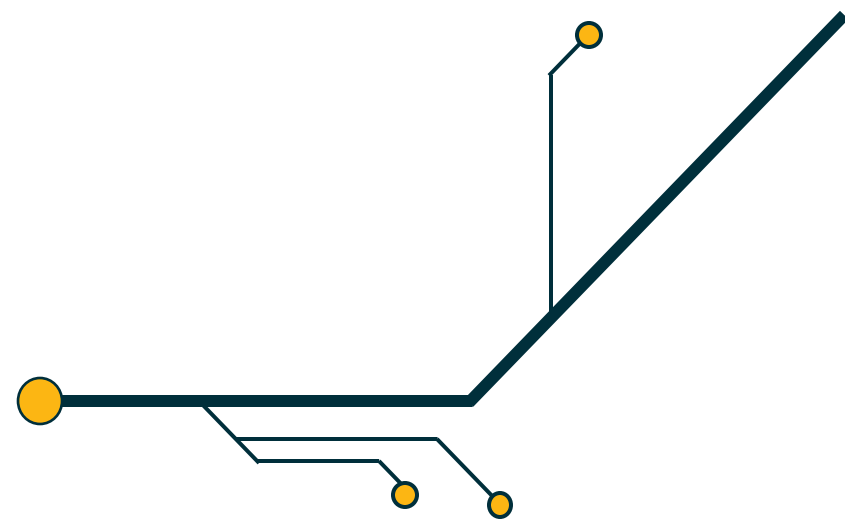
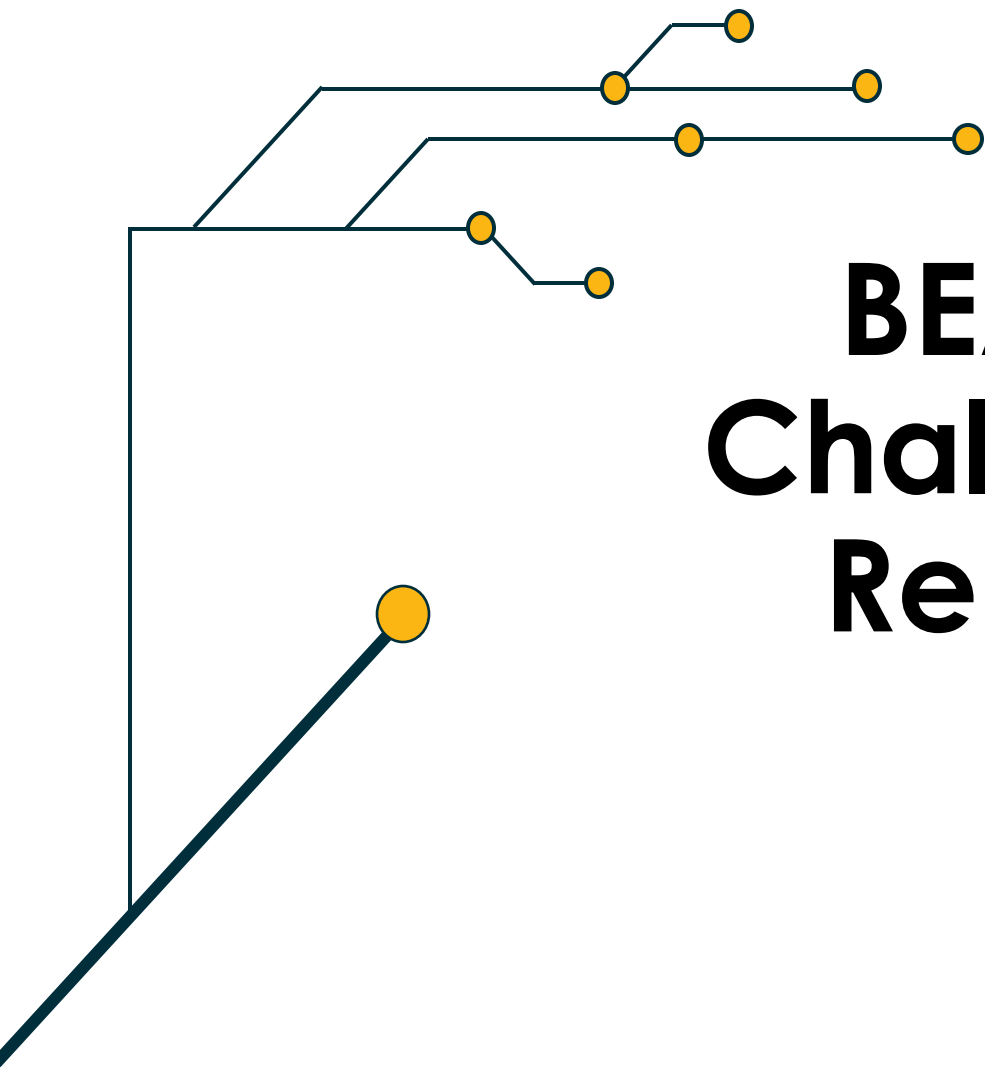


