meeting the speed threshold, the eligibility status of the location might not change. For example, if a location is served by 100/20 Mbps licensed fixed wireless and 500/500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective download speed of 70 Mbps does not change the status of the location from served to underserved as long as the fiber service is not challenged or delivers at least 100/20 Mbps service.

Speed tests can take the following forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), Optical Network Terminal (ONT) (for fiber-to-the-premises), or fixed wireless subscriber module)

2. A reading of the speed test available from within the residential gateway web interface

3. A reading of the speed test found on the service provider's web page

4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an NTIA-approved speed test application. Such applications currently include Ookla (https://www.speedtest.net/); M-Lab (https://speed.measurementlab.net/#/); Cloudflare (https://speed.cloudflare.com/); Netflix (https://fast.com/); and the speed test developed for the division in partnership with the Friday Institute

for Educational Innovation at NC State University
(https://www.ncbroadband.gov/surveys/north-carolina-broadband-survey)

Each speed test measurement must include:

- The time and date the speed test was conducted.

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

- Download and upload speed results.

Each group of three speed tests must include:

1. The name and street address of the customer conducting the speed test;

2. A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice), which must be greater than or equal to 100/20 Mbps; and

3. An agreement, using an online form provided by the division, that grants access to these information elements to the division, any contractors supporting the Challenge Process, and the service provider.

The IP address, and the subscriber's name and street address, are considered personally identifiable information (PII), and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

6.2.4   Evidence for Speed Rebuttals
Only the challenged provider may submit a rebuttal to a speed challenge. This evidence must show sufficient speed, e.g., from the provider's own network management system.[11]

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[11] As described in the BEAD NOFO, a 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, 33 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

6.2.5   Evidence for Latency Challenges

Latency challenges must provide evidence that the round-trip latency of the broadband service exceeds 100 milliseconds (ms). A location that has no broadband service available at a latency of less than or equal to 100 ms is unserved.[12]

Evidence for latency challenges can include a speed test showing the excessive latency performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an NTIA-approved application. Such applications currently include Ookla (https://www.speedtest.net/); M-Lab (https://speed.measurementlab.net/#/); Cloudflare (https://speed.cloudflare.com/); Netflix (https://fast.com/); and the speed test developed for the division in partnership with the Friday Institute for Educational Innovation at NC State University (https://www.ncbroadband.gov/surveys/north-carolina-broadband-survey).

Each latency test must include:

1. The name and street address of the customer conducting the test; and

2. An agreement, using an online form provided by the division, that grants access to these information elements to the division, any contractors supporting the Challenge Process, and the service provider.

The IP address and the subscriber's name are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

6.2.6   Evidence for Latency Rebuttals

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

If an Area Challenge is triggered for a latency challenge, the rebuttal must include evidence for at least 10 percent of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule, i.e. 80 percent of these locations must experience a latency that does not exceed 100 ms.

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[12] "BEAD Notice of Funding Opportunity," NTIA, May 2022, https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf, p.17: (dd) Unserved Location—The term "unserved location" means a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

6.3   Enforceable Commitment Challenges

In preparation for the deployment of the BEAD program, the division is required to identify every location where an "enforceable commitment" exists to deploy qualifying broadband service at or above 100/20 Mbps, regardless of the current service available at the funded locations. This process includes identifying BSLs served by federal and state funding programs.

The division deduplicated the list of BEAD-eligible locations, based on existing funding from current programs, using the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

6.3.1   Evidence for Enforceable Commitment Challenges

The enforceable commitment challenge allows permissible challengers to provide evidence that unserved or underserved locations will be served by existing federal, state, or local funding that should make those locations ineligible for BEAD.

