



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

December 20, 2023

PURPOSE AND OUTLINE

- Purpose: Ensure that each attendee gains a high-level understanding of the BEAD Program and the Challenge Process in the State of Montana.
- Purpose and Outline
- Introductions
- BEAD Program Overview
- Program Timeline
- Challenge Process Overview
- What is a Challenge
- Publication of Eligible Locations
- Challenge Phase
- Rebuttal Phase
- Final Determination Phase
- Breaking Down the Prequalification Round
- Breaking Down the Main Round
- Overview of Stakeholder Engagement & Technical Assistance
- Q&A
- Appendix



INTRODUCTIONS



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- Moderating Today's Presentation
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BEAD PROGRAM OVERVIEW

Background:

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

BEAD:

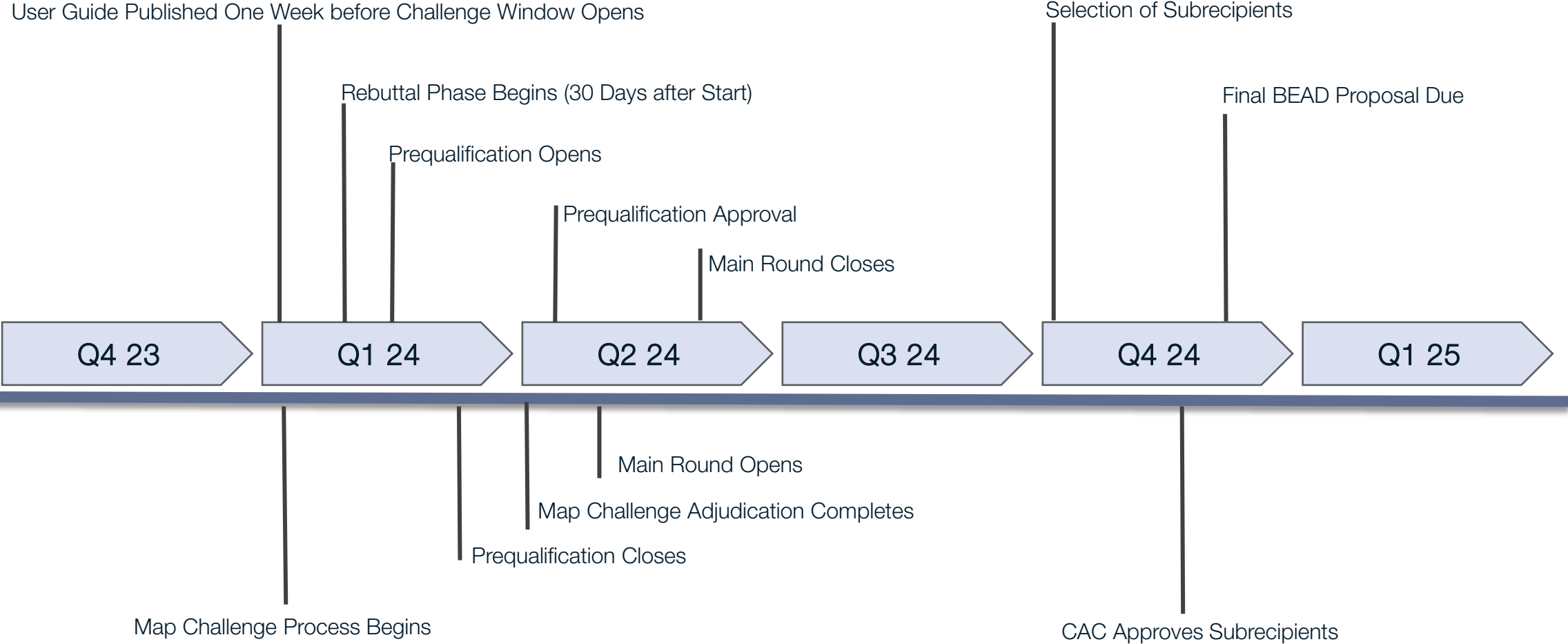
- The Broadband Equity, Access, and Deployment Program is designed to expand high speed internet access by funding planning, infrastructure deployment, and adoption programs across the country.

