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# INTERNET FOR ALL

## Initial Proposal

Approved 3/1/24

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U.S. Department of Commerce  
National Telecommunications and Information Administration

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# Volume I Initial Proposal Requirements

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## 1.1 Existing Broadband Funding (Requirement 3)

### 1.1.1 Existing Broadband Funding Attachment

*As a required attachment, submit the file identifying sources of funding, a brief description of the broadband deployment and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from their Five-Year Action Plans.*

Existing Broadband Funding Sources can be viewed via the attached excel file.

The Existing Broadband Funding Sources sheet identifies any existing sources of funding to deploy broadband and close the digital divide.

## 1.2 Unserved and Underserved Locations (Requirement 5)

### 1.2.1 Unserved Locations Attachment

*As a required attachment, submit one CSV file with the location IDs of each unserved location, including unserved locations in applicable Tribal Lands.*

**Instructions:**

*The Eligible Entity is required to identify each unserved location under the jurisdiction of the Eligible Entity (including unserved locations in applicable Tribal Lands) using the most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file must contain the location IDs of unserved locations (named "unserved.csv") and must be a single-column file.*

*Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

The Unserved Locations Attachment can be viewed via the attached excel file.

This file incorporates the data last updated on 12/12/2023.

### 1.2.2 Underserved Locations Attachment

*As a required attachment, submit one CSV file with the location IDs of each underserved location, including underserved locations in applicable Tribal Lands.*

**Instructions:**

*The Eligible Entity is required to identify each underserved location under the jurisdiction of the Eligible Entity (including underserved locations in applicable Tribal Lands) using the most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file must contain the location IDs of underserved locations (named "underserved.csv") and must be a single-column file. Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

The Underserved Locations Attachment can be viewed via the attached excel file.

This file incorporates the data last updated on 9/26/2023. DOM intends to use data updated in November of 2023 for submission.

### 1.2.3 Date Selection

*Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.*

**Instructions:**

*Only the first edition of the National Broadband Map in each month can be selected. The publication date of the National Broadband Map cannot predate the submission of the Initial Proposal by more than 59 days.*

DOM has used the data released with the 12/12/2023 publication.

## 1.3 Community Anchor Institutions (CAIs) (Requirement 6)

### 1.3.1 Community Anchor Institutions

*Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.*

**Instructions:**

*The Eligible Entity must include:*

- a. *A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution” and identified all eligible CAIs (i.e., “a community anchor institution that lacks access to Gigabit-level broadband service”) in its jurisdiction and in applicable Tribal Lands.*
- b. *A description of how the Eligible Entity assessed the needs of eligible CAIs, and of what types of CAIs the Eligible Entity intends to receive service under the BEAD Program.*
- c. *A description of the categories of institutions proposed as CAIs, including during the public comment period, if any, that the Eligible Entity considered but declined to classify as an eligible CAI, and a description of the basis on which the Eligible Entity determined that such category of CAI does not facilitate greater use of broadband service by vulnerable populations.*
- d. *If the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act\*, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.*

*Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

*\*Section 60102(a)(2)(E) of the Infrastructure Act cites CAIs categories as an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.*

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the DOM applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

- Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The following definitions and sources were used to identify the types of community anchor institutions:

- **Schools:** K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”.
- **Libraries:** Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
- **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
- **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry.

- **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.
- **Public housing organizations:** Public housing organizations were identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. (PHA Contact Information - HUD | HUD.gov / U.S. Department of Housing and Urban Development (HUD)) The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).
- **Community support organizations:** DOM included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. DOM included senior centers, job training centers, congregate meal sites, recreation services, and other adult services in this category. Wifi, hotspot access or computers are generally publicly available at these locations. 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. (<https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx>) The National Council on Aging (NCOA) helped identify senior centers. (National Institute of Senior Centers)
- **Government buildings:** As explained above, while government buildings are not normally venues for casual internet use, transacting with the government can motivate acquisition of digital skills, and the availability of exceptionally high-quality internet service in government buildings contributes to their being able to perform this function. Also, waiting for government services can be an opportunity to utilize free Wi-Fi for people otherwise digitally disadvantaged.

