# BEAD
# Challenge Process Guide

**OKLAHOMA**
Broadband Office

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# BEAD Challenge Process Guide

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

The BEAD State Challenge Process is designed to provide stakeholders in Oklahoma with an opportunity to challenge the eligibility of locations. Based on the process approved by the National Telecommunications and Information Administration (NTIA), challengers can dispute the data from the National Broadband Map using local data.

Questions related to policy or procedural items should be directed to BEAD@broadband.ok.gov. Questions related to technical assistance issues should be directed to okhelpdesk@ready.net.

**Note:** Due to ongoing discussions between federal and state partners, this information in this document is subject to update and clarification. Any changes will be announced through official channels, with any changes documented in a change log.

## Allowable Challenges

### What Can Be Challenged?

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

There are different challenge types within each category, but generally, the Oklahoma Broadband Office (OBO) can only accept challenges on the following grounds:

- BEAD eligibility determinations for Broadband Serviceable Locations (BSLs),
- Enforceable commitments for existing BSLs (locations with existing funding)
- Planned or existing service for existing BSLs
- The identification of eligible Community Anchor Institutions (CAIs), as defined in Oklahoma's Initial Proposal Volume 1
- CAI BEAD eligibility determinations

### Area & MDU Challenges

OBO will administer area and MDU challenges for Availability, Technology, and Data Cap challenge types. An area challenge is triggered if 6 or more BSLs using a particular technology

and a single provider within a census block group[1] are challenged under the same challenge type. An MDU challenge requires challenges that include one unit for MDUs having less than or equal to 15 units, two units for MDUs of between 16 and 24 units, and three units for larger MDUs.

The provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability, technology, or data cap requirement, respectively, for all locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals described in this document for the respective challenge type.

Area challenges for Availability need to be rebutted with evidence that service is available for all BSL within the census block group.

### Tract Challenges

In addition, a tract area challenge is triggered if 30 or more BSLs using a particular technology and a single ISP within a census tract, including at least one location in every census block group within that census tract, are challenged. 30 challenges per tract will typically represent a slightly larger share of the BSLs in a tract, relative to the share of BSLs in a census block group that is comprised by ten challenges.

# Permissible Challengers

## Who can submit a challenge?
Under the federal policy for the BEAD Program, only the following entities are permitted to submit formal challenges during the BEAD Challenge Process:

- Units of Local Government
- Units of Tribal Government
- Non-profit organizations
- Broadband Providers

## Role for Residents, Businesses, and CAIs
While residents and businesses are not allowed to submit challenges directly to the State, they are an essential part of the challenge process. For many types of challenges, the data submitted by the permissible challengers will be gathered directly from residents and/or businesses that have not been provided the level of broadband service that is reportedly available to them the broadband that is reportedly available to them.

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[1] Area challenge determinations will be determined based on 2020 Census Block Groups

# Structure and Timing

The BEAD Challenge Process is required to be completed before the state can distribute the funds. This ensures that the list of eligible locations is finalized before the grant application window opens.

Prior to the kickoff of the challenge process, OBO will post the final eligibility determinations on a public map and available through the portal.

## The Challenge Process Phases

Timeline (Tentative)

| | |
|---|---|
| Challenge Submission Window | September 23 - October 23, 2024 |
| Initial Review Period | October 24 - October 28, 2024 |
| Rebuttal Submission Window | October 29 - November 29, 2024 |
| Final Determination | November 30, 2024 - January 15, 2025 |

### *Challenge Phase*

The challenge phase will run for 30 calendar days. During this phase, eligible challengers will be able to submit challenges using the Challenge Portal. After a challenge is submitted, the OBO team will review the evidence and determine if it meets the evidentiary requirements. If a challenge is determined to meet the minimum level of evidence, it will be considered a 'valid challenge'. OBO will review evidence for 15 calendar days following the challenge phase.

After all of the challenges have been reviewed, the valid challenges will be processed collectively to determine which challenges require a rebuttal and identify any Area Challenges.