GOAL:

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



TIMELINE



CHALLENGE PROCESS OVERVIEW

- Ensure Eligible Entities (Tribal Government, Local Government, Non-profits, Providers) 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.
- 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



WHAT IS A CHALLENGE

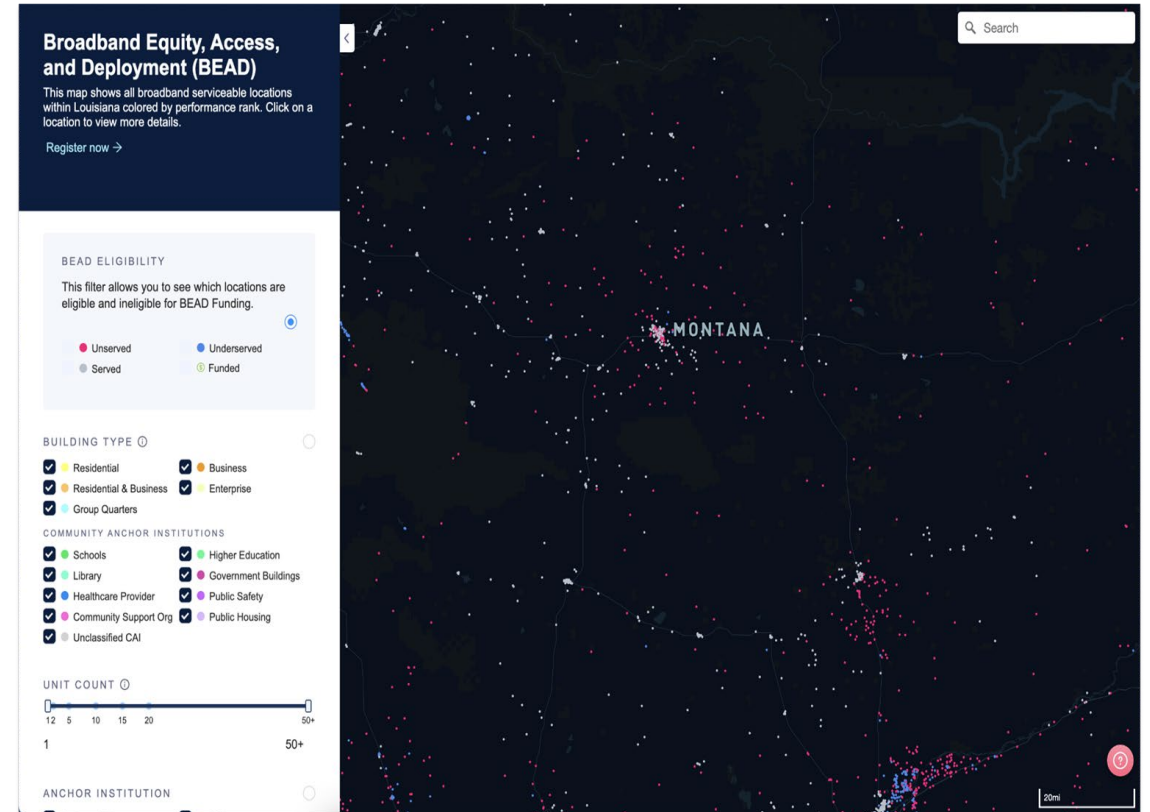
- If there is a perceived discrepancy in the broadband service and or capacity of a specific area, an eligible challengers (Ex. Tribal Government) can submit a challenge of that area.
- A challenge consists of submitting required documentation through the challenge portal that the reported service offering is not accurate in a specific area.
- Examples of Valid Challenges:
 - Availability, Speed, Latency, Data Cap, Technology, Business Service Only, Enforceable Commitment, Planned Service, Not part of enforceable commitment, Location is a CAI, Location is not a CAI.



PUBLICATION OF ELIGIBLE LOCATIONS

Prior to beginning the Challenge Phase, MBO will publish eligible locations on the Montana Broadband Map

- Eligible locations will be posted in the portal 14 days before the start of the challenge process.
- The Challenge Portal will open 7 days after the publication of challenge instructions.



CHALLENGE PHASE

Challengers submit challenges through the challenge portal

- Eligible entities will need to begin by registering to use the Challenge Portal.
- MBO will only approve registrations from entities who are eligible to submit challenges.
- Challenges require evidence for each location.
- The Portal provides evidence requirements and guidance for each permissible challenge type.

Create a Challenge

1. Challenge Category > 2. Select locations > 3. Provide evidence to support challenge > 4. Sign a Challenge Attestation

Select Locations for the Enforceable Commitment Challenge

To add locations to the map, point and click on a location or hold Shift and drag to select a group of locations. You can also upload a shapefile of your service area to quick-select all locations within the boundary.

[Select or Upload the Area](#)

Location	Remove All
211 Skyview Dr, Lewistown, 59457	
10 Skyview Dr, Lewistown, 59457	
141 Stendal Rd, Lewistown, 59457	
276 Stendal Rd, Lewistown, 59457	
1133 Upper Spring Creek Rd, Lewistown, 59457	
114 Badger Ln, Lewistown, 59457	
220 Country Club Loop, Lewistown, 59457	
72 Skyview Dr, Lewistown, 59457	
128 Country Club Loop, Lewistown, 59457	
19 Country Club Ln, Lewistown, 59457	
220 Country Club Loop, Lewistown, 59457	
466 Country Club Ln, Lewistown, 59457	

Total selected locations: 16

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REBUTTAL PHASE

Only challenged service providers may rebut potential reclassification locations or areas with evidence

- Challenged location or locations are then populated as “disputed” on map.
- If a challenge meeting the minimum level of evidence is not rebutted, the challenge is sustained/validated.
- At the end of the first 30-day challenge window, providers will be able to go in and begin their rebuttal process.

