

CONNECTICUT'S
BROADBAND EQUITY ACCESS &
DEPLOYMENT (BEAD) PROGRAM

CHALLENGE
PROCESS
GUIDE

2024



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BEAD CHALLENGE PROCESS GUIDE



As required by statute, the initial eligibility determinations for funding eligibility under the Broadband Equity, Access, and Deployment (BEAD) program are based on the Federal Communication Commission's (FCC) National Broadband Map.

The BEAD Challenge Process is designed to provide stakeholders in the State of Connecticut with an opportunity to participate in the process of challenging the eligibility of locations for BEAD funding. Based on the process approved by the National Telecommunications and Information Administration (NTIA), challengers can dispute the data sourced from the National Broadband Map by using relevant and allowable evidence, including local data.

Questions related to policy or procedural items should be directed to the Connecticut Department of Energy and Environmental Protection (DEEP) at DEEP.BEAD@ct.gov.

Requests for technical support for using the online challenge portal should be directed to CThelpdesk@ready.net.

Note: Due to ongoing discussions between NTIA and the State, the information in this document is subject to update and clarification. Any changes will be announced on DEEP's website with revisions documented in a change log appearing at the end of the document.

ALLOWABLE CHALLENGES

What Can be Challenged?

The BEAD Challenge Process is designed to accommodate different classes of challenges that are necessary to develop a more accurate list of BEAD eligible locations.

There are different challenge types within each challenge class, but generally, Permissible Challengers can only challenge on the following grounds:

- **BEAD eligibility determinations for existing Broadband Serviceable Locations (BSLs) included in the FCC's National Broadband Map¹:** these include challenges to reported service availability, speed, data caps, latency, technology, and residential/business service
- **Existing enforceable commitments for existing BSLs:** locations with existing funding commitments that will change the location's service status
- **Planned service deployments:** locations with existing planned deployments, not as part of an enforceable commitment, that will change the location's service status
- **Community Anchor Institutions:** the identification of new eligible Community Anchor Institutions (CAIs), as defined in DEEP's Initial Proposal, Volume I, or challenging the eligibility of existing CAIs on the map

1. As of the most recent version of the map available at the time of the opening of the Challenge Process with the public release by CAO of served, underserved, and served BSLs.

Area and MDU Challenges

DEEP will administer area and MDU challenges for Availability, Speed, Latency, Data Cap, and Technology challenge types. An area challenge is triggered if six (6) or more BSLs using a particular technology and a single provider within a census block group² are challenged under the same challenge type. An MDU challenge requires challenges to one (1) unit for MDUs having fewer than 15 units, two (2) units for MDUs of between 16 and 24 units, and at least three (3) units for larger MDUs. An MDU challenge counts towards an area challenge (i.e., six (6) successful MDU challenges in a census block group may trigger an area challenge).

The provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the Availability, Speed, Latency, Data Cap, or Technology requirements, respectively, for all locations within the area or all units within the MDU. The provider can use any of the permissible rebuttals described in this document for the respective challenge type.

Area challenges for Availability, Data Cap, and Technology need to be rebutted with evidence that service is available for all BSLs within the census block group. For wireline providers this should include network diagrams that show fiber or HFC infrastructure and/or customer subscribers. For fixed wireless service, the challenged provider will be required to submit a rebuttal for a representative, random sample of no fewer than 10 locations in the area in contention, where the where the provider will have to demonstrate service availability and speed (e.g., with a mobile test unit).³

If an ISP serves only part of the census block group, it may submit a rebuttal explaining such and providing rebuttal evidence with respect to all of its locations in the challenged blocks. DEEP will resolve each challenge on a location-by-location basis.

For a Speed area challenge, the challenged provider will be required to submit a rebuttal for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule, i.e. 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. 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.

For a Latency area challenge, the challenged provider will be required to submit a rebuttal for at least 10% of the customers in the challenged area. The customers must be randomly selected. At least 80% of these locations must experience a latency that does not exceed 100ms.

