

TERRITORY OF AMERICAN SAMOA

# BROADBANDiNEI

## INITIAL PROPOSAL

### VOLUME 1

OCTOBER 2023



**BCORD**

BROADBAND COORDINATION, OPPORTUNITIES, REDEVELOPMENT & DEPLOYMENT  
AMERICAN SAMOA









*Recommended citation: American Samoa Government/Department of Commerce/Office of Governor. (2023). American Samoa BROADBANDiNEI Initial Proposal Volume 1.*

*(American Samoa Government/Department of Commerce/Office of Governor, 2023)*

*Copyright © 2023 American Samoa Government - All rights reserved*



*This document was compiled by SH3 Resource Development, LLC (SH3) in collaboration with the BCORD Working Group on behalf of the Territory of American Samoa.*

*Cover image: A view of Swains Island, American Samoa.*

*Page 1 image: Food prepared with a Samoan umu.*



## Table of Contents

1 Volume I (Requirements 3, 5 – 7)	5
1.1 Existing Broadband Funding (Requirement 3)	5
1.2 Unserved and Underserved Locations (Requirement 5)	8
1.3 Community Anchor Institutions (Requirement 6)	8
1.4 Challenge Process (Requirement 7)	10





# 1 Volume I (Requirements 3, 5 – 7)

## 1.1 Existing Broadband Funding (Requirement 3)

American Samoa has submitted its BROADBANDiNEI Five-Year Action Plan August 2023 for review and approval by the National Telecommunications Information Administration (NTIA).

The American Samoa BROADBANDiNEI Five-Year Action Plan is Addendum 1 to the 2021-2026 American Samoa Territorial Broadband Strategy (2021-2026 ASTBS) and reflects priorities, strategies, collective needs and opportunities identified through local coordination with regards to providing affordable, accessible, reliable, secure, equitable, internet-for-all. The concept of broadband information Network for Expansion and Inclusion (BROADBANDiNEI) focuses on an island-wide initiative aimed to encourage the immediate transition to all things digital thereby fostering a more efficient, productive, and resilient American Samoa. This includes an overarching framework for the application and implementation of broadband. At a territory level, this initiative is to be led by the BCORD Office working in collaboration with government, private sector, organizations and community-at-large to adopt BROADBAND iNEI to promote the fast-track adaptation of broadband-anchored services and processes. Table 1 includes existing broadband funding available to American Samoa.

**Table 1. Broadband Funding**

Source	Purpose	Total	Expensed
ARPA (ASG) The American Samoa Government, received \$479.1m in federal State and Local Fiscal Recovery Funds (SLFRF), of which \$10m was allocated for Broadband Purposes.	BROADBANDiNEI Program (BCORD): The BroadbandiNEI ARPA Grants were awarded to eligible entities to deliver high speed internet service that reliably meets or exceeds symmetrical up/down speeds of 100Mbps prioritizing under-served areas. <ul style="list-style-type: none"><li>• ASTCA - Domestic submarine cable repair (interisland cable to Manu'a)</li><li>• ASTCA - 5G Network Upgrade</li><li>• Bluesky - 5G Network Upgrade</li></ul>	\$10,000,000	\$4,349,992
BEAD Planning (NTIA) Broadband Equity, Access and Deployment planning grant award under the US Department of Commerce, via the National Telecommunications and Information Administration - through the Infrastructure Investment Jobs Act (IIJA).	BEAD Planning Funding (BCORD) This was equally awarded to each Territory to plan and prepare the respective jurisdictions for the BEAD program deployments.	\$1,244,300	\$38,784
DE Planning (NTIA)	Digital Equity Planning (BCORD)	\$150,000	\$18,805