### *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 of the challenges that require a rebuttal will be posted in the challenge portal. For challenges directed against providers, only the challenged provider may submit a rebuttal. For other challenge types, any Permissible Challenger may submit a rebuttal.

Broadband providers will be directly notified via email of any challenges directed against them and provided the details necessary to respond during the Rebuttal Phase. The challenged provider will have 30 days to agree with the challenge or dispute the challenge. If no rebuttal is filed in the allotted time, the challenge will be sustained.

Units of Local and Tribal governments, and non-profit organizations, will receive an email notification when the Rebuttal Phase has opened. However, they will not receive direct notifications for specific challenges, since they will not be named parties in the challenges. Accordingly, these challenges will remain open for the entirety of the 30-day period. Unlike the provider challenges, other challenge types are still subject to the final review and determination by the OBO team.

At the end of the Rebuttal Phase, all challenges with valid rebuttals submitted will be marked as "disputed" and proceed to the Final Determination Phase.

### *Final Determination Phase*

Within 46 days of the close of the Rebuttal Phase, the OBO team 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 fully review all of the information included in each challenge and rebuttal prior to making any final determinations.

# How to Participate in the Challenge Process

## 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. **Note: If you have registered to participate in the CPF program, the BEAD challenge process will take place in the same portal. You do not need to register again, but you do need to opt-in by emailing [okhelpdesk@ready.net](mailto:okhelpdesk@ready.net).**

## 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 a permissible 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.   Type of Entity (select from dropdown)

b. **Broadband Providers Information**
         i.   Provider Name (select from dropdown)
        ii.   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 BIA
       iii.   Physical Address
       iv.   Additional documentation to verify identity

e. **Non-Profit Organization Information**
         i.   EIN
        ii.   Physical Address
       iii.   Additional documentation to verify identity

4. **Click "Finish" and submit 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 OBO 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'll be asked to set a password.

# How to Submit Challenges and Rebuttals

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

# 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" will require an agreement between the provider and the Office.

## Challenge Steps

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've submitted. If you're 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 found 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 will open up 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 included in the flow:
   a. **Select Challenge Category 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 Commitments**
         1. Covered by Enforceable Commitment
         2. Not Covered by Enforceable Commitment
      iii. **Provider Service Level**
         1. Availability
         2. Data Cap
         3. Technology
         4. Business Service Only
      iv. **Anchor Institution Classification**
         1. Location is a CAI

2. Location is not a CAI
3. Location Does Not Receive 1 Gbps Service
4. Location Does Receive 1 Gbps Service

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 further throughout this document.

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 multiple locations to the same challenge submission using this method.

ii. **Add locations in bulk –** When filing bulk challenge submissions, you can add locations in groups, rather than adding each location individually, To add multiple locations as a group, there are two methods available.

1. **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.

2. **Upload .csv of Location IDs** - This method allows you to upload a single column .csv with a list of Location IDs that should be included in the challenge.

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've

selected locations using this method, you'll be prompted to confirm that you want to add these locations to your challenge. The prompt will include the number of locations that you've 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 of the selected locations by clicking "Remove All"

d. **Upload Evidence and Documentation** - Once you've finalized the location(s) that you want to challenge you will be asked to provide any evidence and documentation that you want included in the review of your challenge. For challenges that require you to separate evidence files per location, you will be prompted to download a .csv file with the selected Location

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

# Submitting Rebuttals

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 rebuttal challenges, which includes any challenge not submitted directly against a provider. In addition to the standard notification the Broadband Providers notification will include a notification of whether challenges were received against them. The formal notice will initiate the 30 day rebuttal window.

2. **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.

3. **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." 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 you've received against your reported service. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.

   b. **Open for Rebuttal –** The Open for Rebuttal tab will display all of 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. This will pull up an interface with a map displaying the locations and details on the challenged locations included in the submission. 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 location individual location challenges you want to accept. If you want to submit or accept all of 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've finalized the location(s) that you want to challenge you will be asked to provide any evidence and documentation that you want included in the review of your challenge.

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

# Evidence and Documentation Requirements

The evidence and documentation submission is the most important part of the challenge submission. If your 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.