In the event of a representative random sample being used for a rebuttal, such as with a fixed wireless provider, the rebuttals against the original challenged locations will not count toward the minimum number of locations required for the area challenge rebuttal.

² Area challenge determinations will be determined based on 2020 Census Block Groups

³ 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.

PERMISSIBLE CHALLENGERS

Who Can Submit a Challenge?

Under the federal policy for the BEAD Program, only the following entities (“Permissible Challengers”) will be permitted to submit formal challenges during the BEAD Challenge Process:

- Units of local and Tribal governments
- Nonprofit organizations
- Broadband service providers

Role for Residents, Businesses, and CAIs

While residents and businesses are not allowed to submit challenges directly to the State, they are an essential part of the challenge process. For many types of challenges, the data submitted by the permissible challengers will be gathered directly from residents and/or businesses that have not been provided the level of broadband service that is reportedly available to them.

CHALLENGE PROCESS PHASES

Structure and Timing

The BEAD Challenge Process is required to be completed before the State can distribute grant funds. This ensures that the list of eligible locations is finalized before the grant application window opens.

Prior to the kickoff of the challenge phase, DEEP will publish eligible locations on a public map available through the portal.

Phase	Timing
Challenge Phase	April 1 - April 30
Rebuttal Phase	May 11 - June 10
Final Determination Phase	June 11 - July 11

Note: The above dates are subject to change. DEEP will notify all registered Challenge Process participants of any changes to the timeline and will post such updates on the challenge portal website.

Challenge Submission Period and Challenge Review

The Challenge Submission Period will run for 30 calendar days, from April 1, 2024 to April 30, 2024. During this phase, Permissible Challengers will be able to submit challenges using the challenge portal.

After challenges are submitted, DEEP will review the evidence and determine if it meets the evidentiary requirements to constitute a valid challenge.

After all of the challenges have been reviewed, valid challenges will be processed collectively to determine which challenges require a rebuttal and identify any area or MDU challenges. This challenge review period will be completed by May 10, 2024.

Since the intention of the challenge process is to modify BEAD eligibility status, rebuttals will only be required for locations where a successful challenge would result in a modification of the eligibility status for the affected location. For example, if there are two providers reporting coverage at 100/20 Mbps and only one of those providers is challenged, the challenged provider will not be required to submit a rebuttal for that location. However, that challenge will still be considered for the purposes of reaching the area challenge threshold.



TIP: Submit your challenges early. If there are errors in your submission, you'll be given an opportunity to re-submit, but ONLY until the Challenge Submission Period ends. You will not be allowed to fix errors or omissions in your challenge after the 30-day submission window closes.

Rebuttal Submission Period

After the Challenge Submission Period closes, the Rebuttal Submission Period will run for 30 calendar days. At the beginning of the Rebuttal Submission Period, all of the challenges that require a rebuttal will be posted in the challenge portal. For challenges directed against providers, only the challenged provider may submit a rebuttal. For other challenge types, any Permissible Challenger may submit a rebuttal.

Broadband providers will be directly notified via email of any challenges directed against them and provided with the details necessary to respond during the Rebuttal Submission Period. The challenged provider will have the duration of the 30-day Rebuttal Submission Period to agree with the challenge or dispute the challenge. If no rebuttal is filed in the allotted time, the challenge will be sustained.

Units of local and Tribal governments and nonprofit organizations will receive an email notification when the Rebuttal Submission Period has opened. However, they will not receive direct notifications for specific challenges, since they will not be named parties in the challenges. Accordingly, these challenges will remain open for the entirety of the 30-day period.

After a rebuttal is submitted, DEEP will review the evidence and determine if it meets the evidentiary requirements. If a rebuttal submission is determined to meet the minimum level of evidence, it will be considered a 'valid rebuttal.' At the end of the Rebuttal Submission Period, all challenges with valid rebuttals submitted will be marked as "disputed" and proceed to the Final Determination Phase.