The following evidence will be required:

1. Obligation deployment download speed in Mbps

2. Obligation deployment upload speed in Mbps

3. Obligation deployment technology

4. An attestation to confirm that the round-trip latency of deployed service will be under 100 ms

5. An attestation to confirm that the network will be fully deployed to the challenged locations by the dates required by the award

6. Whether the deployed service will be available as residential service, business service, or both

7. Evidence should include:
    a. Evidence of award such as authorization letter and executed agreement with funding entity
    b. List of funded locations included in award
    c. If available, methodology used to match awarded locations to Fabric IDs
    d. If any locations included in the award are on Tribal lands, the provider will need to attach a legally binding agreement with Tribal government for the location(s) at issue

6.3.2   *Evidence for Enforceable Commitment Rebuttals*

Any permissible challenger may file a rebuttal to an enforceable commitment challenge if they have documentation that the provider defaulted on the commitment, or is otherwise unable to meet the commitment.

6.3.3   *Evidence for Not Part of Enforceable Commitment Challenges*

The not part of enforceable commitment challenge allows permissible challengers to provide evidence that a location is not covered by an enforceable commitment identified by the division. Evidence provided for this challenge type should demonstrate the following:

- Documentation that the provider defaulted on the commitment or is otherwise unable to meet the commitment. This may include:
  - Public notice of default published by the funding agency
  - Default notice sent to the provider

- Documentation that the location(s) are in an area that are subject to an enforceable commitment to less than 100 percent of locations and the location(s) challenged are not covered by that commitment.

- If locations are on Tribal lands, the Tribal government may challenge based on a failure of the provider to obtain consent from the Tribal council for the application and/or receiving the award.

6.3.4   *Evidence for Not Part of Enforceable Commitment Rebuttals*

Only the provider with the challenged enforceable commitment can submit a rebuttal to a not part of enforceable commitment challenge.

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

- Evidence that provider has not defaulted on the commitment

- Evidence that the provider is able to meet the commitment

- Evidence that 100 percent of the locations are covered by the commitment

- A Tribal council resolution or requisite legally binding agreement with the Tribal government supporting the enforceable commitment

6.4   Planned Service Challenges

If a provider will deploy service that will be available by December 31, 2024, they can file a planned service challenge.

6.4.1   Evidence for Planned Service Challenges

Any provider that has begun building out broadband service to unserved and/or underserved locations may file a "planned service" challenge and provide evidence that service will be available to the challenged locations by December 31, 2024.

The information and evidence required for this challenge type includes:

1. Maximum advertised download speed in Mbps

2. Maximum advertised upload speed in Mbps

3. Technology type of service

4. Confirmation that the round-trip latency will not exceed 100 ms

5. An attestation to confirm that service will be deployed to the locations included in this challenge by December 31, 2024, with the technology, speeds, and latency provided

6. Evidence that the deployment is on track to be completed on or before December 31, 2024, which should at least include:
   a. Planned network diagrams
   b. Evidence of all necessary permits that were applied for or obtained
   c. Inspection results
   d. Construction contracts and invoices
   e. Other evidence that may demonstrate that the deployment is in progress

The provider will be required to enter into a binding agreement with the division that the service will be deployed and available as documented in the challenge. Additional guidance will be provided on a case-by-case basis by the division.

6.4.2   Evidence for Planned Service Rebuttals

Any permissible challenger may submit a planned service rebuttal. The rebuttal must include evidence that demonstrates that the planned service cannot be deployed by December 31, 2024.

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

6.5 CAI Challenges

The identification of CAIs for the purposes of BEAD is based on the definition and process in North Carolina's Initial Proposal Volume I, which defines a CAI as any of the following:

- **Schools**: K-12 schools include all K-12 schools participating in the Federal Communications Commission (FCC) E-Rate program or that have a National Center for Education Statistics (NCES) ID in the categories "public schools" or "private schools", identified in partnership with the N.C. Department of Public Instruction, and the N.C. Department of Administration Division of Non-Public Education. This category also includes central county public school district offices, identified by MCNC, the operator of North Carolina's Research and Education Network (NCREN). These district offices serve as the physical nodes from which infrastructure and bandwidth are served to the individual school sites of each county.