BEAD Program Challenge Process Rebuttal Phase

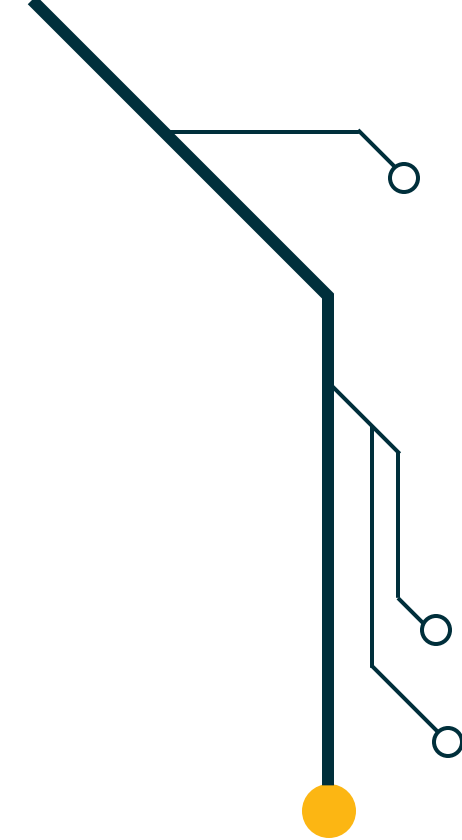


Agenda

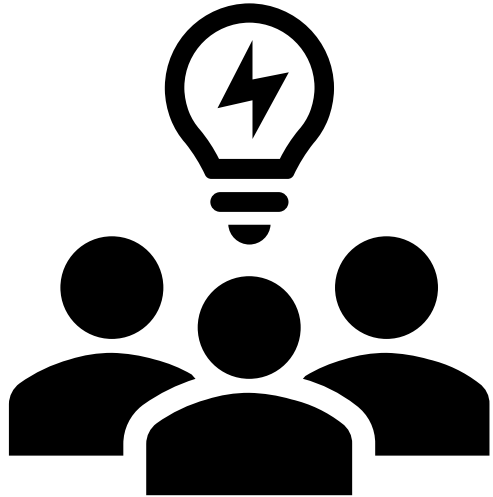
1. BEAD Challenge Process Overview
2. Challenge Phase
3. Rebuttal Phase
4. Final Determination Phase
5. Outreach & Resources
6. Q&A



BEAD Challenge Process Overview



Purpose



What is the BEAD Challenge Process?

- 🎯 Allows **entities** the opportunity to provide evidence supporting or challenging 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**