Challenge Adjudication and Final Determinations

Within 30 days of the close of the Rebuttal Submission Period, DEEP will review the evidence for each challenge, including evidence from any rebuttals, and will make a final determination to "sustain" or "reject" each challenge. The reviewers will fully review all of the information included in each challenge and rebuttal prior to making any final determinations.

HOW TO PARTICIPATE IN THE CHALLENGE PROCESS

Account Registration

Before a Permissible Challenger can participate in the Challenge Process, they must register for an account in the challenge portal, ensuring that only eligible parties submit challenges.

Registration Steps

- 1. Visit the Registration Page:**
The registration page provides a brief overview of the Challenge Process and helpful links.
- 2. Click the Register Button:**
The Register button will open an intake form to provide the necessary information.
- 3. Complete the Intake Form:**
The intake form will ask you for information needed to verify your account as a Permissible Challenger.
 - a. General information:** Every registrant for the Challenge Process will be asked to provide the following information:
 - i. Entity name
 - ii. Entity website
 - iii. Primary contact name
 - iv. Primary contact email (Please use domain affiliated with entity)
 - v. Primary contact phone number
 - vi. Category of entity (select from dropdown)
 - b. Broadband Provider Information:**
 - i. Provider name (select from dropdown)
 - ii. EIN
 - iii. FRN
 - iv. Physical address
 - v. Proof of registration with the Secretary of State
 - vi. Additional documentation to verify identity
 - c. Unit of Local Government Information:**
 - i. EIN
 - ii. Physical address
 - iii. Additional documentation to verify identity
 - d. Unit of Tribal Government Information:**
 - i. EIN
 - ii. Tribe's name as listed by BIA
 - iii. Physical address
 - iv. Additional documentation to verify identity

e. Nonprofit Organization Information

- i.** EIN
- ii.** Physical address
- iii.** Proof of registration with the Secretary of State
- iv.** Additional documentation to verify identity

4. Click “Finish” and Submit Form:

After you submit the form, you will receive an email confirmation. You do not need to do anything at this point.

5. Wait for Account Approval:

After submitting your account request, each registration will be manually reviewed by DEEP before it is approved. As a result, there will be a slight delay between registration and account setup. If your registration lacks necessary details, you will be notified by email to update your account request with the necessary information.

6. Complete Setting Up Your Account:

Once approved, you will receive an email with a link to complete the setup of your account, where you'll be asked to set a password.

HOW TO SUBMIT CHALLENGES AND REBUTTALS



Once your registration has been approved and your account has been set up, you'll be able to file challenges and rebuttals while the respective submission periods are open.

Submitting Challenges

In general, all Permissible Challengers are eligible to submit challenges of any type.

Challenge Steps

1. Log in to the Challenge Portal:

There are two ways in which users can log in to the portal:

- a. Via a "Magic Link": Users provide their registered email and then they will be sent an email with a direct link to log in without password.
- b. Users can log in using their email/password combination.

2. Expand "Challenge" Item in the Navigation Menu:

There are a range of options in the sidebar navigation menu. When clicking on the Challenge menu item, the sub-menu will expand to display two options: "Dashboard" and "Challenge Map."

3. Click on either "Dashboard" or "Challenge Map":

Both options provide different functionality, but each of them will allow you to open a challenge submission window. The Challenge Map provides a geospatial representation of the eligibility designations under BEAD, while the Dashboard is your portal to review the challenges that you've submitted. If you're a provider, you will eventually see challenges submitted on your reported service in your Dashboard.

4. Click on "Add Challenge" Button:

The "Add Challenge" button is found on the top right of the "Submitted Challenges" panel of the Challenge Map page or on the top-right of the challenges table on the Dashboard page. This will open up the "Create a Challenge" page, which includes the Challenge Map with a challenge flow panel on the right and layers that can be used to filter the map based on a range of parameters.

