

Getting Ready for the BEAD Program Challenge Process

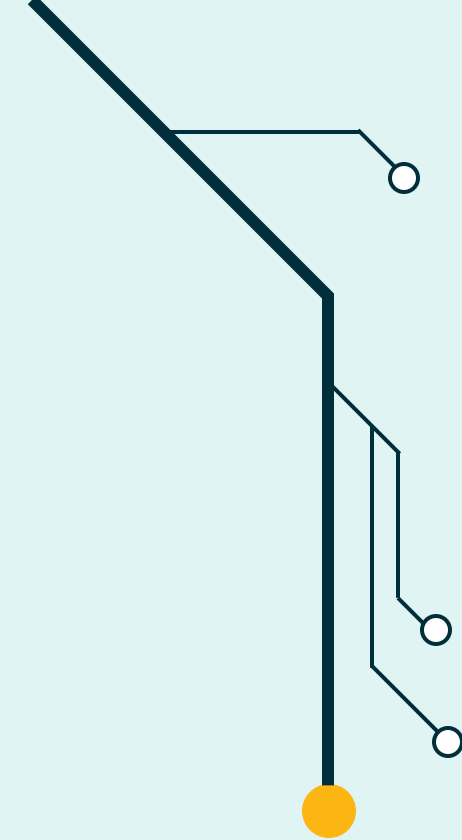


Agenda

1. BEAD Challenge Process Overview
2. Challenge Phase
3. Rebuttal Phase
4. Final Determination Phase
5. Timeline & Outreach







BEAD Challenge Process Overview



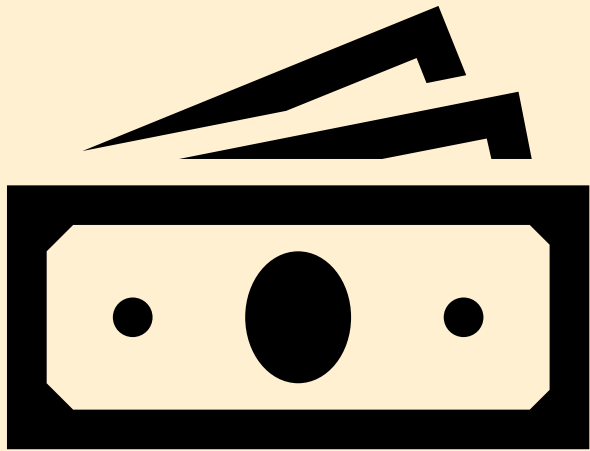
BEAD review



What is the BEAD Program?

-  The **Broadband Equity, Access, and Deployment (BEAD) Program** was created by the **bipartisan Infrastructure Investment and Jobs Act (IIJA)**
-  Allocates **\$42.45 billion of federal funding** to all 50 states, Washington D.C., and territories
-  Administered by the **National Telecommunications and Information Administration (NTIA)**
-  Goal of **expanding high-speed internet access** through infrastructure deployment and adoption programs

Funding priority



How will BEAD funding be prioritized?

- 🎯 **Unserved locations** that do not have access to broadband service or only have access to service offering speeds below 25/3 Mbps
- 🎯 **Underserved locations** that have access to broadband service offering speeds between 25/3 Mbps and 100/20 Mbps
- 🎯 **Community anchor institutions (CAI)** that do not have access to broadband service speeds of ≥ 1 Gbps, should additional funding remain

The BEAD Program

In June, New Mexico was allocated \$675 million of BEAD funds that will become available following completion of the federal planning cycle.

OBAE has submitted to the federal government the first three of four required BEAD plans, including both volumes of the Initial Proposal.

The Initial Proposal Volume II outlines the requirements, subject to NTIA approval, for the grant program OBAE will administer to distribute the state's allocation of BEAD funding to subgrantees.