The screenshot shows the 'Map Challenge Dashboard' with a sidebar on the left containing navigation options: Home, Org. Profile, Apply, Dashboard, Challenge Map, Rebuttal Map, and Research. The main content area features five summary cards: SUBMITTED CHALLENGES (68), CHALLENGES IN REVIEW (0), PROCESSED CHALLENGES (68), CHALLENGES WITHDRAWN (7), and REBUTTALS SUBMITTED (6). Below these is a table of submitted challenges with columns for Submitted By & Challenge ID, Challenged Entity, Challenge Type, Locations, Rebuttals, Date Submitted, Status, and Actions. The table lists five challenge entries, each with a breakdown of passed and rejected challenges and an 'In Review' status.

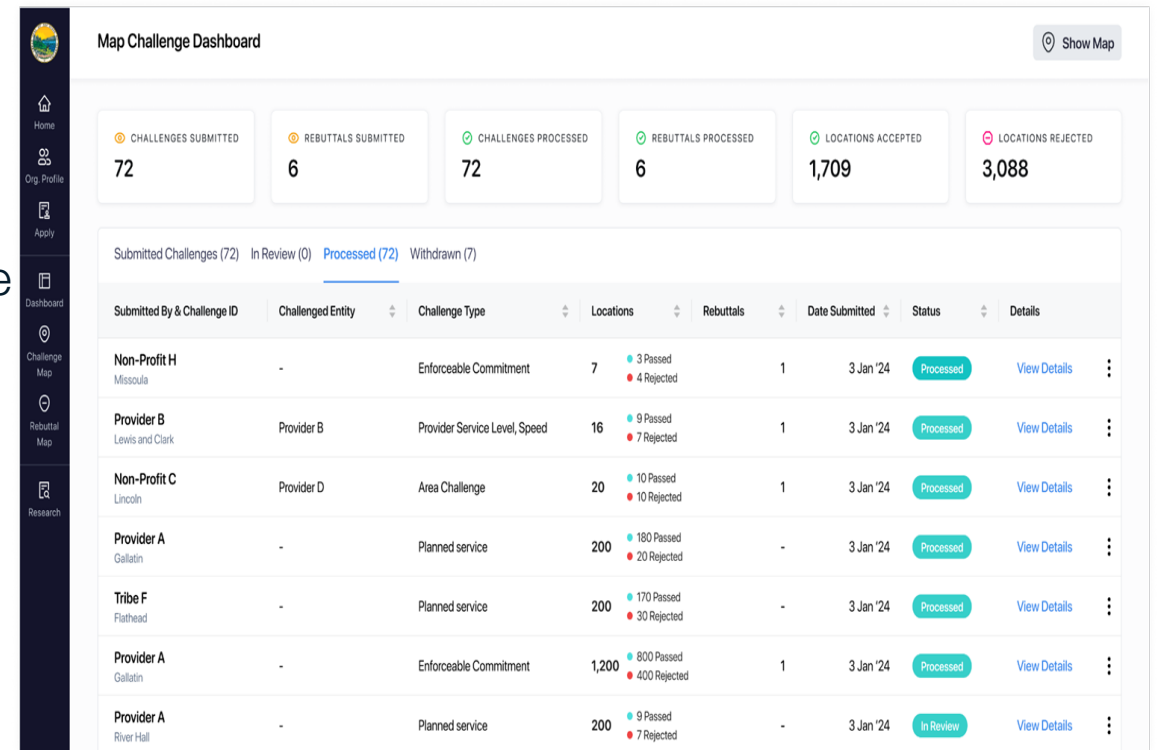
Submitted By & Challenge ID	Challenged Entity	Challenge Type	Locations	Rebuttals	Date Submitted	Status	Actions
Non-Profit C Gallatin	Provider D	Area Challenge	16 9 Passed 7 Rejected	1	3 Aug '23	In Review	View Details
Provider A Flathead	-	Planned service	16 9 Passed 7 Rejected	-	3 Aug '23	In Review	View Details
Tribe D Lewis and Clark	Provider C	Provider Service Level, Tech	16 9 Passed 7 Rejected	2	3 Aug '23	In Review	View Details
Provider A Deer Lodge	-	Enforceable Commitment	16 9 Passed 7 Rejected	1	3 Aug '23	In Review	View Details
Local Government E	-	CAI Classification	16 9 Passed	-	3 Aug '23	In Review	View Details



FINAL DETERMINATION PHASE

MBO makes final determination of classification of challenged location(s), either declaring the challenge “sustained” or “rejected.”

