



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

January 12, 2024

PURPOSE AND AGENDA

- Purpose: The purpose of this presentation is to provide a detailed walkthrough of the Challenge Process and for potential challengers to understand of how to use the portal and what information is required to complete a challenge.
- Introductions and Overview
- Challenge Process Timeline
- Challenge Process Overview
- Portal Demonstration
- Q&A
- Next Steps
- Reference Materials



INTRODUCTIONS



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- Jason Aloia – Head of Platform at Ready.Net
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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:

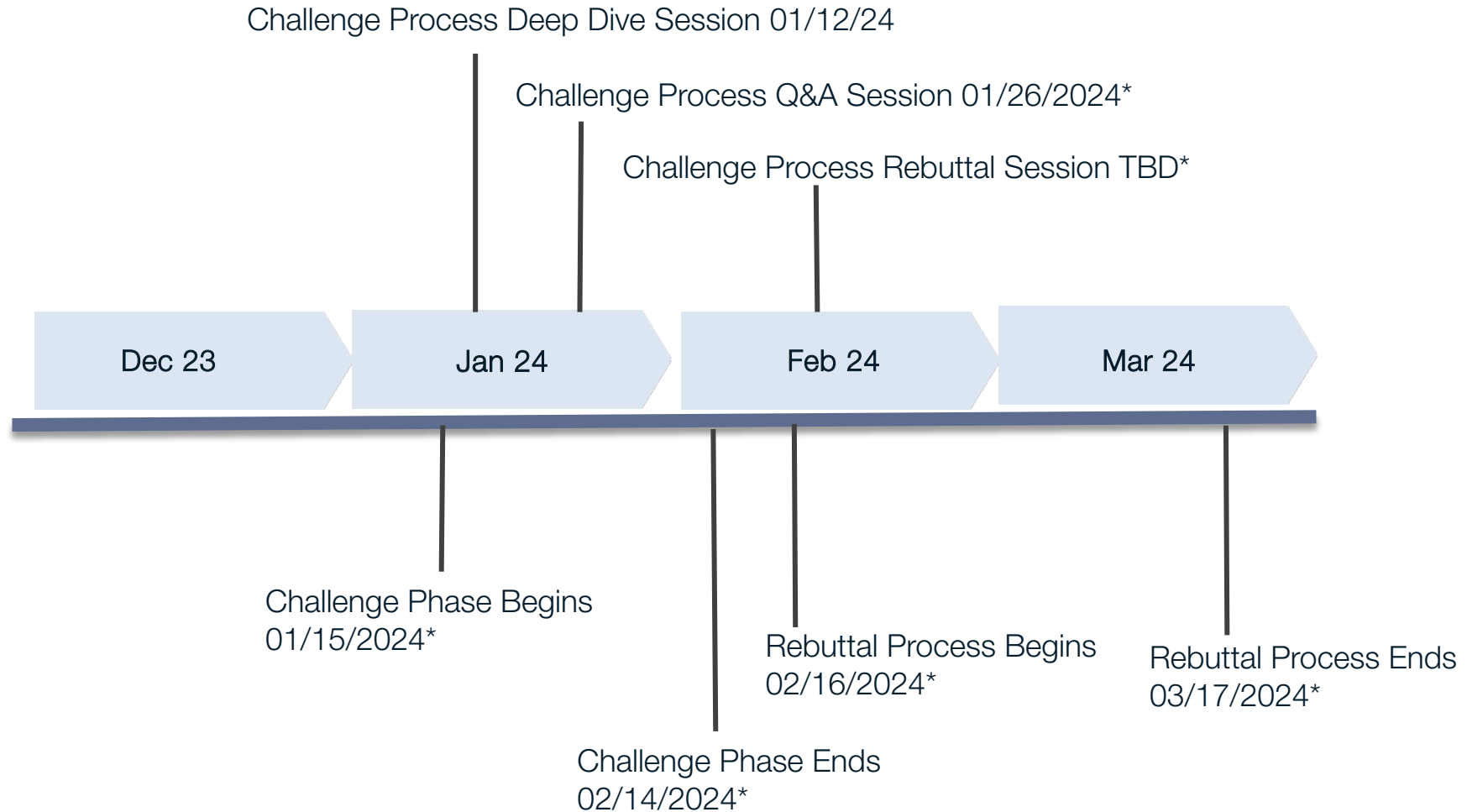
- The Broadband Equity, Access, and Deployment Program is designed to expand high-speed internet access by funding planning, infrastructure deployment, and adoption programs across the country.