In each case, DOM also drew on state, territorial, tribal, county/parish and municipal resources to identify additional eligible community anchor institutions that were not contained in the data sources listed above. In addition, DOM is using the Initial Proposal public comment process to ensure that all relevant institutions meeting the CAI criteria are included.

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, DOM:

- **Engaged government agencies.** DOM used its preliminary list of CAIs to reach out to state agencies to understand what records they have available regarding relevant community anchor institution 1 Gbps broadband service availability. In collaboration with the State of Iowa Geospatial Coordinator, DOM incorporated data from the Iowa Homeland Security Information Network (HSIN) for public safety, government buildings and healthcare facilities and the State of Iowa databases for additional healthcare facilities, schools, and libraries. DOM also conducted outreach to tribal entities in order to identify CAIs on tribal lands. Ongoing outreach for community support organizations will continue and be a component of the challenge process.
- **Engaged relevant umbrella organizations and nonprofits.** DOM engaged with umbrella and nonprofit organizations that work with community anchor institutions to coordinate and obtain 1 Gbps broadband service availability data. As with government agencies, it was difficult to gather centralized broadband service availability data.

Considering the difficulty in obtaining broadband service availability data, DOM conducted an analysis to estimate the availability to each CAI. The CAI dataset was assigned the highest available broadband service (Mbps) download speed and broadband technology, as per the BEAD guidelines. The speed and technology data are either actual or an estimate. Actual values were pulled from BSL data where a corresponding BSL directly matched (spatially coincident) a CAI by being at the same location and hence sharing Location ID. Estimated speed and technology was captured based on the CAI's proximity to known speed data locations. To accomplish this, contiguous Thiessen polygons were generated for like-BSL speed and technology data. The Thiessen polygons were spatially joined with the CAI data. The speed and technology attributes were then coded onto the CAI locations for the corresponding Thiessen polygon. DOM expects that through the public comment process and/or challenge process these estimates will be refined and improved.

There were public comments related to the inclusion of the CAI definitions for public safety entities, public housing organizations, and community support organizations. In each of these cases, DOM chose to follow the NTIA guidance from the Model Challenge Process in including those entities and defining them as CAIs per the guidance.

Using the analysis, DOM then compiled the list of those CAIs that do not have adequate broadband service, attached in Section 1.3.2. of this Initial Proposal.

### 1.3.2 Community Anchor Institutions Attachment

*As a required attachment, submit the CSV file (named cai.csv) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity's knowledge.*

**Instructions:**

*The Eligible Entity must submit a CSV file with a list of eligible CAI locations identified within the jurisdiction of the Eligible Entity, using the data format provided by NTIA. The Eligible Entity must complete all mandatory fields in the file named "cai.csv" as outlined in Appendix A of the NTIA BEAD Challenge Process Policy Notice. Address information must identify the physical location of the community anchor institutions, not the administrative location. For example, the address must describe the location of the school building, not that of the board of education administrative building.*

The Community Anchor Institutions Attachment can be viewed via the attached excel file.

## 1.4 Challenge Process (Requirement 7)

### 1.4.1 NTIA BEAD Model Challenge Process Adoption

Select if the Eligible Entity plans to adopt the NTIA Challenge Process Model for Requirement 7.

**Instructions:**

Eligible Entity must indicate whether it intends to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes, DOM plans to adopt the NTIA Challenge Process Model for Requirement 7.

### 1.4.2 Challenge Process Modifications

If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity's jurisdiction as "served," "underserved," or "unserved," and provide justification for each modification.

**Instructions:**

Eligible Entities may, subject to the approval of the Assistant Secretary, modify the set of locations identified as eligible for funding on the National Broadband Map to reflect data not present in the National Broadband Map. If the Eligible Entity plans to modify the classification of locations, it must include a description of each proposed modification and each associated justification. If the Eligible Entity will not plan to modify the set of locations identified as eligible for funding on the National Broadband Map, indicate "N/A" in the response.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

### Optional Module 3: Speed Test Modifications

DOM does not intend to complete any pre-challenge modifications. Optional modules allowed during the challenge process are outlined in Section 1.4.6 of this Initial Proposal.