Challenge Process progression

Publication of eligible locations

30-day Challenge Phase

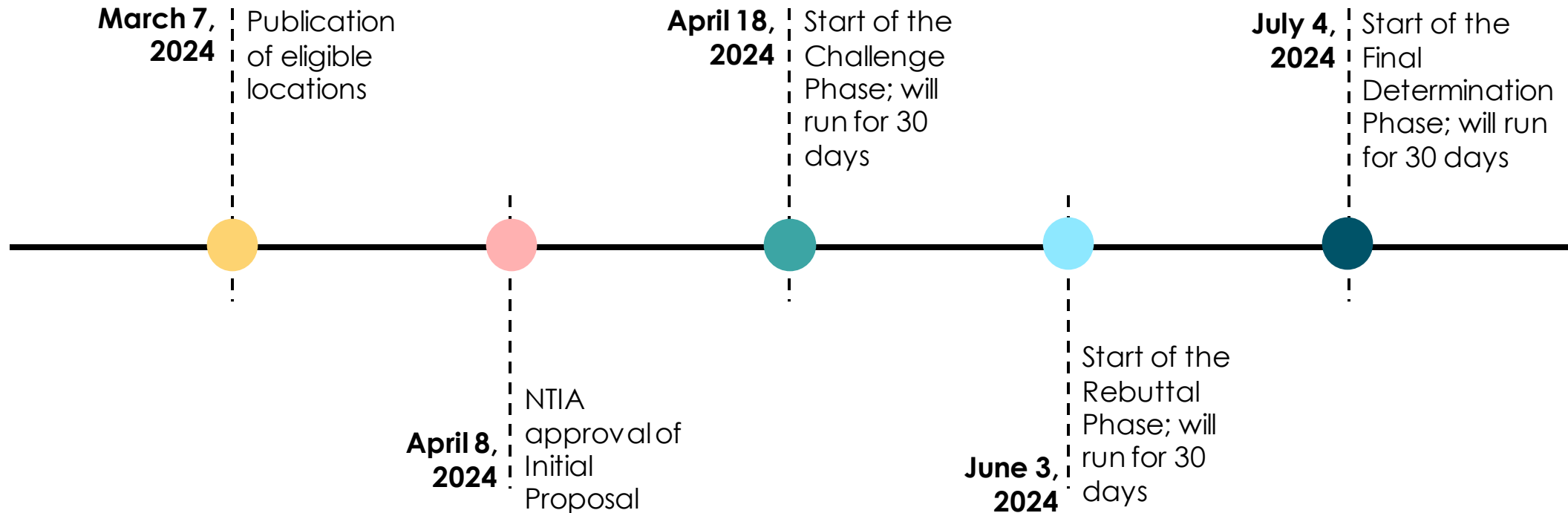
30-day Rebuttal Phase

30-day Final Determination Phase

OBAE reviews and incorporates new data

Publication of final eligible locations and submission for NTIA approval

OBAE Challenge Process timeline



Who can submit a challenge or rebuttal?