BEAD Planning

2023

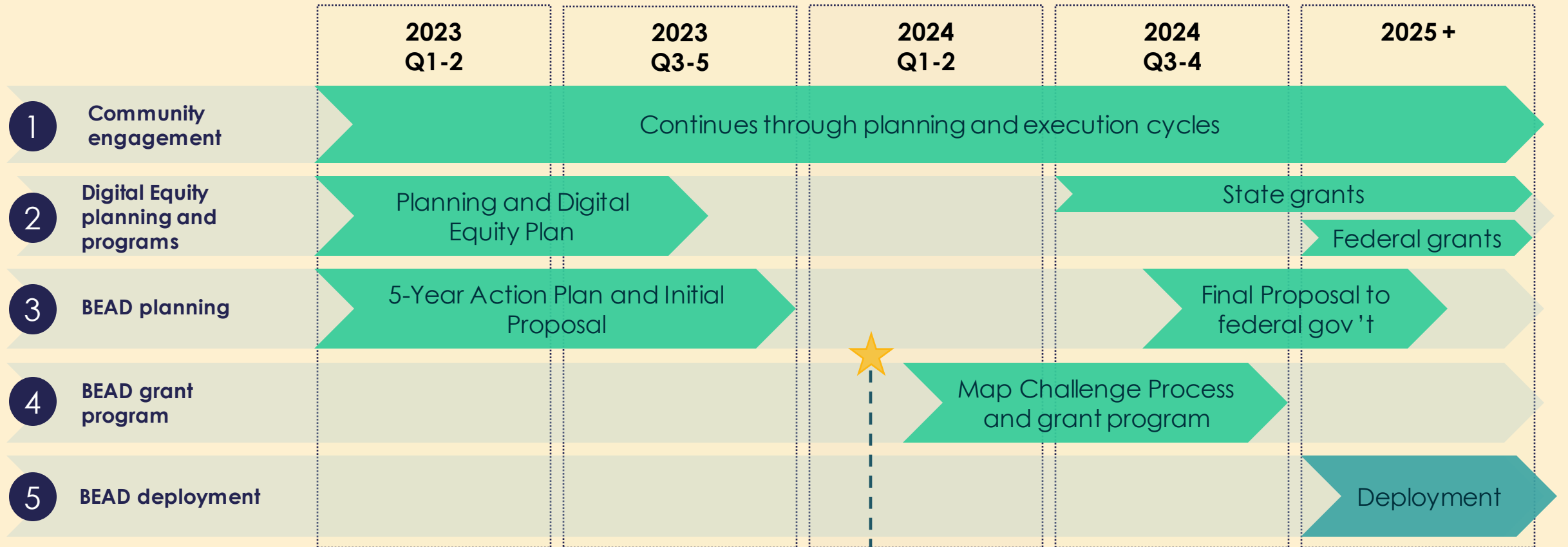
Challenge Process, followed by grant program

2024

Deployment

2025

Overall BEAD status and timeline



We are here:
Challenge Process

Purpose



What is the BEAD Challenge Process?

- 🎯 Allows **entities** the opportunity to provide evidence supporting or discount the high-speed internet status of specific locations; and
- 🎯 Will determine **locations** and **community anchor institutions** within the State that are **eligible for BEAD funding**

Relevance



Why is the BEAD Challenge Process so important?

Allows the State to obtain the most **updated** and **accurate data** prior to reviewing applications and awarding grant funding:

- 🎯 Necessary to achieving **the goal of the BEAD Program** (providing all Americans with reliable internet service);
- 🎯 **Prevents the misrepresentation of data** regarding locations that need funding for deployment;
- 🎯 **Final step before publishing the list of locations** that can receive funding;
- 🎯 Opportunity to **put burden of proof on providers** for any suspect service claims; and
- 🎯 Opportunity for **independent (non-grant-based) implementations and local nuance** to be accounted for

Challenge Process progression

Publication of eligible locations

30-day Challenge Phase

30-day Rebuttal Phase

30-day Final Determination Phase

OBAE reviews and incorporates new data

Publication of final eligible locations and submission for NTIA approval

Who can submit a challenge?