5. Create a Challenge:

When creating a challenge in the challenge portal, there are several steps included in the flow:

a. Select Challenge Class and Type:

Each challenge class includes multiple challenge types to select from:

i. Planned or Existing Service

1. Planned Service
2. Existing Service

ii. Enforceable Commitments

1. Enforceable Commitment
2. Not An Enforceable Commitment

iii. Location Eligibility Determination

1. Availability
2. Speed
3. Latency
4. Data Cap
5. Technology
6. Business Service Only

iv. Anchor Institution Classification

1. Location is a CAI
2. Location is not a CAI
3. Location Does Not Have Access to 1 Gbps Service
4. Location Has Access to 1 Gbps Service

6. Select Challenge Details:

After selecting the challenge type, the data in the map will be filtered to display only those locations that are eligible for the selected challenge type. For example, if an area is already unserved, you will not be able to file an Availability challenge. From the locations eligible for the selected challenge type, you will be prompted to provide the challenge details that will further filter the locations, based on the options you select. The required challenge details will vary by challenge type, as described below under “Evidence and Documentation Requirements.”

7. Select Locations:

After providing challenge details, only the locations eligible for the challenge type and details provided will be displayed. From the remaining locations, you will be prompted to select the location(s) that you want to challenge. You can add locations one by one or select a group of locations.

a. Adding individual locations:

To add an individual location, click on the location on the map, which will then provide a pop-up of the address of that location and an “Add to Challenge” button. If the address aligns with the location you intend to add to the challenge, click “Add to Challenge” and then click “Confirm” in the following prompt. You can add multiple locations to the same challenge submission using this method.

b. Add locations in bulk:

When filing bulk challenge submissions, you can add locations in groups, rather than adding each location individually. To add multiple locations as a group, there are two methods available.

i. Shift+Click+Drag cursor:

This method allows you to quickly select multiple locations directly on the map. This is the quickest, but a less precise, method of selecting multiple locations because the selection boundaries are in a rectangular shape. Once you’ve selected locations using this method, you’ll be prompted to confirm that you want to add these locations to your challenge. The prompt will include the number of locations that you’ve selected.

ii. Select or Upload Area by creating a “Zone”:

This method allows you to define a zone by drawing a polygon, uploading a shapefile, or selecting from a library, which includes defined geographies such as cities, counties, and Tribal areas. To add a zone, click on the Zones tab in the left panel to define a new zone by drawing, uploading a shapefile or selecting from a library of official boundaries.

iii. Upload List of Location IDs:

This method allows you to select locations by uploading a list of Location IDs as defined in FCC Data Fabric version 3.2. Further guidance is provided within the challenge portal.

iv. Removing locations from selection:

If you inadvertently added locations you do not wish to challenge, you can remove the locations by clicking the trash icon next to the location in the right panel, or remove all of the selected locations by clicking “Remove All”

8. Upload Evidence and Documentation:

Once you’ve finalized the location(s) that you want to challenge you will be asked to provide any evidence and documentation that you want included in the review of your challenge. For challenges that require you to provide separate evidence files per location, you will be prompted to download and re-upload a .csv file with the selected Locations.

9. Attestation:

After you’ve uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the challenge is true, complete, and accurate, subject to potential civil or administrative penalties.

Submitting Rebuttals

1. Notifications of Rebuttal Phase Sent:

When the Rebuttal Submission Period opens, notifications will be sent to all registered Permissible Challengers to provide formal notice that the challenges are open for rebuttal. All permissible challengers will be notified of the opportunity to submit rebuttals to open rebuttal challenges, which includes any challenge not submitted directly against a provider. In addition to the standard notification, the Broadband Providers notification will include a notification of whether challenges were received against them. The formal notice will initiate the 30-day Rebuttal Submission Period.

2. Log in to Challenge Portal:

There are two ways in which Users can log in to the portal:

- a. Via a “Magic Link”: Users provide their registered email and then they will be sent an email with a direct link to log in without password.
- b. Users can log in using their email/password combination.

3. Expand “Challenge” Item in the Navigation Menu:

There are a range of options in the sidebar navigation menu. When clicking on the Challenge menu item, the sub-menu will expand to display two options: “Dashboard” and “Challenge Map.” To view the challenges available for rebuttal, click on the “Dashboard.”