- **Libraries**: Includes all libraries participating in the FCC E-Rate program and all central and branch libraries as identified in partnership with the State Library of North Carolina.

- **Health clinic, health center, hospital, or other medical providers**: This list includes hospitals, public health departments, federally qualified health centers, free and charitable clinics, rural health centers, all institutions that have a Centers for Medicare and Medicaid Services certification number, and other healthcare facilities as identified in partnership with the N.C. Department of Health and Human Services (NCDHHS), and the N.C. Telehealth Network Association. Skilled nursing facilities and assisted living facilities that require the use of electronic medical records and communications technology for patients may also be included.

- **Public safety entity**: The list includes entities such as fire stations, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and statewide divisions of the N.C. Department of Public Safety, including Law Enforcement and Emergency Management Services. Fire station locations are identified with the help of an online mapped inventory maintained by the N.C. Office of the State Fire Marshal and hosted by the N.C. Center for Geographic Information Analysis.[13] The list of public safety

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[13] "NC Fire Stations," NC One Map, https://www.nconemap.gov/datasets/6f4fe0c55b0d4cbb92877e461d698c29_0/about.

answering points (PSAPs) includes all PSAPs in the FCC PSAP registry [911 Master PSAP Registry | Federal Communications Commission (fcc.gov)].

- **Institutions of higher education:** Institutions of higher education include all institutions that have an NCES ID in the category "college", including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions. This category also includes identified nonprofit or university-affiliated research institutes. Data on the main campuses and remote/satellite campuses of higher education are identified with assistance from the N.C. Community College System, the University of North Carolina System, and N.C. Independent Colleges and Universities.

- **Public housing organizations**: Public housing organizations were identified using publicly available data published online by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database. Public housing community centers or community rooms that can be identified and confirmed to provide public Wi-Fi access or other means of furthering the use of broadband by residents will also be eligible for inclusion as a CAI. Individual housing authorities and other sources may be engaged to identify these.

- **Community support organizations:** The Eligible Entity includes any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The Eligible Entity includes the following subcategories of community anchor institutions in this category:

   a. **Senior centers and job training centers.** The Department of Labor maintains a database of "American Job Training" training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder.[14] The National Council on Aging is a potential resource for identifying senior

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[14] "American Job Center Finder," CareerOneStop, https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx.

centers.[15] Senior center locations are being identified with assistance from the Office of Aging and Adult Services within the NCDHHS.

b. **Government Facilities**. This will include a subset of federal, state, local, or tribal government sites that serve the interests of vulnerable populations and directly or indirectly further their use of broadband via free public Wi-Fi or other digital inclusion support including but not limited to technical assistance for online services, technology training for workforce development, assistance with broadband affordability resources, or access to devices. Qualifying sites will be identified by respective government agencies and the division's partnering advocacy organizations that have knowledge about the services available to vulnerable populations from these sites. This may include government owned community centers that meet the above criteria.

c. **Welcome centers and visitor centers.** Identified in partnership with the N.C. Department of Transportation (NCDOT) and the N.C. Department of Commerce, and with help from local chambers of commerce and local convention and visitor bureaus. These sites often provide public Wi-Fi access for traveling individuals including vulnerable populations, particularly benefitting any vulnerable individuals who seek a safe, noncommercial environment in which to stop over for hours or longer, make use of free facilities, and become oriented with the area. Ensuring equitable connectivity for a broad range of visitors at these locations promotes safe and accessible travel while also providing connectivity to other resources. Vulnerable populations may make use of public Wi-Fi access at welcome and visitor centers to stay connected with their support networks, including family, friends, or social service agencies, especially if they are traveling far distances from home. Finally, public Wi-Fi at welcome and visitor centers helps ensure that low-income, unemployed, and aging individuals have access to valuable resources, such as information on local services, transportation schedules, healthcare providers, and job opportunities. These centers serve vulnerable populations such as low-income individuals who travel to and from NC via cars and buses rather than by airplanes.

d. **Cultural sites.** Museums, official historical sites open to the public, zoos, and aquariums, etc., identified in partnership with help from the

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[15] See, National Institute of Senior Centers.