Internet service providers



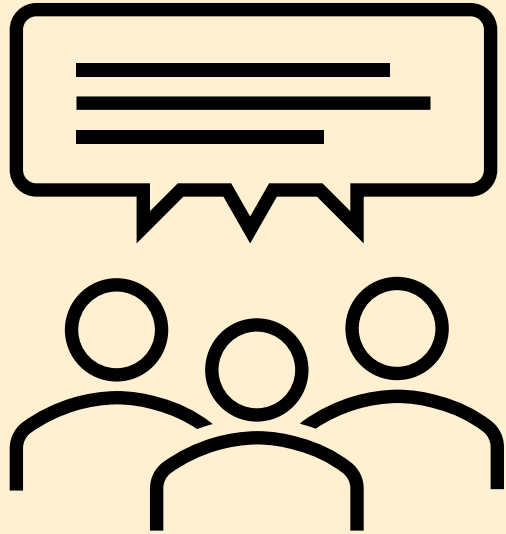
Nonprofit organizations

Tribal nations








Local governments

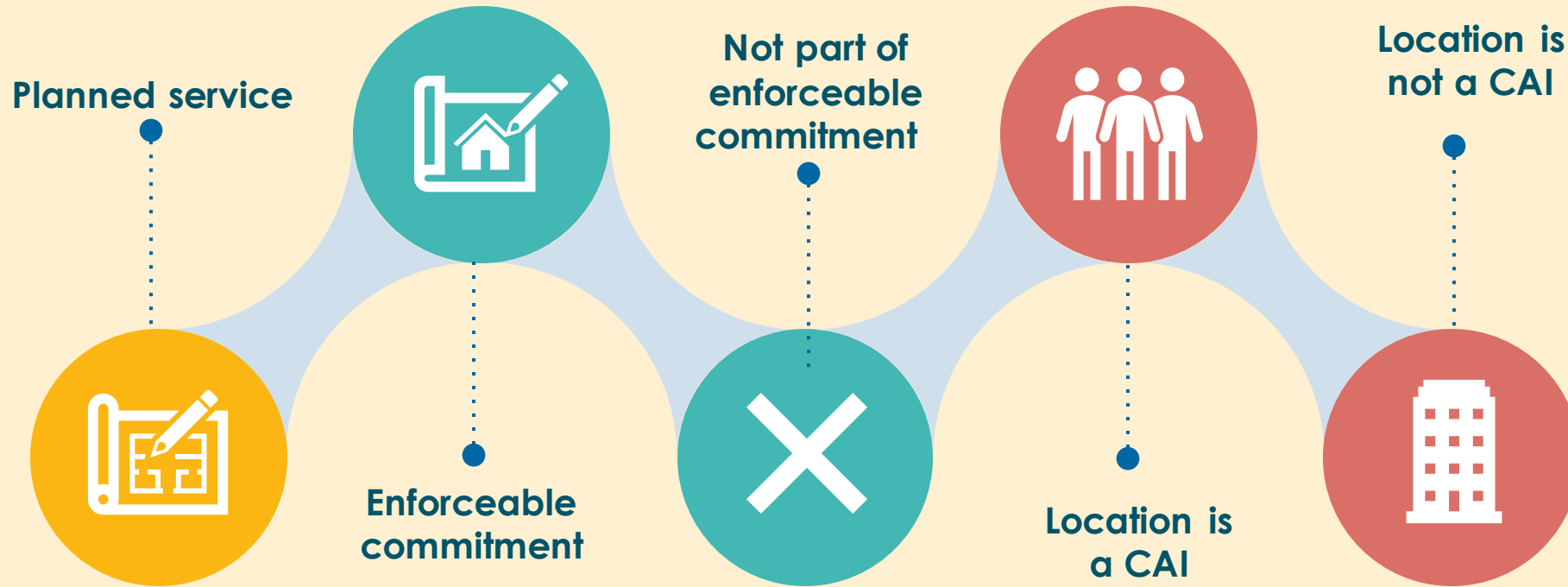
Permissible challenges



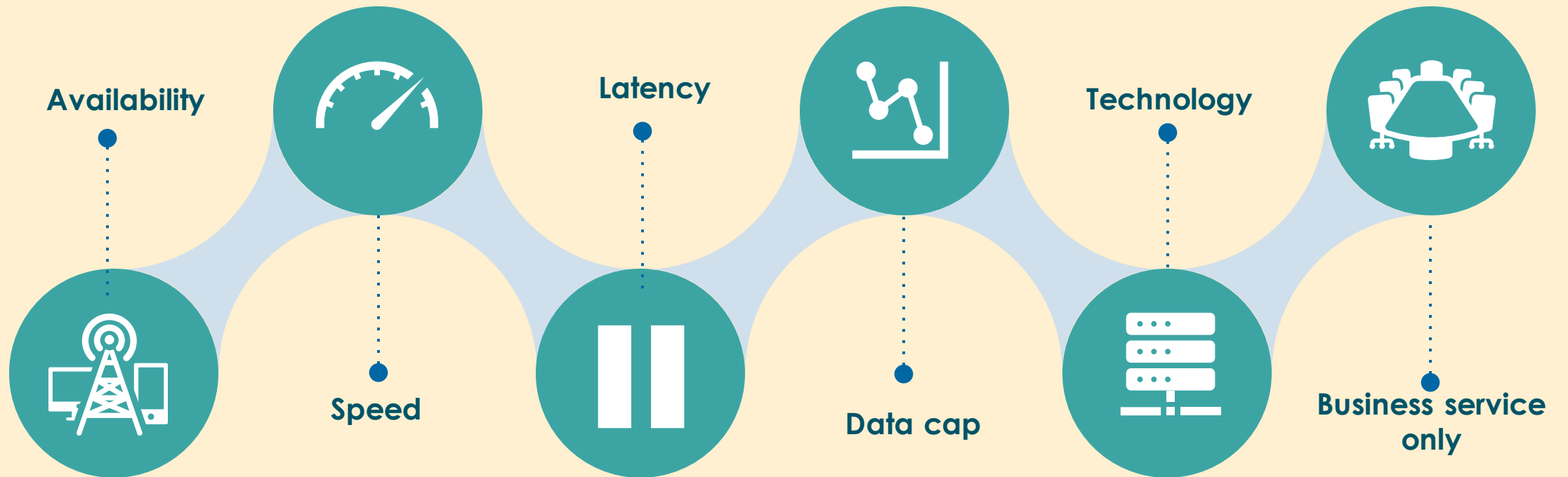
OBAE will allow challenges on the following grounds:

-  The identification of eligible community anchor institutions (as defined by the State in the Initial Proposal Volume I)
-  Community anchor institution BEAD eligibility determinations
-  BEAD eligibility determinations for existing Broadband Serviceable Locations included in the FCC's National Broadband Map
-  Enforceable commitments
-  Planned service

Challenge types








Challenge types cont.



Area and MDU challenges

OBAE will administer area and MDU challenges for the following challenge types:

-  Availability
-  Speed
-  Latency
-  Data cap
-  Technology

Area and Multiple Dwelling Unit (MDU) challenges **reverse the burden of proof to the ISP** if a defined number of challenges for a particular category, across all challengers, have been submitted for an ISP serving an area or MDU.

Area challenges are triggered if six or more Broadband Serviceable Locations using a specific technology and reportedly served by a single ISP within a census block group are challenged.

MDU challenges are triggered if challenges are submitted for one unit for MDUs with less than 15 units, two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs.