4. Go to “Dashboard”:

During the Rebuttal Phase, the Dashboard is your portal to review the challenges for which you are eligible to submit rebuttals. In the dashboard, you will have two tabs available to review challenges: “Challenges Received” (Providers Only) and “Open for Rebuttal.”

a. Challenges Received (Providers Only):

The Challenges Received tab will display the challenges that you’ve received against your reported service. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.

b. Open for Rebuttal:

The Open for Rebuttal tab will display all of the challenges that are not directed at a specific broadband provider, such as Planned Service, Enforceable Commitment, or CAI challenges. The challenges will be grouped by submission and include details, including the challenging entity, challenge type, number of challenged locations, and other details.

5. View Challenge Details:

To begin the Rebuttal Process, click “View Details” on the challenge that you want to submit a rebuttal against. This will pull up an interface with a map displaying the locations and details on the challenged locations included in the submission. The information on the challenge submission will be available in the right panel, which has two tabs: Details and Locations.

a. Details:

The challenge details will be similar to those provided in the Dashboard, but will include an expanded description of the challenge type.

b. Locations:

The locations tab will provide a full list of locations that were challenged under the selected submission.

6. Rebut or Accept Challenges:

Using the locations tab, you can choose which individual location challenges you want to rebut and which individual location challenges you want to accept. If you want to rebut or accept all of the challenges, you can do so using the Rebut All/Accept All buttons. Note that accepting challenges is only an option for providers reviewing challenges against them, since they are the only ones eligible to rebut those challenges. Open challenges can be rebutted by multiple entities, so they will remain open for the entire 30-day window.

7. Upload Evidence and Documentation:

Once you’ve finalized the location(s) that you want to rebut you will be asked to provide any evidence and documentation that you want included in the review of your rebuttal.

8. Attestation:

After you’ve uploaded your evidence, you will be required to accept and complete an attestation that, to the best of your knowledge and belief, the rebuttal is true, complete, and accurate, subject to potential civil or administrative penalties.

EVIDENCE & DOCUMENTATION REQUIREMENTS

The evidence and documentation submission is the most important part of the challenge submission. If your submission does not meet the minimum level of evidence sufficient to establish a valid challenge, it will not be approved to proceed to the rebuttal phase.

The minimum level of evidence required varies by challenge type.

Availability Challenges

The Availability challenge type in the BEAD Challenge Process closely resembles the FCC Challenge Process. It supports challenges that have evidence that the service reported in the maps at a specific location is not actually currently available, or cannot be scheduled for activation within 10 days, at the reported technology and maximum advertised speeds.

In alignment with the FCC Challenge Process, the BEAD Challenge Process requires the “Reason for the Challenge” to be documented, using the *reason_code* field from the *FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data*.⁴

Evidence for Challenges and Rebuttals

When filing Availability challenges, you will be required to select one of the following reasons and provide evidence for each challenge. Table 1 outlines the acceptable evidence for each reason code and the maximum age of the evidence submitted to support the challenge.

If you choose to provide “Other evidence to support challenge,” instead of an explicitly stated evidence type, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as “Other.”

Evidence submitted for rebuttals must include evidence that counter the reason code and evidence provided by the challenger. The acceptable forms of evidence for rebuttals are provided below.

4. See “Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data (Section 3.2),” Federal Communications Commission, January 12, 2023, [bdc-bulk-fixed-challenge-dataspecifications.pdf](#).

Table 1

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
1	Provider failed to schedule a service installation within 10 business days of a request.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
2	Provider did not install the service at the agreed-upon time.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
3	Provider requested more than the standard installation fee to connect the location.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that service is now available as a standard installation (e.g., a copy of an offer sent to the location)
4	Provider denied the request for service.	<p>Evidence must be dated within the last 180 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map