Internet service providers



Nonprofit organizations

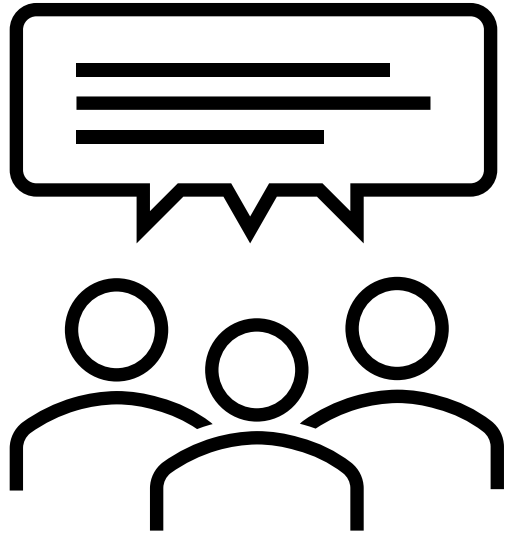
Tribal nations



Local governments



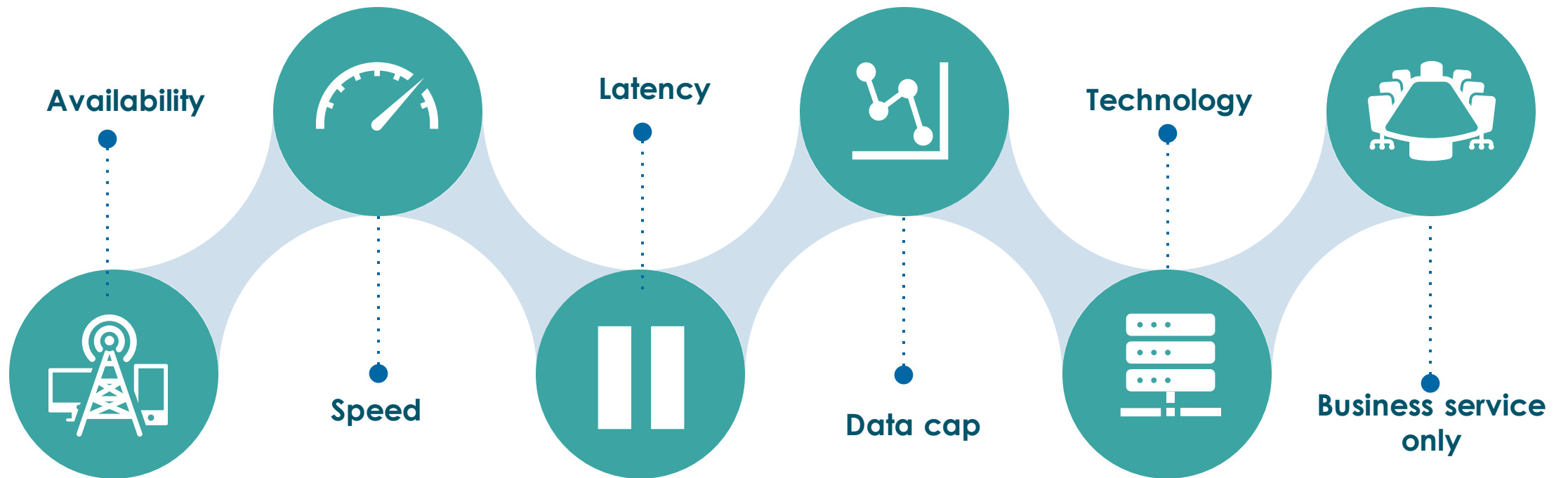
Permissible challenges



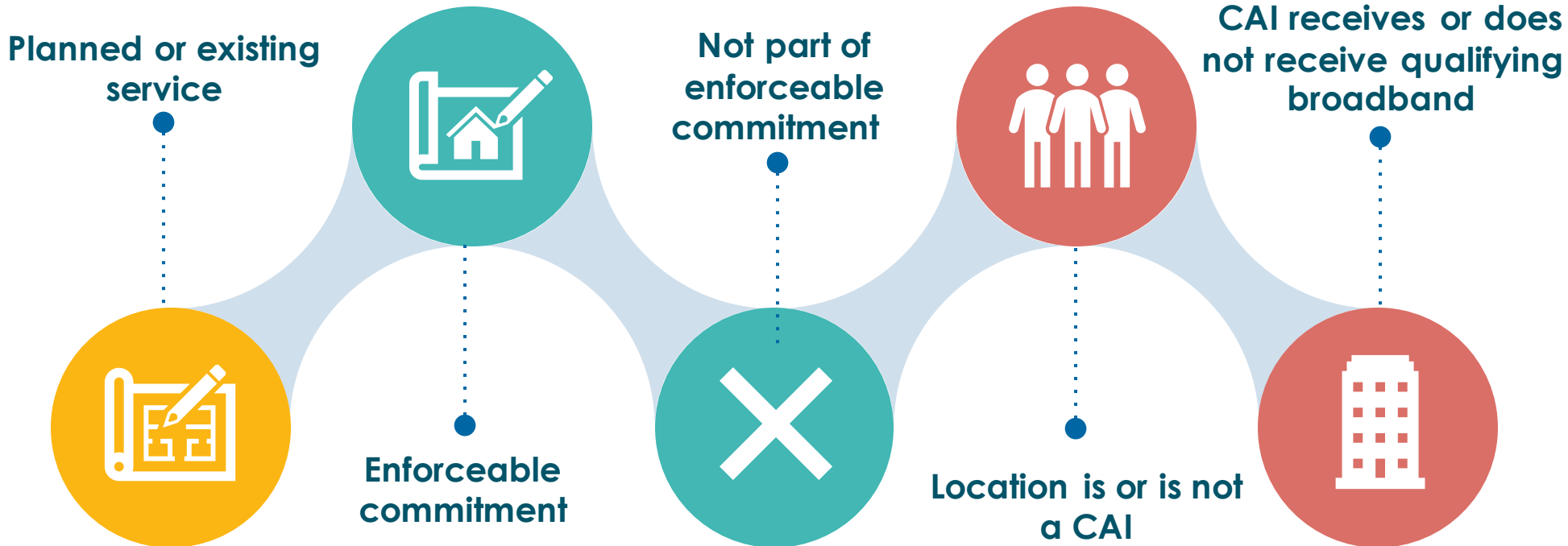
OBAE will allow challenges on the following grounds:

- 🎯 Provider Service Level
 - Availability, Speed, Latency, Data Cap, Technology, or Business Service Only
- 🎯 Enforceable Commitments
- 🎯 Planned or Existing Service
- 🎯 Community Anchor Institution identification and BEAD eligibility

Challenge types

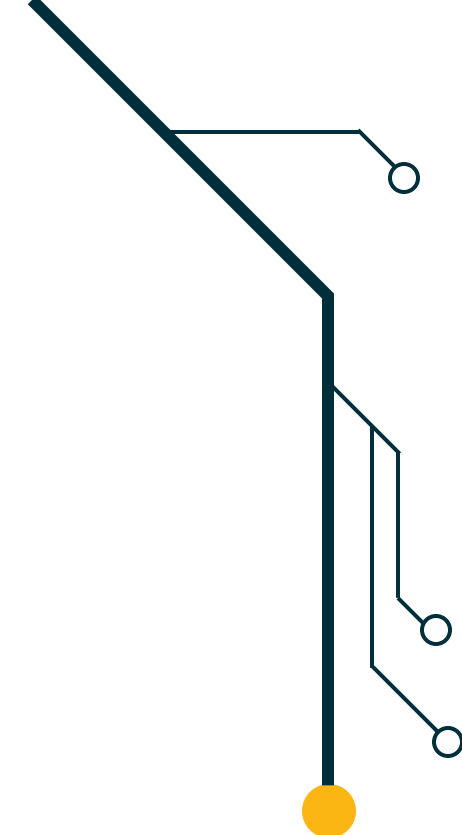


Challenge types cont.