Challenge Phase



Sequence of events



Minimum level of evidence to submit a challenge

- ① **Address provided** for challenge is a **Broadband Serviceable Location** and can be **found in the Fabric (dataset showing all locations where fixed broadband is or could be deployed)**
- ① Challenged service is **on the National Broadband Map** and meets the definition of **reliable broadband service** (service accessible via fiber-optic technology, cable modem/hybrid fiber-coaxial technology, digital subscriber line (DSL) technology, or terrestrial fixed wireless technology with entirely licensed spectrum or a hybrid of licensed and unlicensed spectrum)
- ① **Email address** used to send challenge can be **verified and is reachable** (by sending confirmation message to email listed)
- ① If **scanned images** are used, the quality must be good enough to **allow for optical character recognition (conversion of image with text into a machine-readable text format)**

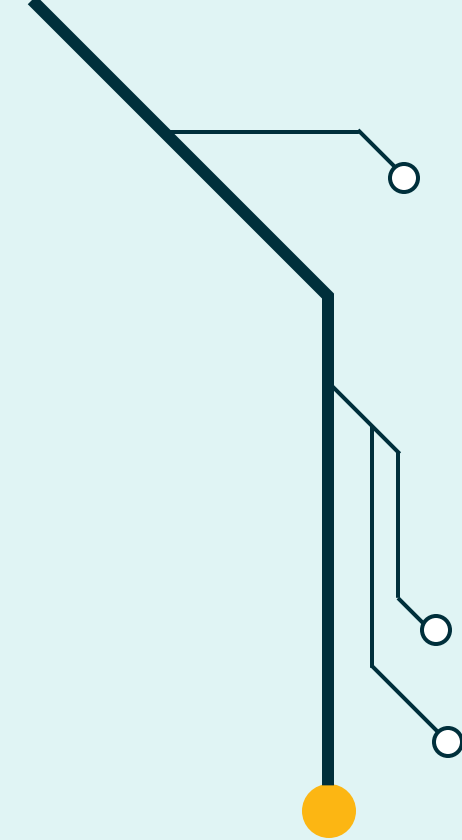
Examples of evidence

Code	Challenge Type	Evidence Examples
A	Availability	<ul style="list-style-type: none">• Screenshot of provider web page showing no service available• Letter or e-mail that a service request was refused in the last 180 days
T	Technology	<ul style="list-style-type: none">• Evidence such as a manufacturer or model number of gateway (customer premise equipment, CPE) that demonstrates the service is delivered via a specific technology (and must include BSL Location ID for each BSL)
B	Business service only	<ul style="list-style-type: none">• Screenshot of provider web page
P	Planned service	<ul style="list-style-type: none">• Construction contracts or similar evidence of ongoing deployment, along with evidence that all necessary permits have been applied for or obtained

Reference OBAE's Challenge Process Resource Guide [here](#)



Rebuttal Phase



ISP options

1

Rebut

Providers have **30 calendar days** from notification to submit rebuttal **with evidence**, at which point the location enters the **“disputed” stage**.

2

Leave un rebutted

If challenge satisfies minimum evidentiary standards and the **provider does not submit a rebuttal**, the location enters the **“sustained” state**.

3

Concede

If **ISP indicates agreement** with a challenge, the location enters the **“sustained” state**.

Examples of rebuttal evidence

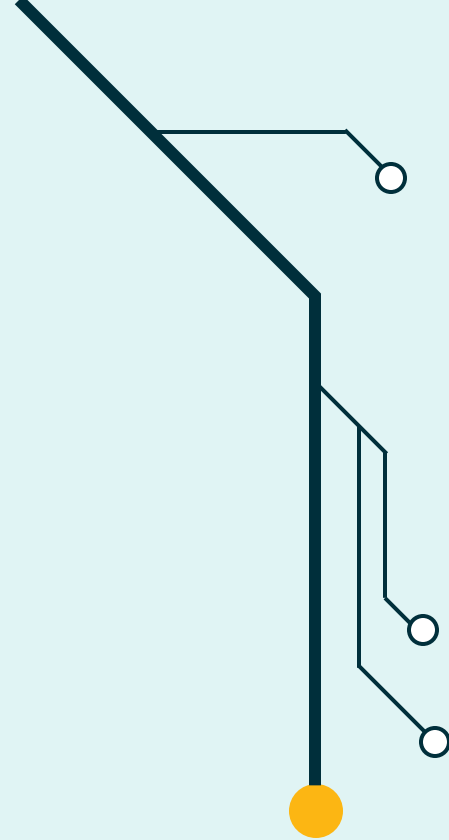
Code	Challenge Type	Evidence Examples
A	Availability	<ul style="list-style-type: none">• Evidence location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill• Screenshot of provider web page showing service available• Evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location
T	Technology	<ul style="list-style-type: none">• Evidence from provider's network management system, showing an appropriate residential gateway that matches the provided service
B	Business service only	<ul style="list-style-type: none">• Documentation that the service shown on the map is available at that BSL and is marketed to customers
P	Planned service	<ul style="list-style-type: none">• Proof the provider has defaulted on its enforceable commitment or otherwise cannot meet its enforceable commitment