GOAL:

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



CHALLENGE PROCESS TIMELINE



CHALLENGE PROCESS OVERVIEW

- 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

- 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.”



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.



CHALLENGE PORTAL

- The link to the Challenge Portal will be on the homepage link www.mtbeadchallenge.com

The screenshot shows the Montana.gov homepage. At the top left is the logo "MONTANA.GOV OFFICIAL STATE WEBSITE". To the right are links for "SERVICES", "AGENCIES", "LOGIN", and a search bar labeled "SEARCH MONTANA.GOV". Below this is a dark navigation bar with links: "Home", "General Information", "ARPA", "IIJA", "Events", "Contact", and "Use of Cookies and Google Analytics". The main content area features a sunset background. Two white boxes are present. The left box is titled "Take our SpeedSurvey today!" and contains text about the ConnectMT SpeedSurvey. The right box is titled "Challenge Process" and is circled in red. It contains links for "Challenge Process Resource Guide", "MT-Deduplicated-Underserved.csv", and "MT-Deduplicated-Unserved.csv", followed by text about a webinar on January 12, 2024, with a "Register Here" link. A small "up" arrow icon is in the bottom right corner of the right box.



CHALLENGE PORTAL REGISTRATION

Providers, Units of Local/Tribal Government and Non-Profits operating in Montana are permissible

- Visit ConnectMT.mt.gov
- Click of **Challenge Portal**
- Click **Register Now** and complete the short registration form
- Your registration will be reviewed by MBO
- Once verified by MBO as a permissible entity, you will receive an **email granting access to the Challenge Portal**

SECTION 1 OF 2
About You

* Entity Name
Entity Name

* Entity Website
https:// Entity Website

* Primary Contact Name
Primary Contact Name

* Primary Contact Email
Primary Contact Email

Primary Contact Number
Primary Contact Number

* Type of Organization
Type of Organization

Next



PUBLICATION OF ELIGIBLE LOCATIONS

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

- Visit <https://connectmt.mt.gov>
- Click **See the Map** to access the interactive Montana Broadband Map
- Eligible locations and instructions will be posted in the portal 7 days before the start of the challenge process
- The Challenge Portal will open 7 days after the publication of challenge materials



CHALLENGE PORTAL ACCESS

Registrants deemed eligible, as defined by NTIA, are granted access to the MBO Challenge Portal

- Access the challenge portal from **link in registration approval email**
- Begin on the **Challenge Dashboard**
- The dashboard provides real-time status of challenges submitted, challenges received, rebuttals and determinations throughout the challenge process
- To submit a challenge, click **Add Challenge**

The screenshot displays the 'Map Challenge Dashboard' interface. At the top, a blue banner provides information about the Montana map challenge process for BEAD, stating it is open from January 1st to February 15th, 2024. Below this, three summary cards show: 16 CHALLENGES SUBMITTED, 5 CHALLENGES NEED REVISION, and 1 CHALLENGES WITHDRAWN. A table titled 'Submitted Challenges (16)' lists individual challenges with columns for Submitted By & Challenge Name, Challenged Entity, Challenge Type, Locations, Rebuttals, Date Submitted, Status, and Actions. The table includes entries for Yellowstone County, Logan Health Medical Center, Bozman Fiber, and Midco, each with a breakdown of passed and rejected challenges and a status indicator (In Review, Needs Revision, or Processed).