N.C. Department of Cultural and Natural Resources. These sites often provide public Wi-Fi access and educational engagement through digital resources like virtual tours and narrations, online maps, and in-person guides directing visitors to online resources, in multiple languages where available. Individuals representing vulnerable populations who participated in listening sessions identified the need for more public Wi-Fi at locations such as cultural sites. Vulnerable populations that typically engage with cultural sites include residents from low-income households, aging individuals, and members of racial and ethnic minority groups, as cultural sites often host community events, workshops, and exhibitions that attract a diverse audience from local areas. Educational institutions frequently organize field trips to museums, historical sites, zoos, and aquariums as part of their curriculum. Various organizations may arrange visits to these attractions based on shared interests, such as art appreciation, conservation, or historical preservation. Cultural sites may also use public Wi-Fi access for digital equity programs such as digital literacy training and skill development programs. Additional locally funded sites in this category can be submitted by units of local government and nonprofit partners in response to the public comment period and ongoing outreach.

e. **Agricultural institutions.** This list includes cooperative extension agencies, research farms, and field labs identified in partnership with NC State University. These locations are actively involved in the development of county-wide digital inclusion plans, and the provision of digital equity resources for farmers and farmworkers, such as free Wi-Fi, computer labs, digital skills training, and digital navigators. Any United States Department of Agriculture or North Carolina Department of Agriculture sites that are found to be furthering the use of broadband by one or more vulnerable populations will also be included. A considerable number of farmers and farmworkers helped by the digital inclusion work of CAIs in this category are from one or multiple vulnerable population demographics[16], particularly the low income, aging, English language learners, and/or under-resourced minority

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[16] "Table 61. Selected Farm Characteristics by Race: 2022 and 2017," 2022 Census of Agriculture - State Data, North Carolina, USDA, National Agricultural Statistics Service, https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_State_Level/North_Carolina/st37_1_061_061.pdf.

categories[17], all of which are also in rural geographies, conducting work physically tied to that geography, where lack of access to digital equity produces some acute risks and disadvantages beyond those experienced in more developed settings. Vulnerable populations, such as small-scale farmers and those with limited resources, can leverage these programs to make informed decisions about crop planting, resource allocation, and other market opportunities, improving local farms' productivity and profitability. Agricultural institutions may also benefit vulnerable populations in rural areas by promoting access to expert advice, technical assistance, and other capacity-building programs aimed at farmers and farmworkers. Agricultural programs help bridge the digital divide by expanding access to and knowledge of broadband-enabled farming technologies (sensors, drones, precision farming tools, etc.) to smaller-scale operations.

f. **Correctional facilities.** This includes federal and state prisons, local jails, and juvenile detention facilities. Work camps, including camps operated seasonally, are included if they otherwise meet the definition. A federal prison is a facility operated by the Federal Bureau of Prisons for the incarceration of individuals. A state prison is a facility operated by a state, commonwealth, or territory of the United States for the incarceration of individuals for a term usually longer than one year. A juvenile detention facility is a facility for the incarceration of those who have not yet reached the age of majority (usually 18 years old). A local jail is a locally administered facility that holds inmates beyond arraignment (usually 72 hours) and is staffed by municipal or county employees. This data was originally collected by a third-party commercial contractor that engaged approximately a dozen state and federal agencies. The division is now reaching out to these agencies, such as the N.C. Department of Adult Corrections, to update the information and establish a workflow for recurring updates. These facilities have a need for online educational and skills training tools, including, but not limited to, digital skills, digital therapeutic resources, as well as bandwidth for operational functions such as security and communications.