Reference [OBAE's Challenge Process Resource Guide here](#)





Final Determination Phase



State review



- 🎯 The State conducts **final review** of challenge and rebuttal
- 🎯 Final decision is made, in which **challenge is labeled “sustained” or “rejected”**
- 🎯 Final determinations are made within 30 calendar days of the Rebuttal Phase



Registration

New Mexico BEAD Challenge Portal

Introduction

Welcome to the Broadband Equity, Access & Deployment (BEAD) Map Challenge Portal. Access resources around the map challenge, see the broadband map, and register to submit challenges. To submit a challenge, as per the NTIA guidance, you must represent a broadband service provider, local government, tribal government, or non-profit. Register now, in less than 2 minutes. After your identity has been confirmed, you will be granted credentials to the platform from which you can submit any number of challenges. Review the program overview below to see the different challenge categories and types to ensure you submit the appropriate evidence for each. When more than 6 locations serviced by the same provider and technology are challenged in a given census block group, the entire census block group will be considered challenged. After the challenge window closes, the rebuttal window will open to provide any counter evidence to a challenge. After the rebuttal window closes, challenges will be adjudicated and the updated map will be used as the basis for allocating BEAD funding across the state.

Register

Ensure every New Mexican gets the broadband they deserve

Help bring strong, reliable broadband across New Mexico. Challenge the map to direct the distribution of BEAD funds.

Register Now

See Map

Learn More →



Broadband Equity, Access, and Deployment (BEAD)

Last updated April 9, 2024

This map shows all broadband serviceable locations within New Mexico colored by performance rank. Click on a location to view more details.

BEAD ELIGIBILITY

This filter allows you to see which locations are eligible and ineligible for BEAD Funding.

- Unserved
- Served
- Underserved
- Funded

BUILDING TYPE

- Residential
- Residential & Business
- Group Quarters
- Business
- Enterprise

COMMUNITY ANCHOR INSTITUTIONS

- Schools
- Library
- Healthcare Provider
- Community Support Org
- Unclassified CAI
- Higher Education
- Government Buildings
- Public Safety
- Public Housing

