



# Montana Broadband Equity, Access, and Deployment (BEAD) Program: Challenge Process Rebuttal

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# INTRODUCTIONS

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# BEAD PROGRAM OVERVIEW

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## Background:

- Under the Bipartisan Infrastructure Investment and Jobs Act (IIJA), Montana will receive \$628 million to improve broadband within the state.

## BEAD:

- The Broadband Equity, Access, and Deployment Program is designed to expand high-speed internet access by funding planning, infrastructure deployment, and adoption programs across the country.

## GOAL:

- Connect 100% of the unserved locations in the state with reliable, affordable broadband.



# CHALLENGE PROCESS OVERVIEW

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- Ensure Eligible Entities (e.g. State of Montana) identify the full universe of eligible locations for BEAD funding. Montana Broadband Office (MBO) will use the National Broadband Map as a starting point to identify BEAD-eligible locations.
- Eligible Challengers review existing locations and provide information about the available service
- MBO will review/potentially modify the designation of a location as served, underserved, or unserved on the National Broadband Map through a Challenge Process.
- The Challenge Process will include Four Phases:
  - Publication of Eligible Locations
  - Challenge Phase
  - Rebuttal Phase
  - Final Determination



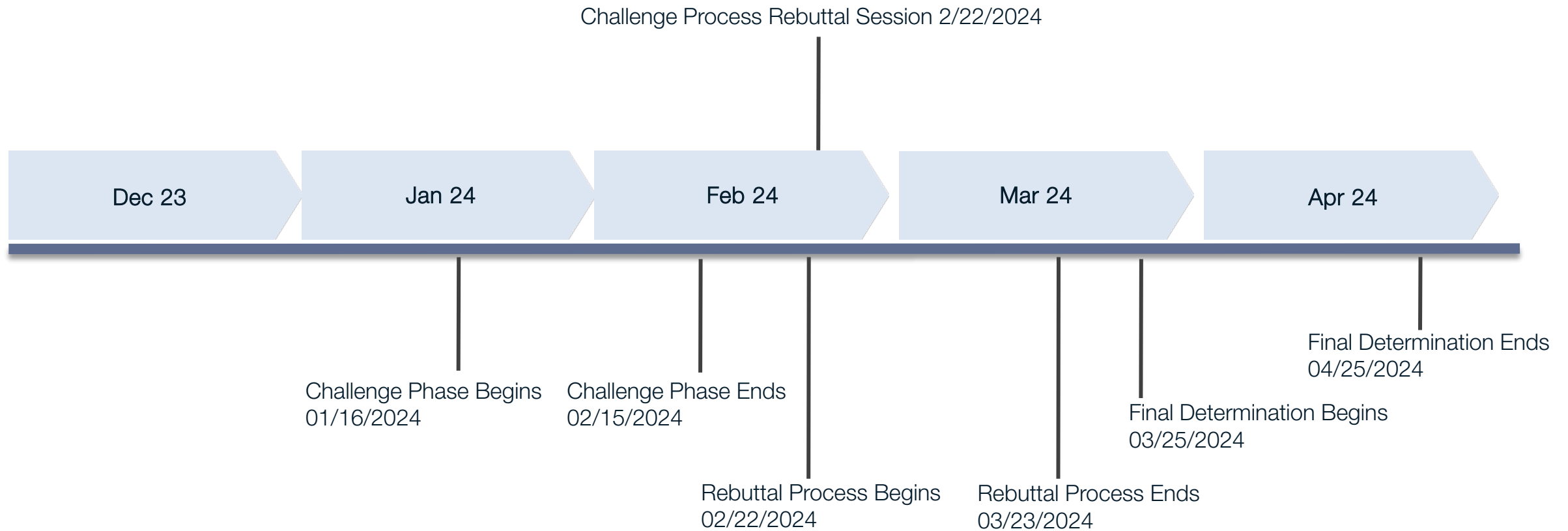
# CHALLENGE PROCESS PHASES

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- Publication of Eligible Locations:
  - Prior to beginning the challenge phase, the broadband office will publish the set of locations eligible for BEAD funding.
- Challenge Phase:
  - During the challenge phase, the challenger will submit the challenge through the broadband office challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested.
- Rebuttal Phase:
  - Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained.
- Final Determination Phase:
  - During the Final Determination phase, the broadband office will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”



# CHALLENGE PROCESS TIMELINE




# REBUTTAL PHASE

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- 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 Eligible 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 MBO team.
- After a rebuttal is submitted, the MBO team will review the evidence and determine if it meets the evidentiary requirements. If a rebuttal submission is determined to meet the minimum level of evidence, it will be considered a ‘valid rebuttal.’ 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.