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[17] Bryan Anderson, "North Carolina's small farmers: Dwindling in numbers and struggling to sustain a living," Elon News Network, January 20, 2016, https://www.elonnewsnetwork.com/article/2016/01/nc-small-farmers-struggle-to-sustain-a-living.

g. **Nonprofit agencies, service centers, and shelters.** This includes nonprofit locations that provide vulnerable populations with critical services and resources, working directly with one or more vulnerable populations, and providing support activities or resources that further the use of broadband in ways beneficial to populations central to the nonprofit mission of these locations. This category may include nonprofit-owned community centers that serve vulnerable populations, such as the Garner Road Community Center in Raleigh that serves English language learners, aging individuals, racially and ethnically diverse and low-income residents. Reliable Wi-Fi access for these community anchor institutions enhances accessibility to online learning resources, job training programs, and potentially telemedicine consultation for individuals who utilize the agencies' services. Broadband access at nonprofit agencies, service centers, and shelters facilitates the guidance and referrals that vulnerable populations receive to access relevant services such as housing assistance, food banks, healthcare providers, and substance use treatment facilities. These organizations also use broadband-enabled technology to offer educational workshops, vocational training programs, and skill-building courses online, which unemployed and low-income individuals can use to acquire new skills, enhance their employability, and pursue personal and professional development goals. Information about these locations will be gathered from multiple sources, including the N.C. Department of Health and Human Services, the United Way and North Carolina 211 directory of nonprofit resources, and the division's network of collaborators and community stakeholders.

h. **Faith-based organizations.** This includes churches and other faith-based sites that engage or demonstrate the potential to engage in activities and services for the surrounding community that facilitate further and beneficial uses of broadband by one or more vulnerable populations, such as by providing public Wi-Fi, computer labs, assistance enrolling in affordability programs, and/or digital skills trainings. Residents who represented vulnerable populations identified faith-based organizations as community anchor institutions in the listening sessions conducted to inform the BEAD and Digital Equity planning efforts. This category may include community centers that are owned by faith-based organizations and that serve vulnerable populations. These locations will be identified with assistance from NCDOT, the NCDIT Center for Geographic Information Analysis, as well as the NC State University Institute for Emerging Issues, and the

N.C. Rural Economic Development Center, the latter two of which have initiatives involving the function of houses of worship as CAIs.

Upon careful consideration, the division determined that the following types of locations do not align with the functional criteria defining community anchor institutions for the purposes of this work: public housing residential units and farms. These locations are a priority for ensuring high-quality connectivity, but due to some unique characteristics and needs, the division proposes that these locations could be better served by custom approaches not sufficiently afforded by CAI categorization.

6.5.1 Identification of CAI

All permissible challengers can challenge the designation of the location as a CAI, based on the categories described above, and can challenge the availability or lack thereof of gigabit symmetrical service at the CAI location.

Evidence for "Location is a CAI" Challenge

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

1. Official entity name of the institution

2. The type of CAI, selecting from the categories defined above
    a. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
    b. If a Community Support Organization, explanation of how organization facilitates greater use of broadband service by vulnerable populations, such as low-income individuals, unemployed individuals, and aged individuals.

3. Evidence to support the challenge, which may include:
    a. Registration documents
    b. Contact information to confirm
    c. Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI

When challenging to add a location as a CAI, you will be given an opportunity to indicate whether the institution has unmet broadband needs based on the standard of 1/1 Gbps.

If the location for a CAI is missing entirely from the map, please reach out to the Federal Communications Commission's Fabric Challenge Process (see https://www.fcc.gov/sites/default/files/bdc-fabric-challenge-overview.pdf).

Evidence for "Location is a CAI" Rebuttal

Any permissible challenger may submit a rebuttal for a "location is a CAI" challenge. The information and evidence must include:

1. Identify the basis for the claim the location is not a CAI
   a. Location is a residence
   b. Location is a non-CAI business
   c. Institution does not fall under listed category
      i. Identify the institution type that the location should be listed as
   d. CAI has ceased operations
      i. Date CAI ceased operations

2. Evidence to support rebuttal

Evidence for "Location is Not a CAI" Challenge

If you believe that a location is incorrectly identified as a CAI, you may challenge to have that location removed from the list of CAIs.