UNIT COUNT



ANCHOR INSTITUTION

- Not a CAI
- CAI

FUNDING PROGRAMS

- Show locations funded by
- Hide locations funded by

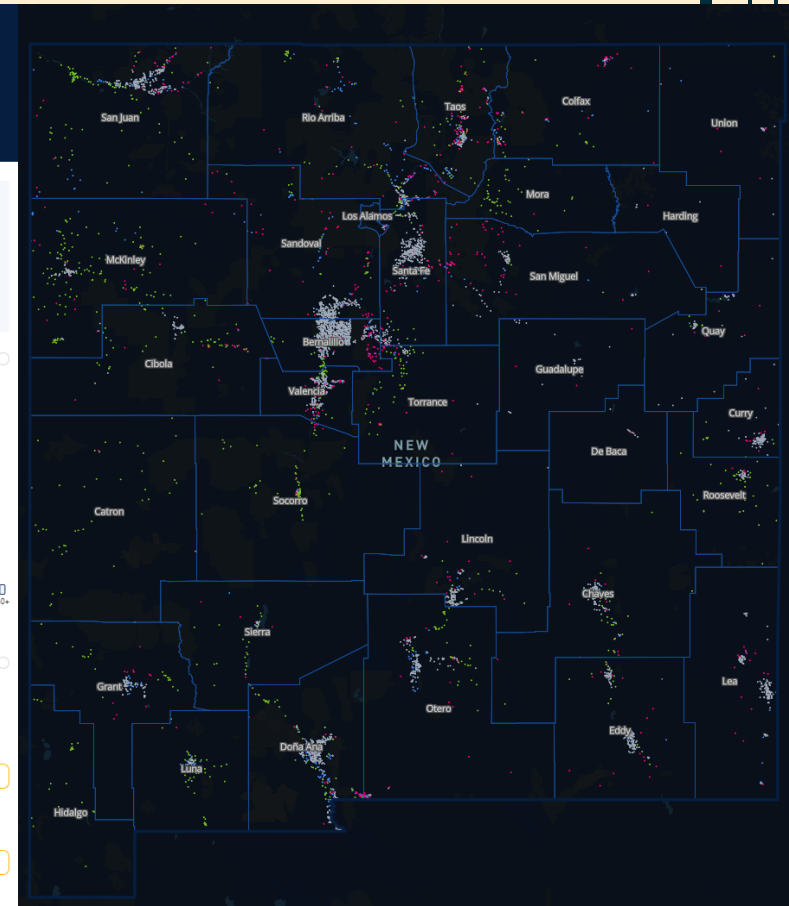
Select funding program

BROADBAND TECHNOLOGY

- Show locations served by
- Hide locations served by

Filter by broadband technology

INTERNET SERVICE PROVIDERS



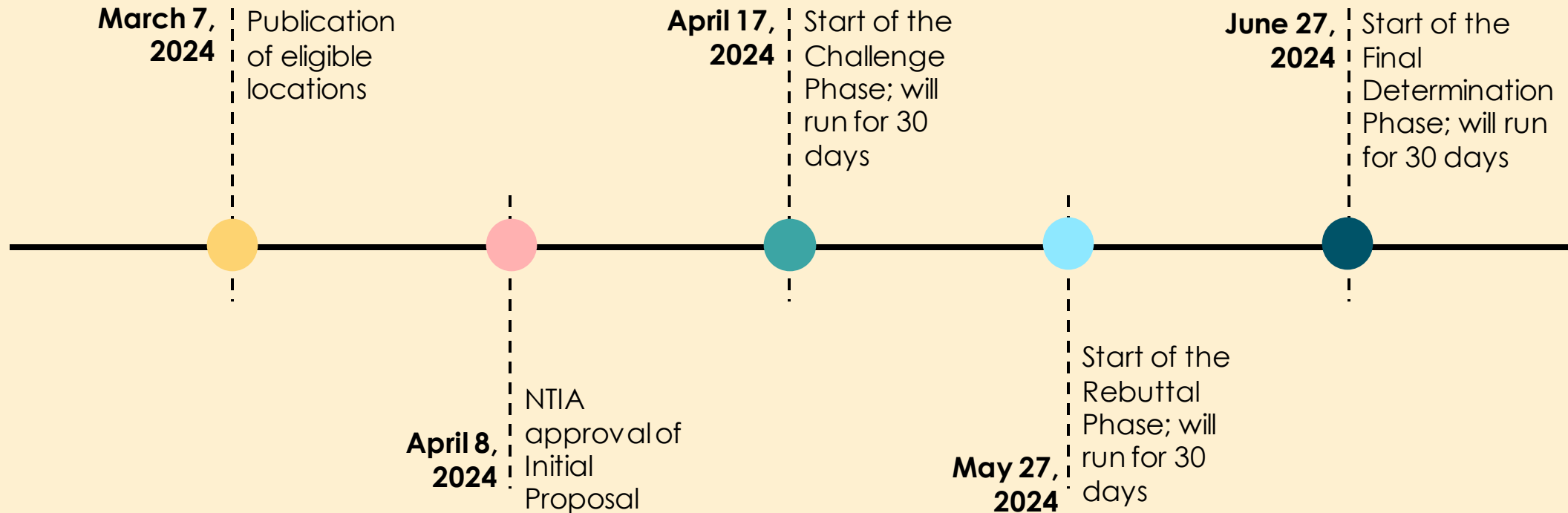
<https://bbcp.register.connect.nm.gov>



Timeline & Outreach



OBAE Challenge Process timeline



Planned outreach

OBAE will conduct outreach across New Mexico to provide support for the Challenge Process.