### 1.4.3 Eligible Entity Planning Toolkit

Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Yes, DOM plans to use the BEAD Eligible Entity Planning Toolkit as a resource to identify existing federal enforceable commitments.

### 1.4.4 Enforceable Commitments

Describe the process that will be used to identify and remove locations subject to enforceable commitments.

**Instructions:**

If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity as specified in the Model.

If the Eligible Entity does not adopt the NTIA BEAD Model Challenge process, the Eligible Entity must:

- a. Describe the process used to identify and remove locations subject to enforceable commitments, and
  - b. Outline whether or not the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit.
- If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must also include the following information:
- a. A description of the technology or tool to be used for deduplication, including explanation of its capacity to aggregate multiple data sources to create an accurate list of existing federal, state/territory, and local commitments.
  - b. Assurance that the process to identify and remove enforceable commitments will analyze, at a minimum:
    - i. All programs included in the Broadband Funding Map published by FCC pursuant to Section 60105 of the Infrastructure Act as of the date of the deduplication of funding process.
    - ii. All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

DOM will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit and supplement the deduplication process using desktop GIS tools, and consult at least the following data sets:



- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105. (The broadband funding map published by FCC pursuant to IIJA § 60105 is referred to as the “FCC Broadband Funding Map.”)
- Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
- Iowa and local data collections of existing enforceable commitments.
- Other Federal Broadband Program sources that identify FCC Programs (Enhanced E-ACAM) and USDA Programs (ReConnect).

DOM will make its best effort to create a list of broadband serviceable locations subject to enforceable commitments based on state/territory or local grants or loans. When necessary, DOM will translate Census Block polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of FCC Fabric locations. DOM will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA. (Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC.)

DOM will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding commitments to deploy broadband infrastructure. In situations in which DOM or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, DOM will reach out to the provider to verify the deployment speeds of the binding commitment. DOM will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

DOM drew on these provider agreements, along with its existing database on state and local broadband funding programs’ binding agreements, to determine the set of state and local enforceable commitments.

## 1.4.5 Enforceable Commitments Attachment

*As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.*

*Instructions:*

*The Eligible Entity must list the programs that will be analyzed to identify existing enforceable commitments. If the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit and/or the NTIA BEAD Model Challenge Process, the Eligible Entity must list any state or territorial and local programs that constitute enforceable commitments.*

*If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must list the federal, state or territorial, and local programs that will be analyzed to identify existing enforceable commitments. These programs must include, at a minimum:*

- a. *All programs included in the Broadband Funding Map published by FCC pursuant to the Infrastructure Act § 60105, and*
  - b. *All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.*
- Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

Enforceable Commitments can be viewed via the attached excel file.

The Enforceable Commitment sheet outlines the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

## 1.4.6 Challenge Process Design

*Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.*

*Instructions:*

*If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity, outlined in the Model.*

*If the Eligible Entity does not plan to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must include in its response:*