Submitted By & Challenge Name	Challenged Entity	Challenge Type	Locations	Rebuttals	Date Submitted	Status	Actions
Yellowstone County	Provider B	Provider Service Level, Speed	16 9 Passed 7 Rejected	-	3 Aug '23	In Review	View Details
Logan Health Medical Center	Provider D	Provider Service Level, Tech	16 9 Passed 7 Rejected	-	3 Aug '23	Needs Revision	View Details
Bozman Fiber	-	Planned service	16 9 Passed 7 Rejected	-	3 Aug '23	Processed	View Details
Midco	Provider C	Provider Service Level, Tech	16 9 Passed 7 Rejected	-	3 Aug '23	Processed	View Details



CHALLENGE TYPES

Portal provides step-by-step guidance for each challenge type described in MBO Initial Proposal v1

Challenge Types

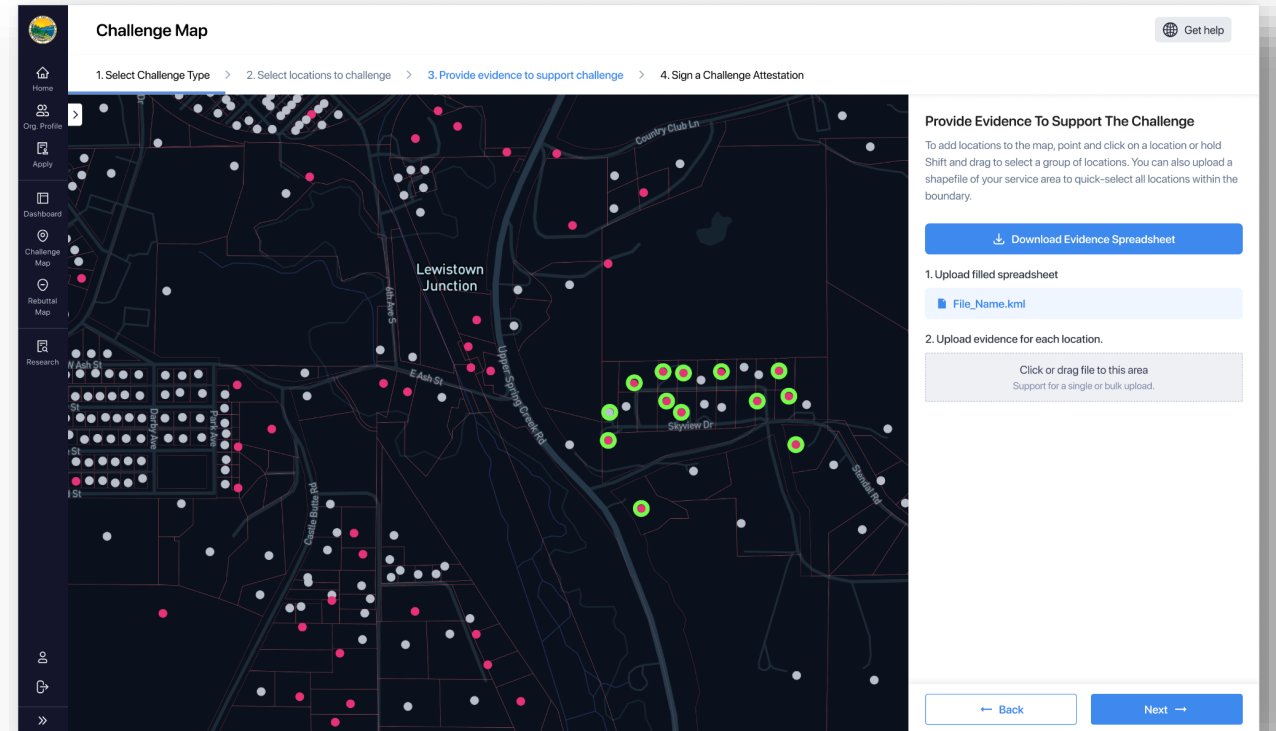
- Location eligibility determination
 - Availability (A)
 - Speed (S)
 - Latency (L)
 - Business Service Only (B)
 - Data Cap (D)
 - Technology (T)
- CAI Eligibility Determination
- Identification of CAIs
 - Location is a CAI (C)
 - Location is Not a CAI (R)
- Enforceable Commitment
 - Enforceable Commitment (E)
 - Not Part of an Enforceable Commitment (N)
- Planned Service (P)