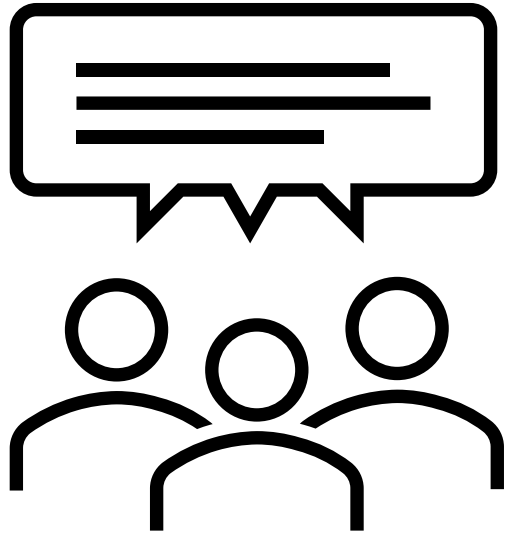




Rebuttal Phase



Permissible challenges



Who can rebut?

- 🎯 When a challenge was leveled against a specific provider, only the challenged provider can rebut.
 - Applies to Availability, Speed, Latency, Data Cap, Technology, Business Service Only, and Not Part of Enforceable Commitment challenges.
- 🎯 When a challenge was not leveled against a specific provider, any eligible challenger can rebut.
 - Applies to Enforceable Commitment challenges, Planned and Existing Service challenges, and any of the CAI challenges.

ISP options

1

Rebut

Providers have **30 calendar days** from notification to submit rebuttal **with evidence**. If the evidence is deemed sufficient, 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**.

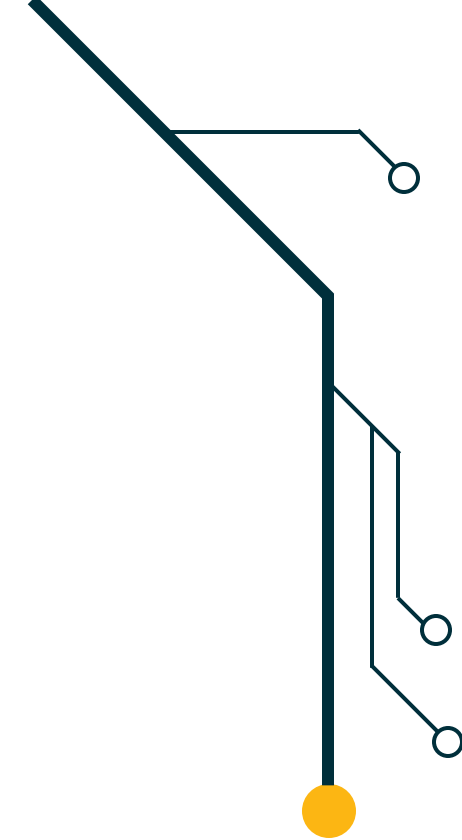
Examples of rebuttal evidence

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 challenges and rebuttals
- 🎯 Final decisions are made, in which **challenges are labeled “sustained” or “rejected”**
- 🎯 Final determinations are made within 30 calendar days of the end of the Rebuttal Phase



Outreach & Resources



Planned outreach

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

Title	Start Date/Time
BEAD Rebuttal Office Hours	Tue 6/4 10:30 AM–12 PM
BEAD Rebuttal Office Hours	Thu 6/13 12:30 PM–2 PM
BEAD Rebuttal Office Hours	Tue 6/18 10:30 AM–12 PM
BEAD Rebuttal Office Hours	Mon 6/24 1 PM–2:30 PM
BEAD Rebuttal Office Hours	Thu 6/27 10:30 AM–12 PM
BEAD Rebuttal Phase Ends	Wed 7/3 end of day








BEAD
Challenge
Process
webpage:



Available Resources

OBAE is bringing on two contractors to provide independent stakeholder support with navigating the Challenge Process.

Additional Resources:

-  Challenge Process Resource Guide
-  FAQ Document
-  Webinar recordings and slide decks
-  Challenge Portal demonstration video
-  County Availability Maps
-  [OBAE Mapping & Data Hub](#)
-  [OBAE Speed Test Tool](#)

Find Your Project Manager:



OBAE Project Managers

🎯 Richard Govea, Project Manager Bureau Chief
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🎯 Jose Betancourt, Project Manager
email: Jose.Betancourt@connect.nm.gov

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