Digital Equity planning grant award under the US Department of Commerce, via the National Telecommunications and Information Administration - through the Infrastructure Investment Jobs Act (IIJA).	This was equally awarded to each Territory to plan and prepare the respective jurisdictions for the Digital Equity Capacity (formula grant) and Digital Equity Competitive grants.		
BEAD Allocation (NTIA) Broadband Equity, Access and Deployment grant award under the US Department of Commerce, via the National Telecommunications and Information Administration - through the Infrastructure Investment Jobs Act (IIJA).	BEAD Program Allocation (BCORD) American Samoa has received an automatic allocation of \$25m, in addition to \$12.m in additional funding for the implementation of the BEAD program. the Initial Proposal Volume 1 (this document) and Volume 2 - are the program plans respectful to the administration of these funds.	\$37,564,827	\$0
Capital Projects Fund (U.S. Treasury) was awarded to the American Samoa Department of Commerce to fund critical capital projects that enable work, education, and health monitoring in response to the public health emergency.	Technology & Innovation Park (ASDOC)	\$14,285,714	\$82,783
Connecting Minority Communities (NTIA) The CMC program is awarded to the American Samoa Community College through the US Department of Commerce, via the National Telecommunications and Information Administration - through the Consolidated Appropriations Act, 2021	The A'oa'oga Aso Nei initiative under ASCC is designed to bring major new improvements to the campus internet service, technology loaning capabilities, and technical curriculum. ASCC was awarded by NTIA as part of the Connecting Minority Communities pilot program offered to institutions of higher education nationwide.	\$2,994,869	9,900
Affordable Connectivity Program Outreach Grant (FCC) The ACP Outreach Grant is awarded to the American Samoa Department of Commerce, via the Federal Communications Commission - through the Infrastructure Investment Jobs Act (IIJA).	Establish an outreach program for ACP (BCORD) The ACP Outreach Grant is established to encourage participation in the ACP. It is designed to help inform ACP-eligible households about the program with funding and resources to support outreach and community engagement.	\$342,760	\$0
FCC COVID-19 Telehealth Program (LBJ Tropical Medical Center)	FCC award FCC COVID-19 Telehealth Program funds to LBJ Tropical Medical Center to support the purchase of telehealth equipment and related service to enable provider to offer wider telehealth services	\$334,519	TBC





US Department of Agriculture Distance Learning Telemedicine (DLT) Grant	USDA DLT grant was awarded to LBJ Tropical Medical Center in 2020 to establish the Pacific Maternal Telehealth Network. The network will be a collaboration between LBJ, the University of Hawaii John Burns School of Medicine, the Fetal Diagnostic Center at Kapiolani Medical Center for Women & Children, and the University of Hawaii-Pacific Basin Telehealth Resource Center.	\$677,675	\$0
FCC COVID-19 Telehealth Program (Department of Health)	FCC award FCC COVID-19 Telehealth Program funds to DOH to support the purchase of telehealth equipment and related service to enable provider to offer wider telehealth services	\$187,297	TBC
<b>TOTAL FUNDING</b>		<b>\$67,781,961</b>	





## 1.2 Unserved and Underserved Locations (Requirement 5)

American Samoa is utilizing Version 2 of the Broadband Serviceable Location Fabric (Fabric) filing as of December 2022.

Included are CSV files with IDs for unserved and underserved locations in American Samoa.

American Samoa BROADBANDiNEI approach prioritizes broadband infrastructure deployment that provides reliable high-speed Internet access to all residents of American Samoa, focusing on unserved and underserved areas. All of American Samoa “lacks access to reliable broadband service offered with... a latency sufficient to support real-time, interactive applications.” Therefore all Broadband Serviceable Locations (BSL) in American Samoa are, by strict application of Title 47 USC 1702<sup>1</sup>, unserved, rendering all 11,807 households also unserved. American Samoa will strive to provide support for broadband deployment to as many unserved locations - defined as those without any broadband service at all or with broadband service offering speeds below 25 megabits per second (Mbps) downstream/3 Mbps upstream; and underserved locations - defined as those with broadband service offering speeds below 100/20 Mbps - as possible. American Samoa’s ultimate territorial goal is to upscale high speed internet connectivity to 100/100Mbps island wide.