- a. *The proposed approach for the challenge process, including the publication of eligible locations, challenge phase, rebuttal phase, and final determination phase.*
- b. *Challenge types permitted, including the identification of community anchor institutions, existing Broadband Serviceable Location (BSL) and community anchor institution BEAD funding eligibility determinations, enforceable commitments, and planned service.*
- c. *Challengers permitted: units of local government, nonprofit organizations, and broadband service providers.*
- d. *Proposed evidentiary review process through which the Eligible Entity will review and make determinations based on challenges and rebuttals received. If the Eligible Entity decides to add any additional data sources to or remove from the list as outlined in Table 3 "Examples of Acceptable Evidence for BEAD Challenges and Rebuttals" in the NTIA BEAD Challenge Process Policy Notice, it must respond to question 1.4.7 and outline the proposed sources and requirements that will be considered acceptable evidence.*
- e. *Requirements for acceptable speed tests (e.g., number of speed tests, geographic distribution, speed test collection time), if applicable.*
- f. *Plan to ensure that sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges, and that the challenge process standards of review are applied uniformly to all challenges submitted.*
- g. *The plan to ensure transparency, including:*
  - i. *The plan to publicly post documentation explaining the challenge process once it is approved by NTIA (prior to beginning the challenge process).*
  - ii. *The plan to post all submitted challenges and rebuttals before final determinations are made, including information from the NTIA BEAD Challenge Process Policy Notice.*
  - iii. *The plan to host a website, including the link to the website's URL, if the hosting website already exists.*
  - iv. *The plan to inform units of local government, relevant nonprofit organizations, and broadband providers to the challenge process and its deadlines.*
- h. *The plan to ensure the protection of Personally Identifiable Information (PII), business confidential, and proprietary information, including anyone who will have access to any PII submitted through the challenge process (e.g., provider's subscriber PII), including through state/territory public records processes.*
- i. *The overall timeline, with tentative dates of initiation and completion, for the challenge process. The timeline must also include the plan to ensure that:*
  - i. *The proposed challenge process will be completed within 120 days, starting with the initiation of the challenge submission window.*
  - ii. *The proposed challenge process will include a minimum 14-day window to file a rebuttal after the challenge is available on the challenge portal.*
  - iii. *Following NTIA approval, the proposed challenge process will publicly post final classification of eligible locations after resolving each challenge, at least 60 days before allocating grant funds for network deployment.*

*Refer to the NTIA BEAD Challenge Process Policy Notice for additional guidance.*

Based on the NTIA BEAD Challenge Process Policy Notice, as well as DOM's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious, and evidence-based challenge process.

### Permissible Challenges

DOM will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by DOM,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

### Permissible Challengers

Consistent with NTIA guidelines, during the BEAD Challenge Process, DOM will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

## Challenge Process Overview

The challenge process conducted by DOM will include four phases, spanning 120 days (The NTIA BEAD Challenge Process Policy Notice allows *up to* 120 days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.) The estimated timing of the challenge process includes the challenge phase beginning on April 1, 2024, and ending on April 30, 2024; rebuttal phase beginning on May 1, 2024, and ending on June 14, 2024; and the adjudication phase ending on or before July 29, 2024.:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, DOM will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). DOM will also publish locations considered served, as they may be challenged. *Note: The Publication of Eligible Locations is estimated to occur in the first half of 2024. This is contingent on multiple factors, especially the timing of NTIA approval of Volume 1.*
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the DOM challenge portal. This challenge will be visible to the provider whose service availability and performance are being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about the timeframe for the provider's response. After this stage, the location will enter the "challenged" state.
  - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge portal will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For availability challenges, the broadband office will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
  - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. *Note: The timeline is contingent on multiple factors, especially the timing of NTIA approval of Volume 1. However, April 1 is here assumed as a date for the Publication of Eligible Locations, as a basis for laying out a comprehensive timeline for the challenge process that is illustrative of the relative dates involved.*
3. **Rebuttal Phase:** 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 (P) and enforceable commitment (E) challenges. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the "sustained" state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.

**Timeline:** Providers will have 45 calendar days from notification of a challenge to provide rebuttal information to DOM. *Note: The timeline is contingent on multiple factors,*

*especially the timing of NTIA approval of Volume 1. However, with the start date assumed for illustration purposes, the closing of the challenge window would occur on April 30, and the start of the rebuttal phase would be May 1, 2024.*

4. **Final Determination Phase:** During the final determination phase, DOM will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”

**Timeline:** Following the intake of challenge rebuttals, DOM will make a final challenge determination within 45 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. *Note: The timeline is contingent on multiple factors, especially the timing of NTIA approval of Volume 1. Adjudication and final determination can begin whenever rebuttal evidence is received with the closing of the final determination phase occurring on or before July 29, 2024,, and DOM intends to review the evidence and make determinations expeditiously.*

DOM is developing a challenge navigation portal with rich data and a resident-friendly user interface. This portal will make it easier for members of the public to submit evidence to non-profits or local governments, who can then use this evidence to challenge the FCC National Broadband Map. The challenge process involves submitting speed tests to identify coverage gaps not shown on the map.

### Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, DOM will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. DOM will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. DOM plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. DOM will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

<b>Code</b>	A
<b>Challenge Type</b>	Availability
<b>Description</b>	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
<b>Specific Examples</b>	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• A service request was refused within the last 180 days (e.g., an email or letter from a provider).</li> <li>• Lack of suitable infrastructure (e.g., no fiber on pole).</li> <li>• A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.</li> <li>• A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location.</li> </ul>
<b>Permissible Rebuttals</b>	<ul style="list-style-type: none"> <li>• Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill.</li> <li>• If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</li> </ul>

	<ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Code</b>	S
<b>Challenge Type</b>	Speed
<b>Description</b>	The actual speed of the service tier falls below the unserved or underserved thresholds. (The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.)
<b>Specific Examples</b>	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.
<b>Permissible Rebuttals</b>	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. (As described in the 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. <i>See Performance Measures Order</i> , 33 FCC Rcd at 6528, para. 51. <i>See</i> BEAD NOFO at 65, n. 80, Section IV.C.2.a.)
<b>Code</b>	L
<b>Challenge Type</b>	Latency
<b>Description</b>	The round-trip latency of the broadband service exceeds 100 ms. ( <i>Performance Measures Order</i> , including provisions for providers in non-contiguous areas (§21).)
<b>Specific Examples</b>	Speed test by subscriber, showing the excessive latency.
<b>Permissible Rebuttals</b>	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements. ( <i>Ibid.</i> )
<b>Code</b>	D
<b>Challenge Type</b>	Data cap
<b>Description</b>	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. (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). 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.)
<b>Specific Examples</b>	<ul style="list-style-type: none"> <li>Screenshot of provider webpage.</li> <li>Service description provided to consumer.</li> </ul>
<b>Permissible Rebuttals</b>	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.

<b>Code</b>	T
<b>Challenge Type</b>	Technology
<b>Description</b>	The technology indicated for this location is incorrect.
<b>Specific Examples</b>	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.
<b>Permissible Rebuttals</b>	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
<b>Code</b>	B
<b>Challenge Type</b>	Business service only
<b>Description</b>	The location is residential, but the service offered is marketed or available only to businesses.
<b>Specific Examples</b>	Screenshot of provider webpage.
<b>Permissible Rebuttals</b>	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
<b>Code</b>	E
<b>Challenge Type</b>	Enforceable Commitment
<b>Description</b>	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.
<b>Specific Examples</b>	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).
<b>Permissible Rebuttals</b>	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
<b>Code</b>	P
<b>Challenge Type</b>	Planned service
<b>Description</b>	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.
<b>Specific Examples</b>	<ul style="list-style-type: none"> <li>Construction contracts or similar evidence of ongoing deployment, along with evidence that all necessary permits have been applied for or obtained.</li> <li>Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal</li> </ul>

	grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.
<b>Permissible Rebuttals</b>	Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.
<b>Code</b>	N
<b>Challenge Type</b>	Not part of an enforceable commitment
<b>Description</b>	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)
<b>Specific Examples</b>	Declaration by service provider subject to the enforceable commitment.
<b>Permissible Rebuttals</b>	NA
<b>Code</b>	C
<b>Challenge Type</b>	Location is a CAI
<b>Description</b>	The location should be classified as a CAI.
<b>Specific Examples</b>	Evidence that the location falls within the definitions of CAIs set by the DOM. (For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.)
<b>Permissible Rebuttals</b>	Evidence that the location does not fall within the definitions of CAIs set by the DOM or is no longer in operation.
<b>Code</b>	R
<b>Challenge Type</b>	Location is not a CAI
<b>Description</b>	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.
<b>Specific Examples</b>	Evidence that the location does not fall within the definitions of CAIs set by the DOM or is no longer in operation.
<b>Permissible Rebuttals</b>	Evidence that the location falls within the definitions of CAIs set by the DOM or is still operational.