# REBUTTAL DASHBOARD



CHALLENGE ▾

Dashboard

Challenge Map

SETTINGS ▸

Logout

Collapse

## Montana Broadband Challenge Dashboard

Rebuttal Submission

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

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

[Learn more](#)

CHALLENGES SUBMITTED

0

CHALLENGES IN REVIEW

0

PROCESSED CHALLENGES

0

CHALLENGES WITHDRAWN

0

REBUTTALS SUBMITTED

0

My Submitted Challenges (0)
Challenges Received (2)
Open For Rebuttal (2)
My Rebutted Challenges (0)
In Review (0)
Processed (0)
Withdrawn (0)

+ Add Challenge

2 Results Search by challenge ID / entity

Challenged By	Challenge Type	Locations	Rebuttals	Date Submitted	Status	Details
<b>MT Local Gov Entity</b> MT-1002	Availability	9 <span style="color: green;">●</span> 9 Passed	-	12 Jan '24 at 1:30 pm	Initial Processed	<a href="#">View Details</a>
<b>ConnectMT</b> MT-1001	Availability	2 <span style="color: green;">●</span> 2 Passed	-	11 Jan '24 at 11:01 am	Initial Processed	<a href="#">View Details</a>

< 1 > 10 / page





# SUBMITTING A REBUTTAL

- From dashboard, click **View Details**
- Click **Rebuttals > Rebut Challenge**
- Confirm the challenged locations you are rebutting
- Click **Next**
- Provide/Upload required **evidence**
- **Attest** to the accuracy of your rebuttal
- **Submit**

The screenshot displays the 'Challenge Rebuttal' interface. At the top, there is a navigation bar with a back arrow and the title 'Challenge Rebuttal'. Below the title, a progress indicator shows three steps: '1. Select Locations To Rebut', '2. Provide Evidence To Support Rebuttal', and '3. Sign A Rebuttal Attestation'. The main area is split into two panels. The left panel is a map showing a street grid with several green location markers. The right panel is a list of locations to rebut, with a search bar at the top and two buttons: 'Rebut All' and 'Agree All'. Below the buttons, it says '9 Results'. The list has columns for 'Action' and 'Locations'. Each row includes a 'Rebut' toggle, a location ID, and the address. At the bottom of the right panel, there are 'Cancel' and 'Next' buttons.

**Challenge Rebuttal**

1. Select Locations To Rebut > 2. Provide Evidence To Support Rebuttal > 3. Sign A Rebuttal Attestation

Select Locations to Rebut for this Availability Challenge

9 Results

Action	Locations
<input checked="" type="button" value="Rebut"/>	1283770965 5 Henry Rd, Browning, MT 59417
<input checked="" type="button" value="Rebut"/>	1283770963 4 Henry Rd, Browning, MT 59417
<input checked="" type="button" value="Rebut"/>	1283770960 32 College Homes Rd, Browning, MT 59417
<input checked="" type="button" value="Rebut"/>	1413962618 15 Glacier Heights Rd, Browning, MT 59417



# REBUTTAL REVIEW PROCESS

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- Rebuttal submissions will be fully reviewed before a final determination is made for any challenged location
- Rebutted challenges, after rebuttal submission, appear under the **"My Rebutted Challenges"** tab
- All meaningful status changes will continue to be reflected and on your **Challenge Dashboard** and notified by **automated email**
- At conclusion of 30-day rebuttal period, rebutted challenges (and all challenges that pass Initial Review) advance to Final Determination



# CHECKING THE STATUS OF REBUTTALS

Status of rebutted challenges reflected under "My Rebutted Challenges" dashboard tab