The minimum level of evidence required varies by challenge type.

## Availability Challenges

The Availability challenge type in the BEAD Challenge Process closely resembles the FCC Challenge Process. It supports challenges that have evidence that the service reported in the maps at a specific location is not actually currently available, or cannot be delivered within 10 days, over the reported technology and maximum advertised speeds.

In alignment with the FCC Challenge Process, the BEAD Challenge Process requires the "Reason for the Challenge" to be documented, using the reason_code field from the *FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data.*[2]

### 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, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as other.

Table 1

| Code | Reason | Acceptable Evidence Types for Challenges | Data Age |
|------|--------|------------------------------------------|----------|
| 1 | Provider failed to schedule a service installation within 10 business days of a request. | ● Screenshot from provider website<br>● Email from provider<br>● Text message or Voicemail transcript from provider<br>● Letter from provider (Physical or PDF)<br>● Documentation of phone call or in-person interaction<br>● Other evidence to support challenge | 365 days |

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[2] See "Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data (Section 3.2)," Federal Communications Commission, January 12, 2023, bdc-bulk-fixed-challenge-dataspecifications.pdf.

| Code | Reason | Acceptable Evidence Types for Challenges | Data Age |
|------|--------|------------------------------------------|----------|
| 2 | Provider did not install the service at the agreed-upon time. | • Screenshot from provider website<br>• Email from provider<br>• Text message or Voicemail transcript from provider<br>• Letter from provider (Physical or PDF)<br>• Documentation of phone call or in-person interaction<br>• Other evidence to support challenge | 365 days |
| 3 | Provider requested more than the standard installation fee to connect the location. | • Screenshot from provider website<br>• Email from provider<br>• Text message or Voicemail transcript from provider<br>• Letter from provider (Physical or PDF)<br>• Documentation of phone call or in-person interaction<br>• Other evidence to support challenge | 365 days |
| 4 | Provider denied the request for service. | • Screenshot from provider website<br>• Email from provider<br>• Text message or Voicemail transcript from provider<br>• Letter from provider (Physical or PDF)<br>• Documentation of phone call or in-person interaction<br>• Other evidence to support challenge | 180 days |
| 5 | Provider does not offer the technology entered above at this location. | • Screenshot from provider website<br>• Email from provider<br>• Text message or Voicemail transcript from provider<br>• Letter from provider (Physical or PDF)<br>• Documentation of phone call or in-person interaction<br>• Terms of Service / Service Description<br>• End-User contract or offer<br>• Infrastructure Knowledge/Evidence, Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway<br>• Other evidence to support challenge | 365 days |
| 6 | Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location. | • Screenshot from provider website<br>• Email from provider<br>• Text message or Voicemail transcript from provider<br>• Letter from provider (Physical or PDF)<br>• Documentation of phone call or in-person | 180 days |

| Code | Reason | Acceptable Evidence Types for Challenges | Data Age |
|---|---|---|---|
| | | interaction<br>● Terms of Service / Service Description<br>● End-User contract or offer<br>● Infrastructure Knowledge/Evidence<br>● Other evidence to support challenge | |
| 7 | Intentionally Omitted[3] (Does not constitute a formal challenge) | N/A | N/A |
| 8 | No wireless signal is available at this location (only for technology codes 70 and above). | ● Screenshot from provider website<br>● Email from provider<br>● Text message or Voicemail transcript from provider<br>● Letter from provider (Physical or PDF)<br>● Documentation of phone call or in-person interaction<br>● Infrastructure Knowledge/Evidence<br>● Other evidence to support challenge | 365 days |
| 9 | New, non-standard equipment had to be constructed at this location. | ● Screenshot from provider website<br>● Email from provider<br>● Text message or Voicemail transcript from provider<br>● Letter from provider (Physical or PDF)<br>● Documentation of phone call or in-person interaction<br>● Infrastructure Knowledge/Evidence<br>● Other evidence to support challenge | 365 days |

## Evidence for Availability Rebuttals

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

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

Table 2

| 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.<br><br>If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.<br><br>Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map. |
| 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.<br><br>If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.<br><br>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.<br><br>If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.<br><br>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. |

| Code | Reason | Acceptable Evidence Types for Rebuttals |
|------|--------|------------------------------------------|
|      |        | 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. |
| 7 | Intentionally Omitted[4] (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. |

## Additional Provider Service Level Challenges

In addition to the Availability challenge type in the BEAD Challenge Process, there are four additional allowable Provider Service Level Challenge Types: Data Cap, Technology, and Business Service Only.