Table 1 Continued

Code	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
5	Provider does not offer the technology entered above at this location.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway • Other evidence to support challenge 	<p>Countervailing evidence from the provider’s network management system showing an appropriate residential gateway that matches the provided service</p>
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<ul style="list-style-type: none"> • Evidence that the location subscribes or has subscribed within the last 12 months (e.g., a copy of a customer bill) • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability • A copy of an offer sent to the location for the service at the speeds shown on the Broadband Map
7	Intentionally Omitted ⁵ (Does not constitute a formal challenge)	N/A	N/A
8	No wireless signal is available at this location (only for technology codes 70 and above).	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<p>Countervailing evidence to demonstrate service availability and speed (e.g., with a mobile test unit)</p>
9	New, non-standard equipment had to be constructed at this location.	<p>Evidence must be dated within the last 365 days:</p> <ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Infrastructure Knowledge/Evidence • Other evidence to support challenge 	<p>Evidence that service is now available as a standard installation (e.g., via a copy of an offer sent to the location)</p>

5. The Availability challenge does not adjudicate whether the actual speeds of the service falls below the advertised speeds. The FCC uses Code 7 for consumer complaints when “Subscribed Speed Not Achievable”

Additional Location Eligibility Determination Challenges

In addition to the Availability challenge type in the BEAD Challenge Process, there are four additional allowable Location Eligibility Determination challenge types: Speed, Latency, Data Cap, Technology, and Business Service Only.

Evidence for Speed Challenges

DEEP 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 Submission Period by more than 60 calendar days.

Speed tests can take five 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 an Ookla speed test (preferred) or a speed test from the list of applications approved by the NTIA.

Each speed test measurement must include:

- The time and date the speed test was conducted; and
- 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); and
- An agreement, using an online form provided by DEEP, that grants access to these information elements to DEEP, any contractors supporting the Challenge Process, and the service provider.

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 (S) challenge, for either upload or download. For example, if a location 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 median measured upload speed marks the location as underserved.

Speed challenges must be gathered and submitted as part of a formal challenge by Permissible Challengers.

Evidence for Speed Rebuttals

Only the challenged provider may submit a rebuttal to a Speed challenge. This evidence must include countervailing speed test evidence showing sufficient speeds, e.g., from their own network management system or the CAF performance measurements.

Speed tests must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days, but must be conducted between the hours of 7 pm and 11 pm local time to be considered as evidence for a challenge rebuttal. The median of the three tests is used for the rebuttal to the challenge.

Each measurement must include the following details:

- The time and date each speed test was conducted.
- The provider-assigned internet protocol (IP) address identifying the residential gateway where the test is conducted

For details on rebuttals to Speed area Challenges, see “Area & MDU Challenges” above.

Evidence for Latency Challenges

Latency challenges must provide evidence that the round-trip latency of the broadband service exceeds 100ms. This will require multiple speed tests by the subscriber at each challenged location, showing the excessive round-trip latency.

Each Latency challenge must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days. The median of the three tests is used to trigger the challenge. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Each speed test measurement must include:

- The time and date each 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 DEEP, that grants access to these information elements to DEEP, any contractors supporting the challenge process, and the service provider.

To be considered valid, the speed tests must be performed using one of the following options:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), optical network terminal (for fiber-to-the-home), or fixed wireless subscriber module;
2. A reading of the speed test available from within the residential gateway web interface;
3. A reading of the speed test found on the service provider's web page; or
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using {optional} the speed test tool embedded in {State Broadband Office}'s Portal or an NTIA-approved speed test application (i.e., Ookla, M-Lab, Cloudflare, or Netflix).

Latency challenges must be gathered and submitted as part of a formal challenge by Permissible Challengers.

Evidence for Latency Rebuttals

Only the challenged provider may submit a rebuttal to a Latency challenge. This evidence must include countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements.

Speed tests must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days but must be conducted between the hours of 7 pm and 11 pm local time to be considered as evidence for a challenge rebuttal. The median of the three tests is used for the rebuttal to the challenge.

Each measurement must include the following details:

- The time and date each speed test was conducted.
- The provider-assigned internet protocol (IP) address identifying the residential gateway where the test is conducted

For details on rebuttals to Latency area challenges, see “Area & MDU Challenges” above.