The screenshot shows the Montana Broadband Challenge Dashboard. At the top, there's a header with the Montana logo, the title "Montana Broadband Challenge Dashboard", and buttons for "Invite Teammate" and "Rebuttal Submission". Below the header is a light blue informational box with text about the challenge process and a "Learn more" link. Underneath are five summary cards: "CHALLENGES SUBMITTED" (0), "CHALLENGES IN REVIEW" (0), "PROCESSED CHALLENGES" (0), "CHALLENGES WITHDRAWN" (0), and "REBUTTALS SUBMITTED" (1). A navigation bar below these cards shows tabs for "My Submitted Challenges (0)", "Challenges Received (1)", "Open For Rebuttal (1)", "My Rebutted Challenges (1)", "In Review (0)", "Processed (0)", and "Withdrawn (0)". The "My Rebutted Challenges (1)" tab is active. Below the navigation bar is a search bar and a "+ Add Challenge" button. The main content area shows "1 Result" and a table with the following data:

Challenged By	Challenged Entity	Challenge Type	Locations	Rebuttals	Date Submitted	Status	Details
MT Local Gov Entity MT-1002	Siyeh Communications	Availability	9 ● 9 Rebutted	1	12 Jan '24 at 1:30 pm	Initial Processed	View Details

At the bottom right of the table area, there are pagination controls showing "1" of 10 items per page.



# CHALLENGE PROCESS REBUTTAL

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# Q&A





# Examples of Acceptable Evidence for BEAD Challenges and Rebuttals (1/3)

As of 12 July 2023

Note: Below are examples of acceptable evidence for BEAD challenges and rebuttals per the NTIA Policy Note. Eligible Entities may accept a wide range of data sources (subject to NTIA approval), as long as any data source is documented and verifiable by a Third Party

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<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 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.<sup>1</sup></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>	<ul style="list-style-type: none"> <li>• Provider shows that the location subscribes or has subscribed within 12 months, e.g., with a copy of a customer bill.</li> <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>
S	Speed	The actual speed of the fastest available service tier falls below the unserved or underserved thresholds.	<ul style="list-style-type: none"> <li>• Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests</li> </ul>	<ul style="list-style-type: none"> <li>• Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.<sup>2</sup></li> </ul>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	<ul style="list-style-type: none"> <li>• Speed test by subscriber, showing the excessive latency</li> </ul>	<ul style="list-style-type: none"> <li>• Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system.<sup>3</sup></li> </ul>

1. A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as "[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider."

2. As described in the NOFO, provider's countervailing speed test should show that 80 percent of a provider's download and upload measurements are at or above 80 percent of the required speed. See Performance Measures Order, 34 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.,

3. Ibid.



# Examples of Acceptable Evidence for BEAD Challenges and Rebuttals (2/3)

As of 12 July 2023

Note: Below are examples of acceptable evidence for BEAD challenges and rebuttals per the NTIA Policy Note. Eligible Entities may accept a wide range of data sources (subject to NTIA approval), as long as any data source is documented and verifiable by a Third Party

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>1</sup>	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• Service description provided to consumer.</li> </ul>	Provider has terms of service showing that it does not impose a data cap.
T	Technology	The technology indicated for this location is incorrect.	<ul style="list-style-type: none"> <li>• Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.</li> </ul>	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> </ul>	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	<ul style="list-style-type: none"> <li>• 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).</li> </ul>	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).

1. For example, this excludes business-oriented plans not commonly sold to residential locations. An unreasonable capacity allowance is defined as a data cap that falls below the capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022).



# Examples of Acceptable Evidence for BEAD Challenges and Rebuttals (3/3)

As of 12 July 2023

Note: Below are examples of acceptable evidence for BEAD challenges and rebuttals per the NTIA Policy Note. Eligible Entities may accept a wide range of data sources (subject to NTIA approval), as long as any data source is documented and verifiable by a Third Party

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
P	Planned service	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.	<ul style="list-style-type: none"> <li>Construction contracts or similar evidence of on-going 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.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.</li> </ul>	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.
N	Not part of enforceable commitment.	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.)	<ul style="list-style-type: none"> <li>Declaration by service provider subject to the enforceable commitment.</li> </ul>	N/A
C	Location is a CAI	The location should be classified as a CAI.	<ul style="list-style-type: none"> <li>Evidence that the location falls within the definitions of CAIs set by the Eligible Entity.<sup>1</sup></li> </ul>	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	<ul style="list-style-type: none"> <li>Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.</li> </ul>	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

1. 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.