CHALLENGE SUBMISSION

Challengers select locations and provide required evidence as defined in MBO Initial Proposal v1

- Portal allows Challenger to select locations **eligible for the type of challenge** being submitted
- Answer questions and upload required evidence
- Max 1000 locations per challenge
- Challenges require evidence for each location included in the challenge submission
- Providers receive email notification of any challenges against their services and are invited to rebut



CHALLENGE DASHBOARD

Challengers can review status of their challenges on the Challenge Dashboard

Montana Broadband Challenge Dashboard Challenge Submission

CHALLENGES SUBMITTED: 2
REBUTTALS SUBMITTED: 0
CHALLENGES PROCESSED: 0
REBUTTALS PROCESSED: 0
LOCATIONS ACCEPTED: 0
LOCATIONS REJECTED: 0

All Challenges (2) | In Initial Review (2) | Needs Revision (0) | Initial Review Processed (0) | Processed (0) | Withdrawn (0)

2 Results

Submitted By	Challenged Entity	Challenge Type	Locations	Date Submitted	Status	Details
ConnectMT 6f6dc56b-c505-42b2-be1a-2f19fea1cf79	Siyeh Communications	Availability	2	11 Jan '24 at 11:01 am	Challenged	View Details
ConnectMT c8c54337-7233-4322-9ae5-b1f26b2396c6	Blackfoot Telephone Cooperative, Inc.	Availability	11	11 Jan '24 at 10:27 am	Challenged	View Details

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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 cards is a table of submitted challenges with filters for Submitted Challenges (68), In Review (0), Processed (68), Withdrawn (7), and Open for Rebuttal (6). The table has columns for Submitted By & Challenge ID, Challenged Entity, Challenge Type, Locations, Rebuttals, Date Submitted, Status, and Actions.

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 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 a summary of challenge statistics and a table of submitted challenges.

Submitted By & Challenge ID	Challenged Entity	Challenge Type	Locations	Rebuttals	Date Submitted	Status	Details
Non-Profit H Missoula	-	Enforceable Commitment	7 3 Passed 4 Rejected	1	3 Jan '24	Processed	View Details
Provider B Lewis and Clark	Provider B	Provider Service Level, Speed	16 9 Passed 7 Rejected	1	3 Jan '24	Processed	View Details
Non-Profit C Lincoln	Provider D	Area Challenge	20 10 Passed 10 Rejected	1	3 Jan '24	Processed	View Details
Provider A Gallatin	-	Planned service	200 180 Passed 20 Rejected	-	3 Jan '24	Processed	View Details
Tribe F Flathead	-	Planned service	200 170 Passed 30 Rejected	-	3 Jan '24	Processed	View Details
Provider A Gallatin	-	Enforceable Commitment	1,200 800 Passed 400 Rejected	1	3 Jan '24	Processed	View Details
Provider A River Hall	-	Planned service	200 9 Passed 7 Rejected	-	3 Jan '24	In Review	View Details



CHALLENGE PROCESS Q&A

Q&A



2024 PROGRAM TIMELINE



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.



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	Q&A Session	01/26/2024	Webinar
Challenge Process	Rebuttal	02/14/2014	Webinar
Prequalification	Overview	01/17/2024	Webinar
Prequalification	Deep Dive	02/08/2024*	Webinar
Prequalification	Q&A Session	02/16/2024*	Webinar
Prequalification	Deep Dive	02/20/2024*	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

All dates are estimated and subject to change





**Department of
Administration**
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CHALLENGE PROCESS

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connectmt.mt.gov
December 2023





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.