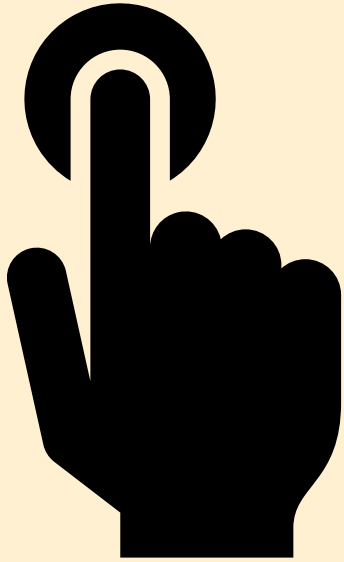
City	Location	Address	Date and time
Albuquerque	International District Library	7601 Central Ave NE, Albuquerque, NM 87108	Tuesday, April 16, 1 pm
Gallup	Octavia Fellin Public Library	200 West Aztec Ave. Gallup, NM 87301	Wednesday, April 17, 1 pm
Santa Fe	Higher Ed Building (HEC)	1950 Siringo Rd, Santa Fe, NM 87505	Friday, April 19, 1 pm
Roswell	Roswell Public Library	301 N Pennsylvania Ave, Roswell, NM 88201	Monday, April 22, 3pm
Farmington	Muni School	3401 E 30th St, Ste A. Farmington NM 87402	Tuesday, April 23, 10am
Jemez	Pueblo of Jemez	38 Bear Canyon Rd, Jemez Pueblo, New Mexico 87024)	Wednesday, April 24, 2pm
Las Cruces	Thomas Brannigan Library	200 E Picacho Ave, Las Cruces, NM 88001	Thursday, April 25, 1 pm
Silver City	Silver City Library	515 W College Ave, Silver City, NM 88061	Friday, April 26, 11 am
Raton	Arthur Johnson Memorial Library	244 Cook Ave, Raton, NM 87740	Monday, April 29, 1 pm

Planned outreach

OBAE will also host virtual Office Hours during the Challenge and Rebuttal Phases.

Title	Start Date/Time	Title	Start Date/Time
BEAD Challege Office Hours	Thu 4/18 11:00 AM	BEAD Rebuttal Office Hours	Wed 5/29 11:00 AM
BEAD Challege Office Hours	Tue 4/23 11:00 AM	BEAD Rebuttal Office Hours	Tue 6/4 10:30 AM
BEAD Challege Office Hours	Thu 5/2 12:30 PM	BEAD Rebuttal Office Hours	Thu 6/13 12:30 PM
BEAD Challege Office Hours	Tue 5/7 1:30 PM	BEAD Rebuttal Office Hours	Tue 6/18 10:30 AM
BEAD Challege Office Hours	Wed 5/15 11:00 AM	BEAD Rebuttal Office Hours	Mon 6/24 1:00 PM
BEAD Challege Phase Ends	Fri 5/17 end of day	BEAD Rebuttal Office Hours	Wed 6/26 end of day

Lessons



Key takeaways

New Mexico wants to obtain the most **updated** and **accurate data** prior to opening the BEAD application window and awarding grant funding. To assist this, participants should:

- 🎯 Understand the registration process
- 🎯 Submit challenges early
- 🎯 Review the evidence necessary for the challenge type to ensure you provide **all the information** needed for OBAE to make a decision

For more information

broadband@connect.nm.gov

<https://connect.nm.gov/bead.html>