Evidence for Additional Location Eligibility Determination Challenges

Speed and Latency challenges have specific requirements that differ from the rest, as described above. However, the Data Cap, Technology, and Business Service Only challenge requirements are similar to those for Availability challenges. Table 2 outlines the acceptable evidence for each of these challenge types and the maximum age of the evidence submitted to support the challenge. Evidence submitted for rebuttals must counter the reason code and evidence provided by the challenger. The acceptable forms of evidence for rebuttals are provided below.

If you choose to provide “Other evidence to support challenge,” instead of an explicitly stated evidence type, we cannot ensure that the evidence will meet the minimum requirements. To support our review, please provide a thorough explanation of any evidence classified as other.

Table 2

Type	Reason	Acceptable Evidence Types for Challenges	Acceptable Evidence Types for Rebuttals
Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Other evidence to support challenge 	<ul style="list-style-type: none"> • Terms of service showing that the provider does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap
Technology	Provider does not offer the technology entered above at this location (the technology indicated for this location is incorrect).	<ul style="list-style-type: none"> • Screenshot from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Infrastructure Knowledge/Evidence, including manufacturer and model number of residential gateway • Other evidence to support challenge 	<ul style="list-style-type: none"> • Countervailing evidence from the provider's network management system showing an appropriate residential gateway that matches the provided service
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 from provider website • Email from provider • Text message or voicemail transcript from provider • Letter from provider (Scan of physical letter or PDF of electronic letter) • Documentation of phone call or in-person interaction • Terms of Service / Service Description • End-User contract or offer • Other evidence to support challenge 	<ul style="list-style-type: none"> • Documentation that the service listed in the BDC is available at the location and is marketed to residential customers

Enforceable Commitment Challenges

In preparation for the deployment of the BEAD program, DEEP is required to identify every location where an “Enforceable Commitment” exists to deploy qualifying broadband service at or above 100/20 Mbps, regardless of the current service available at the funded locations. This includes identifying the broadband serviceable locations served by federal and State funding programs.

Evidence for Enforceable Commitment Challenges

The Enforceable Commitment Challenge allows Permissible Challengers to provide evidence that unserved or underserved locations have existing federal, State, or local funding that should make those locations ineligible for BEAD.

The following details and evidence will be required:

1. Obligation deployment download speed in Mbps
2. Obligation deployment upload speed in Mbps
3. Obligation deployment technology
4. An attestation to confirm that the round-trip latency of deployed service will be under 100ms
5. An attestation to confirm that the network will be fully deployed to the challenged locations by the dates required by the award
6. Whether the deployed service be available as residential service, business service, or both
 - a. Evidence of award such as authorization letter and/or executed agreement with funding entity
 - b. List of funded locations included in award
 - c. If available, methodology used to match awarded locations to Fabric IDs
 - d. If any locations included in the award are on Tribal Lands, you will need to attach a legally binding agreement with Tribal Government, certified by Tribal Resolutions

Evidence for Enforceable Commitment Rebuttals

Any Permissible Challenger may file a rebuttal to an Enforceable Commitment challenge if they have documentation that the provider has defaulted on the commitment, is otherwise unable to meet the commitment, or that the location(s) are in an area that are subject to an Enforceable Commitment for less than 100% of locations and the location(s) in question are not covered by that commitment.

Enforceable Commitment Identification: Process and Methodology

DEEP has deduplicated the list of BEAD-eligible locations, based on existing funding from current programs, using the following process:

Federally-Administered Grant Programs

DEEP used the BEAD Eligible Entity Planning Toolkit to identify existing federal Enforceable Commitments, which includes data on funding from the following programs:

- NTIA Broadband Infrastructure Program (BIP)
- NTIA Tribal Broadband Connectivity Program (TBCP)

- FCC Rural Digital Opportunity Fund (RDOF)
- FCC Connect America Fund II (CAFII)
- USDA Rural eConnectivity Broadband Loan and Grant Program (ReConnect)
- USDA Telephone Loan Program (TLP)
- USDA Community Connect Grant Program (CCGP)

DEEP is aware that the FCC adopted rules for the Enhanced Alternative Connect America Model (A-CAM), allowing providers to participate in the extension of the program and deploy at speeds of 100/20 Mbps or greater. As of the publication of Version 1.0 of this guide, the FCC has not confirmed the locations funded by Enhanced A-CAM. However, an additional deduplication process will be run following the Challenge Process. This second round of deduplication is expected to occur in May 2024. If you are a provider electing to participate in Enhanced A-CAM, we encourage you to notify DEEP proactively by emailing DEEP.BEAD@ct.gov.