- Reviews will not wait for this phase to start but will begin as soon as the rebuttal has been submitted.
- Once final determinations have been made, they will be sent to the NTIA for their final approval.



THE PREQUALIFICATION ROUND

What is it?

- Applicants are required to submit materials for prequalification, ensuring compliance with the BEAD minimum **eligibility** requirements.
- This step precedes the subgrantee process, serving the purpose of evaluating providers' eligibility for BEAD funding.
- Conducting prequalification before the application window opens is designed to streamline and expedite the subgrantee process, thereby alleviating the burden on potential applicants during the application period.

Prequalification Approval is Required to Apply

- Conducting a seamless prequalification round allows for a seamless main round.
- The proposed engagement and technical assistance schedule during the prequalification round will make sure that applicants receive information that will ensure successful and high-quality applications.
- This process is designed to keep the applicants well informed of the program progress and outcomes.
- Main round applications will be accepted only from applicants approved during the prequalification round.



THE MAIN ROUND

What to expect



- The main round requires the submission of **project specific documentation** along with updating relevant prequalification materials.
- Components include Scoring criteria, financial documents such as pro forma, programmatic and technical documentation, service area maps, and other documentation.
- Once an applicant successfully prequalifies, they **must attend** a bidder's conference
- Comprehensive preapplication materials and technical assistance.
- Fair evaluation approach to enable a transparent, objective, and unbiased assessment of their submissions.

How to prepare

- Begin community outreach and project planning early.
- Remember any proposals on tribal land will need documented permission from tribal entities.
- Consider partnerships with local economic development boards or other service providers to develop cost effective solutions.
- Review requirements outlined in Initial Proposal Volume 2 to begin planning application development.



Components of Stakeholder Engagement and Technical Assistance

Proposed Technical Assistance			
Component	Topic	Anticipated Date	Mode
Challenge Process	Overview	12/20/2023	Webinar
Challenge Process	Deep Dive	Week of January 8th	Webinar
Challenge Process	Q&A Session	01/10/2024	Webinar
Challenge Process	Rebuttal	01/24/2024	Webinar
Prequalification	Overview	01/17/2024	Webinar
Prequalification	Deep Dive	02/08/2024	Webinar
Prequalification	Deep Dive	02/14/2024	Webinar
Prequalification	Q&A Session	02/23/2024	Webinar
Prequalification	Q&A Session	03/01/2024	Webinar
Prequalification	Q&A Session	03/08/2024	Webinar
Prequalification	Q&A Session	03/15/2024	Webinar
Main Round	Overview	04/03/2024	Webinar
Main Round	Bidder's Conference	04/17/24 - 04/18/24	In-Person
Main Round	Application System Demo	05/02/2024	Webinar
Main Round	Financial	05/07/2024	Webinar
Main Round	Technical	05/09/2024	Webinar
Main Round	Environmental	05/14/2024	Webinar
Main Round	Program Requirements	05/16/2024	Webinar
Main Round	Q&A	05/24/2024	Webinar
Main Round	Q&A	06/07/2024	Webinar
Main Round	Q&A	06/14/2024	Webinar

The Stakeholder Engagement and Technical Assistance framework comprises three integral phases: The Challenge Process, Prequalification, and Main Round.

Each phase builds upon the preceding one, equipping the applicant with the necessary information to successfully navigate through all three processes.

*All dates listed are tentative, official dates will be posted on ConnectMT website once confirmed



QUESTIONS

Q&A





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Administration**
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CHALLENGE PROCESS

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December 2023



Appendix





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"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • Lack of suitable infrastructure (e.g., no fiber on pole). • 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.¹ • 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 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within 12 months, e.g., with a copy of a customer bill. • 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.
S	Speed	The actual speed of the fastest available service tier falls below the unserved or underserved thresholds.	<ul style="list-style-type: none"> • Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests 	<ul style="list-style-type: none"> • Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.²
L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	<ul style="list-style-type: none"> • Speed test by subscriber, showing the excessive latency 	<ul style="list-style-type: none"> • Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system.³

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. ¹	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to consumer. 	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"> • Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology. 	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"> • Screenshot of provider webpage. 	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"> • 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). 	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"> Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. 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. 	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"> Declaration by service provider subject to the enforceable commitment. 	N/A
C	Location is a CAI	The location should be classified as a CAI.	<ul style="list-style-type: none"> Evidence that the location falls within the definitions of CAIs set by the Eligible Entity.¹ 	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"> Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation. 	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.