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

1. Identify the basis for the challenge that claims the location is not a CAI
   a. Location is a residence
   b. Location is a non-CAI business
   c. Institution does not fall under listed category
      i. Identify the institution type that the location should be listed as
   d. CAI has ceased operations
      i. Date CAI ceased operations
      ii. Is there another CAI currently operating at this location? If so, provide the following information:
         1. Official entity name of the institution
         2. The type of CAI, selecting from the categories defined above
            a. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
            b. If a Community Support Organization, explanation of how organizations facilitate greater use of

broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals

   c. Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI

2. Evidence that demonstrates that the location is a non-CAI or is no longer in operation

Evidence for "Location is Not a CAI" Rebuttal

Any permissible challenger may submit a rebuttal for a "location is not a CAI" challenge. The information and evidence must include evidence that the location falls outside the definitions of CAIs set by the division or is still operational.

6.5.2   CAI BEAD Eligibility Based on Broadband Availability

Evidence for CAI: Qualifying Broadband Unavailable Challenge

If a CAI is reported to have 1 Gbps symmetrical service, but you have countering evidence "CAI Does Not Receive 1 Gbps Service" Challenge. To submit this challenge type, you must provide the following information and evidence.

1. Attest that this location does not currently receive 1 Gbps/1Gbps broadband service and does not have a connection that is readily scalable to 1 Gbps speeds at a higher tier of service over the existing infrastructure.

2. If there is an available Internet connection at the location, you will be asked to provide the following information:
   a. Who is the current provider?
   b. What technology is delivering the current services?
   c. What are the speeds of your current plan?

3. Upload evidence of recent bill/invoice, photo of the provider gateway, or other evidence to support the challenge

4. Signed attestation or upload evidence

Evidence for CAI: Qualifying Broadband Unavailable Rebuttal

Any permissible challenger may submit a rebuttal for a CAI Does Not Receive 1 Gbps Service. The information and evidence must include evidence that the CAI Location has an existing connection capable of delivering 1 Gbps/1 Gbps speeds or a connection that is readily scalable 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

1. Confirm that selected CAI location(s) have an existing connection capable of delivering 1 Gbps/1 Gbps symmetrical speeds or a connection that is readily scalable to these speeds at a higher tier of service over the existing infrastructure.

2. (Optional) If available, please provide the following information:
   a. Who is the current provider? (Do not use dropdown of providers, as it may not include the network delivering enterprise service)
   b. What technology is delivering the current services? (Dropdown from the technologies used in other challenges)
   c. What are the speeds of your current plan?

3. Upload evidence of recent bill/invoice, photo of the provider gateway, or other evidence to support the challenge

4. Signed attestation or upload evidence

Evidence for CAI: Qualifying Broadband Available Rebuttal

Any permissible challenger may submit a rebuttal for a CAI Does Receive 1 Gbps Service. The information and evidence must include evidence that the CAI location does not have an existing connection capable of delivering 1 Gbps/1 Gbps speeds or a connection that is readily scalable to 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

7. Obtaining CostQuest BSL Fabric Licenses

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

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

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

A CostQuest License is not required to file challenges directly through the Challenge Portal. However, if you are considering submitting bulk challenges (challenges to more than one location in the same submission), we highly recommend you obtain a license from CostQuest.

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

- **Tier D License –** The Tier D License is available to all qualified, or presumptively qualified, recipients and subrecipients of federal broadband grants. This license is available to broadband providers, including co-ops. Request license.

- **Tier E License –** The Tier E license is intended for units of local government, non-profits, and other organizations that have signed an FCC Tier 4 license. Request license.