### Evidence for Additional Provider Service Level Challenges

Data Cap, Technology, and Business Service Only challenge requirements are similar to those for Availability challenges. Table 3 outlines the acceptable evidence for each of these challenge types 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, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as other.

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

Table 3

| Type | Reason | Acceptable Evidence Types for Challenges | Data Age |
|---|---|---|---|
| Data Cap | The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer. | <ul><li>Screenshot from provider website</li><li>Email from provider</li><li>Text message or Voicemail transcript from provider</li><li>Letter from provider (Physical or PDF)</li><li>Documentation of phone call or in-person interaction</li><li>Terms of Service / Service Description</li><li>End-User contract or offer</li><li>Other evidence to support challenge</li></ul> | 180 days |
| Technology | Provider does not offer the technology entered above at this location (The technology indicated for this location is incorrect.) | <ul><li>Screenshot from provider website</li><li>Email from provider</li><li>Text message or Voicemail transcript from provider</li><li>Letter from provider (Physical or PDF)</li><li>Documentation of phone call or in-person interaction</li><li>Terms of Service / Service Description</li><li>End-User contract or offer</li><li>Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway</li><li>Other evidence to support challenge</li></ul> | 365 days |
| Business Service Only | The location is residential, but the service offered is marketed or available only to businesses. | <ul><li>Screenshot from provider website</li><li>Email from provider</li><li>Text message or Voicemail transcript from provider</li><li>Letter from provider (Physical or PDF)</li><li>Documentation of phone call or in-person interaction</li><li>Terms of Service / Service Description</li><li>End-User contract or offer</li><li>Other evidence to support challenge</li></ul> | 180 days |

## Evidence for Additional Provider Service Level Rebuttals

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

Table 4

| 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. | 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 their 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. |

# Enforceable Commitment Challenges

In preparation for the deployment of the BEAD program, OBO 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 includes identifying the broadband serviceable locations served by federal and state funding programs.

## Evidence for Enforceable Commitment Challenges

The Enforceable Commitment Challenge allows Permissible Challengers to provide evidence that an unserved or underserved locations have an existing federal, state, or local funding that should make those locations ineligible for BEAD.

The following details and 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 100ms
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 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, you will need to attach a legally binding agreement with Tribal Government, certified by Tribal Resolutions

## Evidence for Enforceable Commitment Rebuttals

Any Permissible Challenger may file a rebuttal to an Enforceable Commitment Challenge is they have Documentation that the provider has defaulted on the commitment, is otherwise unable to meet the commitment, or that the location(s) are in an area that are subject to an enforceable commitment to less than 100% of locations and the location(s) are not covered by that commitment.

## Enforceable Commitment Identification – Process and Methodology

OBO has deduplicated the list of BEAD-eligible locations, based on existing funding from current programs, using the following process:

### Federally-Administered Grant Programs

OBO used the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments, which includes data on funding from the following programs:

- NTIA Broadband Infrastructure Program (BIP)
- NTIA Tribal Broadband Connectivity Program (TBCP)
- FCC Rural Digital Opportunity Fund (RDOF)
- FCC Connect America Fund II (CAFII)
- USDA Rural eConnectivity Broadband Loan and Grant Program (ReConnect)
- USDA Telephone Loan Program (TLP)
- USDA Community Connect Grant Program (CCGP)

### State-Administered Grant Programs

OBO has deduplicated locations that were awarded under SLFRF program as part of the pre-challenge deduplication. Due to the timing of the CPF awards, those will be included in a second round of deduplication that occurs after the challenge process.