Figure 1: Challenge Process

**Area and Multiple Dwelling Unit Challenge**

DOM will administer area and multiple dwelling unit (MDU) challenges for challenge types A, S, L, D, and T. 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 must demonstrate that they are indeed meeting the availability, speed, latency, data



cap, and technology requirements, respectively, for all (served) locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed in the table above.

An area challenge is triggered if six or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

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 broadband serviceable location listed in the Fabric. An MDU challenge counts towards an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

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

Area challenges for availability need to be rebutted with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure or customer subscribers. For fixed wireless service, the challenge system will offer representative random samples of the area in contention, but no fewer than 10, where the provider has to demonstrate service availability and speed (e.g., with a mobile test unit). (A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.) 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.

### **Speed Test Requirements**

DOM will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take five forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC);
2. ONT (for FTTH), or fixed wireless subscriber module;
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the provider's web page; or
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using the challenge navigator portal that DOM will release, powered by a reputable vendor of speed test services. While it is not advisable, for procurement reasons, for DOM to announce a specific vendor of speed test services at this time, it will meet the standards described below.

Each speed test measurement must include:

- The time and date the speed test was conducted; and
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test;
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice); and
- An agreement, using an online form provided by DOM, that grants access to these information elements to DOM, 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).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) 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.

Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a provider.

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. 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. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served. However, even if a particular service offering does not meet the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule (The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.), i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 p.m. and 11 p.m. local time will be considered as evidence for a challenge rebuttal.

## **Transparency Plan**

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, DOM will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. DOM also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and providers. Relevant stakeholders will be able to sign up on the DOM website (<https://ocio.iowa.gov/broadband>) for challenge

process updates and newsletters. They will be able to engage with DOM by a designated email address to be provided in due course.

### **Mobilization of Potential Challengers**

DOM will leverage its broad-based contacts to inform the Iowa public of the opportunity offered by the BEAD challenge process to alert the state to any coverage gaps not shown in the FCC data, and to demonstrate the appropriateness of including them in the list of locations to be targeted by the BEAD program for deployment or upgrade of internet service. Outreach channels may include emails, newsletters, webinars, public meetings, and user guides on the DOM website. Critically, the user-friendly nature of the portal that DOM will implement will facilitate the mobilization of potential challengers by making participation as easy and convenient as possible, given the need for adequate data quality.

### **Notification of Potential Rebutters**

It is indispensable for a successful challenge process that providers who have made coverage claims for a given location be effectively notified if those coverage claims are challenged. If they are duly notified, they can review their own evidence to check whether they made a mistake or actually offer the claimed services at the challenged location. If they find no errors, they can rebut and prove their coverage claims, ensuring that the BEAD program does not unfairly target the location. If providers are not properly notified, challenges that lack merit may get approved, leading to unfair overbuilding and waste of public funds.

Accordingly, DOM will implement its challenge navigation portal so that once evidence has been reviewed and accepted, it will automatically notify potential rebutters via e-mail that a challenge has been initiated. Rebutting providers will then have access to their own dashboards within the portal, enabling them to review and decide if they want to rebut or sustain those challenges. Once a challenge has been rebutted, the portal will notify the original challenger via email. To ensure that its contacts with providers are valid and capable of reviewing incoming challenges, DOM will periodically reach out through activities like webinars, newsletters, and communication with industry associations. This outreach will be ongoing, especially in the lead-up to the challenge process launch when decisions need to be made.

### **Public Posting of Challenges and Rebuttals**

Beyond actively engaging relevant stakeholders, DOM will also post all submitted challenges and rebuttals on the DOM website before final challenge determinations are made, to the extent that this is compatible with appropriate protection of the personally identifiable information (PII) of challengers. Data in the public posting of challenges and rebuttals shall include:

- the provider, nonprofit, or unit of local government that submitted the challenge;
- the census block group containing the challenged broadband serviceable location;
- the provider being challenged;
- the type of challenge (e.g., availability or speed); and
- a summary of the challenge, including whether a provider submitted a rebuttal.

DOM will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses, and customer IP addresses. To ensure all PII is protected, DOM will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

DOM will treat information submitted by an existing provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

No exceptions to the public posting of challenges and rebuttals are anticipated at this time, as the information listed above does not include obvious identifying information such as home address. Nonetheless, DOM will be alert for risks of improper disclosure of PII and look for workarounds in such cases.