## 1.3 Community Anchor Institutions (Requirement 6)

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the broadband office applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. American Samoa will allow for community service-based organizations that meet the requirements to participate, this includes organizations such as faith-based organizations. Any organizations that are designated as evacuation centers, emergency shelters, staging locations for emergency health services overflow, outreach and training will be considered.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

1. Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The following definitions and sources were used to identify the types of community anchor institutions:

---

<sup>1</sup> Title 47 USC 1702 (a)(1)(A)(ii)



- **Schools:** K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools” as well as schools identified by the American Samoa Department of Education.
- **Libraries:** Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA). Include all libraries identified by the American Samoa Government and American Samoa Community College.
- **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) certification number (CCN). During the Initial Proposal comment period, the BCORD Office will consider comments on the threshold for what constitutes a medical provider, e.g., individual physicians’ offices, optometrists, etc.
- **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry [911 Master PSAP Registry | Federal Communications Commission \(fcc.gov\)](#).
- **Institutions of higher education:** Institutions of higher education include all institutions that have an NCES ID in the category “college”, including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.
- **Public housing organizations:** Public housing organizations are identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development.<sup>2</sup> The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).
- **Community support organizations:** The BCORD Office will include any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The Eligible Entity included senior centers and job training centers in this category. The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder<sup>3</sup>. The National Council on Aging (NCOA) helped identify senior centers<sup>4</sup>.

The BCORD Office also drew on state, territorial, tribal, county/parish and municipal resources to identify additional eligible community anchor institutions that were not contained in the data sources listed above. In addition, the Eligible Entity used the Initial Proposal public comment process to ensure that all relevant institutions meeting the CAI criteria are included.

American Samoa is creating its CAI list by inventorying and surveying existing organizations and agencies; broadband accessibility data; technical resources availability; covered population served; and digital services provided. The information will allow the BCORD office to verify eligible CAIs and their broadband speeds and services.

---

<sup>2</sup> [PHA Contact Information - HUD | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

<sup>3</sup> <https://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx>

<sup>4</sup> National Institute of Senior Centers





During the challenge process, all additional identified CAIs within American Samoa will be considered in the final CAI list.

The requirements of an eligible CAI include:

- Lacks access to a 1 Gbps upload/ 1 Gbps download broadband internet connection.
- Has community members that identify with at least one of the following covered populations AND/OR the institution serves at least one of the covered populations:
  - Aging Individuals
  - Incarcerated or Recently Incarcerated Individuals
  - Individuals with a Language Barrier
  - Individuals with a Disability
  - Low-Income Households
  - Racial/Ethnic Minorities
  - Rural Residents
  - Veterans
- Provides at least one of the following digital services for their community's use:
  - Has a process for offering community members access to laptops, desktops, tablets, hotspots, and/or other digital devices.
  - Hosts digital skills training for their community.
  - A staff member that serves as a digital navigator, technical support, and/or broadband adoption support.

## **1.4 Challenge Process (Requirement 7)**

### **NTIA BEAD Model Challenge Process Adoption**

American Samoa is electing to adopt the NTIA BEAD Model Challenge process with the following modifications:

1. DSL Modification - the purpose of this modification is to facilitate the phase-out of legacy copper infrastructure that no longer meets today's definition of a served location.
2. Speed Test Modifications - the purpose of this modification is to consider actual speed locations using evidence to determine if a location is served and is eligible for funding.
3. Area Modification - the purpose of this modification is to use evidence based analysis to determine if reported data is representative of actual service provided in an area.

### **i. Modifications to Reflect Data Not Present in the National Broadband Map**

#### **Area Challenge**

The broadband office will administer area challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all (served) locations within the area. The provider can use any of the permissible rebuttals listed above.

An area challenge is triggered if 6 or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

Each type of challenge and each technology and provider is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S)



challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to be rebutted with evidence that service is available for all BSL within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure or customer subscribers. For fixed wireless service, the challenge system will offer representative random, sample of the area in contention, but no fewer than 10, where the provider has to demonstrate service availability and speed (e.g., with a mobile test unit).<sup>5</sup>

## **Speed Test**

The BCORD Office will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
2. ONT (for FTTH), or fixed wireless subscriber module.
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the service provider's web page.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a speed test application approved by the BCORD Office.

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by the BCORD Office, grants access to these information elements to the BCORD Office, any contractors supporting the challenge process, and the service provider.

The IP address and the subscriber's name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location

---

<sup>5</sup> A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.





claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider.

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. Since speed tests can only be used to change the status of locations from “served” to “underserved”, only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule<sup>6</sup>, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

## **ii. Deduplication of Funding**

American Samoa plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

The BCORD office will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.<sup>7</sup>
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. American Samoa and local data collections of existing enforceable commitments.