## Evidence for Not Enforceable Commitment Challenges

The Enforceable Commitment Challenge allows Permissible Challengers to provide evidence that a location is not covered by an Enforceable Commitment identified by OBO. This evidence provided for the challenge type should demonstrate on the following:

- Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment. This may include:
  - Public notice of default published by the funding agency
  - Default notice sent to the provider
- Documentation that the location(s) are in an area that are subject to an enforceable commitment to less than 100% of locations and the location(s) are not covered by that commitment.
- 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.

## Evidence for Not Part of an Enforceable Commitment Rebuttals

Only the provider with the challenged Enforceable Commitment can submit a rebuttal to a Not Part of an 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% 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

# Planned or Existing Service Challenges

If a provider has deployed service, or will deploy service that will be availablewithin 12 months from the launch of the challenge process, they can file a "Planned or Existing Service Challenge."

## Evidence for Planned Service Challenges

If you have begun building out broadband service to unserved and/or underserved locations, you may challenge under the "Planned Service" subtype and provide evidence that service will be available to the locations within 12 months from the launch of the challenge process.

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 100ms
5.  An attestation to confirm that service will be deployed to the locations included in this challenge within 12 months from the launch of the challenge process with the technology, speeds, and latency provided.
6.  Will the planned deployment, including the listed speeds, latency, and technology be deployed to the selected locations within 12 months from the launch of the challenge process?
7.  Evidence that the deployment is on track to be completed on time, which should at least include:
    a.  Planned network diagrams
    b.  Evidence of all necessary permits that were obtained
    c.  Inspection results
    d.  Construction contracts and invoices
    e.  You are also encourage to submit other evidence that may demonstrate that the deployment in progress

## Evidence for Planned Service Rebuttals

Any Permissible Challenge may submit a rebuttal for Planned Service Rebuttal. The rebuttal must include countering evidence that demonstrates that the planned service cannot be deployed within 12 months from the launch of the challenge process.

It is anticipated that the primary 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.

## Evidence for Existing Service Challenges

If you have completed broadband deployment to locations currently designated as unserved and/or underserved locations, you may challenge under the "Existing Service" subtype and provide evidence that your service is currently available.

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 does not exceed 100ms
5.  Indicate if you have already reported the available broadband service to FCC's Broadband Data Collection Program (BDC).

1. If yes, you will need to confirm which BDC filing window you filed the service under.
2. If no, you will need to attest that the service availability will be reported to the FCC during the next BDC filing window
6. Evidence the the service is deployed and available (As many of the following as possible):
   1. Submitted BDC Filing (If applicable)
   2. Evidence of subscribers
   3. Network diagram of deployments
   4. Evidence of completed deployment, such as evidence of all necessary permits that were obtained, inspection results, or construction contracts and invoices.

### Evidence for Existing Service Rebuttals

Any Permissible Challenge may submit a rebuttal for an Existing Service Challenge. The rebuttal must include countering evidence that demonstrates that the claimed service is not available.

The evidence may include the allowable evidence from Tables 1 and 2, but may also include evidence such as failure to pass inspection or other evidence that demonstrates that the provider is unable to deliver service to Broadband Serviceable Locations as claimed.

# CAI Challenges

There are two categories of Community Anchor Institutions (CAI) challenges, including
- Identification of CAIs
- Eligibility based on Broadband Need

The identification of Community Anchor Institutions for the purposes of BEAD is based on the definition and process outlined in Section 1.3 of Oklahoma's Initial Proposal Vol. 1, which includes:
- **Schools:** K-12 schools include those that participate in the FCC's E-Rate program or have a National Center for Education Statistics (NCES) ID in the categories of "public schools" or "private schools."
- **Libraries:** Libraries include those that participate in the FCC's E-Rate program, are American Library Association (ALA) member libraries and their branches, and those on record with the State Librarian.
- **Health clinic, health center, hospital, or other medical providers**: The list includes hospitals, nursing homes, assisted living, public health departments, urgent care facilities, veteran's medical facilities, and Indian Health Services.
- **Public safety entity:** The list includes EMS, fire stations, emergency communication centers, and law enforcement.