#### 1.4.6.1 Challenge Process Optional Attachment

*As a required attachment only if the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.*

*Instructions:*

*If the Eligible Entity plans to adhere to the sources outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenge and Rebuttals” in the NTIA BEAD Challenge Process Policy Notice, the Eligible Entity will not be required to complete the attachment. Otherwise, the Eligible Entity must list any proposed data sources that will be accepted as sufficient evidence that are not included in the NTIA BEAD Challenge Process Policy Notice. Additionally, the Eligible Entity must also indicate any data sources that are included in the NTIA BEAD Challenge Process Policy Notice that will not be accepted as sufficient evidence.*

- *To add an additional data source: the Eligible Entity must complete all columns and indicate in column 3 (“Proposed Change to NTIA BEAD Policy Notice”) whether the Eligible Entity will add or remove this data source as outlined in the NTIA BEAD Challenge Process Policy Notice.*
- *To remove an approved data source: the Eligible Entity can skip columns 3 and 4 (i.e., “Data Source Requirements” and “Permissible Rebuttal”) and fill out only columns 1 and 2 (i.e., “Challenge Type” and “Data Source”).*

*Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

Not Applicable

## 1.5 Volume I Public Comment

### 1.5.1 Public Comment Summary

*Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:*

- a. *The public comment period was no less than 30 days; and*
- b. *Outreach and engagement activities were conducted to encourage feedback during the public comment period.*

The public comment period began on November 16, 2023, and ended on December 15, 2023. The Initial Proposal was posted on the State of Iowa Public Comment website. (<https://comment.iowa.gov>) The purpose of this website is to allow members of the public the opportunity to comment on documents. Public participation in government helps the state of Iowa to reform plans and prevent over regulation or red tape, encouraging efficiency, economic growth and job creation. The Initial Proposal and other BEAD information was also posted on the DOM website on a newly created BEAD page. (<https://ocio.iowa.gov/broadband-equity-access-and-deployment-program#TIMELINE>) Additionally, communication was sent to interested stakeholders via email and GovDelivery.

Iowa received 48 unique public comments during the public comment period. The comments can be categorized in general terms as follows:

#### **Comments from Citizens/ Residents:**

Eight comments were submitted by citizens or residents without affiliation to any other organization. These comments were largely service-related comments expressing concerns or complaints about broadband service available at their residence or business. Most of these did not reference the Iowa Initial Proposal or the BEAD program specifically, but rather were general comments about the lack of sufficient broadband service in their area.

#### **Service Providers / Broadband Technology Companies:**

Seventeen comments were submitted by internet service providers (ISP's) or companies in the ISP equipment sector. These comments were varied, but primarily focused on requirements of the BEAD program (v. the Iowa Initial Proposal). Most cited concerns regarding one element of the federal BEAD program or another, not necessarily requirements or program rules created by Iowa's Initial Proposal. Some of the comments were very broad and were clearly written in a manner in which the same comment document could be submitted to multiple states without substantive change.

#### **Advocacy Groups and Industry Associations:**

Thirteen comments were submitted by advocacy or special interest groups such as AARP, IBEW, CTIA or similar. Most of these comments focused on the specific impact BEAD or the Iowa Initial Proposal may have on the members they specifically represent. Consistent with previous reporting, most of these comments were generic enough to apply to multiple states and primarily focused on rules or requirements imposed by the federal BEAD program.

#### **Other:**

The remaining comments were composed of a number of different submissions that spanned various topics not easily grouped above. Many of these were 'sales pitches' from companies seeking to make Iowa aware of their products or services or requesting meetings to further explain how they may be able to assist the state in implementing the BEAD program. Others were commentary surrounding DEI and the importance of considering non-deployment initiatives pertaining to BEAD.

**Conclusion:**

DOM made a number of changes to the Initial Proposal and accompanying documents based on public comment feedback or needed clarification based on NTIA comments. However, no changes substantially altered the Initial Proposal.