The BCORD will make a best effort to create a list of BSLs subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the broadband office will translate

---

<sup>6</sup> The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

<sup>7</sup> The broadband funding map published by FCC pursuant to IIJA § 60105 is referred to as the “FCC Broadband Funding Map.”



polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The broadband office will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.<sup>8</sup>

The broadband office will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the American Samoa or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the broadband office will reach out to the provider to verify the deployment speeds of the binding commitment. The broadband office will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

The broadband office drew on these provider agreements, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of American Samoa and local enforceable commitments.

See Attachment Deduplication of Funding Programs for American Samoa.

## **Challenge Process Design**

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the broadband office's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process.

## **Permissible Challenges**

The broadband office will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the Eligible Entity,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

## **Permissible Challengers**

During the BEAD Challenge Process, the broadband office will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

## **Challenge Process Overview**

The challenge process conducted by the broadband office will include four phases spanning 120 days<sup>9</sup>. Implementation of the challenge process may consist of work done by the BCORD office, Broadband Steering Committee (BSC), support team, contractors and other relevant subject matter experts. The BCORD Office and BSC may directly review challenges and verify for accuracy of submissions. Eligibility and funding decisions will be made by the BCORD Office and BSC.

---

<sup>8</sup> Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC.

<sup>9</sup> The NTIA BEAD Challenge Process Policy Notice allows *up to* 120 days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.





1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the BCORD office will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). The BCORD office will tentatively publish locations considered served June 1, 2024.
2. **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. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
  - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the broadband office will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
  - b. **Timeline:** Challengers will have 14 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. The Challenge Phase will tentatively take place June 1 - 14, 2024.
3. **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. A provider may also agree with the challenge and thus transition the location to the "sustained" state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
  - a. **Timeline:** Providers will have 14 calendar days from notification of a challenge to provide rebuttal information to the broadband office. The Rebuttal Phase will tentatively take place June 15 - 30, 2024.
4. **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."
  - a. **Timeline:** Following intake of challenge rebuttals, the broadband office will make a final challenge determination within 60 calendar days of the challenge rebuttal. The Final Determination will tentatively take place July 2024.

## Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the broadband office will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The broadband office will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. The broadband office plans to ensure reviewers have sufficient training to apply the standards of



review uniformly to all challenges submitted. The broadband office will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

<b>Code</b>	<b>Challenge Type</b>	<b>Description</b>	<b>Specific Examples</b>	<b>Permissible rebuttals</b>
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>10</sup></li><li>• A letter or email dated within the</li></ul>	<ul style="list-style-type: none"><li>• Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill.</li><li>• If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</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</li></ul>

<sup>10</sup> 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."





			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.	the location.
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. <sup>11</sup>	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network

---

<sup>11</sup> The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.



				management system. <sup>12</sup>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms <sup>13</sup> .	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements. <sup>14</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>15</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 an unreasonable data cap or offers another plan at the location without an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway	Provider has countervailing evidence from their network management

<sup>12</sup> As described in the NOFO, a 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*, 33 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

<sup>13</sup> *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

<sup>14</sup> *Ibid.*

<sup>15</sup> An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.



			(CPE) that demonstrates the service is delivered via a specific technology.	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.	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.	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).



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>i.e.</i>, a separate federal grant program), including the</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.
---	-----------------	--	--	---





			expected date deployment will be completed, which must be on or before June 30, 2024.	
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.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. <sup>16</sup>	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.	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.

---

<sup>16</sup> 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.



## Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the broadband office will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The broadband office also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Relevant stakeholders can sign up on the broadband office website <https://broadband.as.gov/> for challenge process updates and newsletters. They can engage with the broadband office by a designated email address [bcord@doc.as.gov](mailto:bcord@doc.as.gov). Providers will be notified of challenges via email.

Beyond actively engaging relevant stakeholders, the broadband office will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the provider being challenged,
- the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The BCORD Office will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses and customer IP addresses. To ensure all PII is protected, the broadband office will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

The BCORD Office will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

The BCORD Office will adhere to relevant local laws and regulations pertaining to the protection of PII.