- **Institutions of higher education:** The list includes public and private colleges, community colleges, and technology centers.
- **Public housing organizations:** Public housing organizations were identified by contacting the Public Housing Agencies (PHA) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations, the Public and Affordable Housing Research Corporation (PAHRC), and the National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD). The housing units were not included as CAIs, but the organizations that manage and support them in the public interest were included.
- **Community support organization:** The list includes places of worship, community centers, senior centers, workforce centers, veteran centers, economic opportunity entities, YMCAs, and local, state, federal, and tribal government buildings. The list of government buildings includes courthouses, correctional facilities, community correction offices, and tribal headquarters, among other local and regional government locations who provide free assistance to the public for state and federal programs. The OBO included any organization, building, or location that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, children, veterans, the unemployed, incarcerated, and aging individuals.

## Identification of CAI

All Permissible Challengers can challenge the designation of the location as a CAI, based on the categories described above.

### 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
    1. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
    2. 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.
3. Evidence to support the challenge, which may include:
    1. Registration documents
    2. Contact information to confirm
    3. 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 1000/1000 Mbps.

If the location for a CAI is missing entirely from the map, please reach out to [Insert email].

## Evidence for Location is a CAI Rebuttal

Any Permissible Challenge may submit a rebuttal for a Location is a CAI Challenge. The information and evidence must include:

1. Identify the basis for the challenge that claims the locations is not a CAI
    1. Location is a residence
    2. Location is a non-CAI business
    3. Institution does not fall under listed category
        1. Identify the institution type that the location should be listed as
    4. CAI has ceased operations
        1. Date CAI ceased operations:
2. Evidence to support rebuttal

## Evidence for Location is a Not 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.

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 locations is not a CAI
    1. Location is a residence
    2. Location is a non-CAI business
    3. Institution does not fall under listed category
        1. Identify the institution type that the location should be listed as
    4. CAI has ceased operations
        1. Date CAI ceased operations:
        2. 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 a Not CAI Rebuttal

Any Permissible Challenge may submit a rebuttal for a Location is a CAI Challenge. The information and evidence must include evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

## CAI BEAD Eligibility based on Broadband Need

### Evidence for CAI Does Not Receive 1 Gbps Service Challenge

If a CAI that is reported to have 1 Gbps service, but you have countering evidence you may file a "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'll be asked to provide the following information:
    1. Who is the current provider?
    2. What technology is delivering the current services?
    3. 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 Does Not Receive 1 Gbps Service Rebuttal

Any Permissible Challenge 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/1Gbps speeds or a connection that is readily scalable 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

### Evidence for CAI Does Receive 1 Gbps Service Challenge

1. I confirm that selected CAI Location(s) have an existing connection capable of delivering 1 Gbps/1Gbps 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:
    1. Who is the current provider? (Do not use dropdown of providers, as it may not include the network delivering enterprise ISPs)

2. What technology is delivering the current services? (Dropdown from the Technologies used in other challenges)
3. 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 Does Receive 1 Gbps Service Rebuttal

Any Permissible Challenge 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/1Gbps speeds or a connection that is readily scalable 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

# Obtaining CostQuest BSL Fabric Licenses

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

OBO 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 OBO from making the data fully available to stakeholders participating in the challenge process.

While OBO cannot make the data fully available to stakeholders, the participants in the challenge process are eligible to apply for their own licenses with CostQuest. The 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 that you obtain a license from CostQuest, which will allow us to provide a bulk challenge template pre-populated with Location IDs that you select.

### License Tiers

There are two tiers of licenses relevant for the BEAD Program:
- **Tier D License** – The Tier D License is available to all qualified, or presumptively qualified, recipients and subrecipients of federal broadband grants. This license is available to broadband providers, including co-ops, and units of Tribal governments. [Request License](#)
- **Tier E License –** The Tier E license is intended for units of local government, non-profits, and other organizations that have signed an FCC Tier 4 license.

[Request License](#)