Evidence for Not An Enforceable Commitment Challenges

The Not An Enforceable Commitment challenge allows Permissible Challengers to provide evidence that a location is not covered by an Enforceable Commitment identified by DEEP. This evidence provided for the challenge type should demonstrate on the following:

- Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment. This may include:
 - Public notice of default published by the funding agency
 - Default notice sent to the provider
- Documentation that the location(s) are in an area that are subject to an Enforceable Commitment to less than 100% of locations and the location(s) are not covered by that commitment.
- If locations are on Tribal lands, the Tribal Government may challenge based on a failure of the provider to obtain consent from the Tribal Council for the application and/or receiving the award.

Evidence for Not An Enforceable Commitment Rebuttals

Only the provider with the challenged Enforceable Commitment can submit a rebuttal to a Not An Enforceable Commitment challenge.

The rebuttal must produce evidence that counters the challenge and may include the following:

- Evidence that provider has not defaulted on the commitment
- Evidence that the provider is able to meet the commitment
- Evidence that 100% of the locations are covered by the commitment
- A Tribal Council Resolution or requisite legally binding agreement with the Tribal Government supporting the Enforceable Commitment

Planned or Existing Service Challenges

If a provider has deployed, or will deploy, service that will be available by June 30, 2024*, not as part of an Enforceable Commitment, they can file a Planned or Existing Service challenge.

Evidence for Planned Service Challenges

If you have begun building out broadband service to unserved and/or underserved locations, you may challenge under the “Planned Service” subtype and provide evidence that service will be available to the locations by June 30, 2024.

The information and evidence required for this challenge type includes:

1. Maximum advertised download speed in Mbps
2. Maximum advertised upload speed in Mbps
3. Technology type of service
4. Confirmation that the round-trip latency does not exceed 100ms
5. Evidence that the deployment is on track to be completed on time, which may include, but not be limited to:
 - a. Planned network diagrams
 - b. Evidence of all necessary permits that were obtained
 - i. If permits have been applied for but not yet obtained, provide a letter from county or municipal government or pole owner indicating that such permits are under review and noting the timeline for construction
 - c. Inspection results
 - d. Construction contracts and invoices
6. Letter from county or local government office confirming that construction has begun
7. An affidavit or equivalent attestation confirming that service will be deployed to the locations included in this challenge by June 30, 2024, with the technology, speeds, and latency described, including confirmation that the provider is not seeking BEAD funds to complete the already-planned build
8. A contract or similar binding agreement between the State 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

You are also encouraged to submit other evidence that may demonstrate that the deployment is in progress.

Evidence for Planned Service Rebuttals

Any Permissible Challenger may submit a rebuttal for a Planned Service challenge. The rebuttal must include countering evidence that demonstrates that the planned service cannot be deployed by June 30, 2024, or that the planned deployment will not meet BEAD technology or performance requirements.

It is anticipated that the primary rebuttals will be submitted by units of Local or Tribal government that have knowledge and evidence that necessary permits, reviews, or other pre-construction requirements have not been met.

*Note: A previous version of this guide incorrectly identified the date as December 31, 2024.

Evidence for Existing Service Challenges

If you have completed broadband deployment to locations currently designated as unserved and/or underserved, you may challenge under the “Existing Service” subtype and provide evidence that your service is currently available.

The information and evidence required for this challenge type includes:

1. Maximum advertised download speed in Mbps
2. Maximum advertised upload speed in Mbps
3. Technology type of service
4. Confirmation that the round-trip latency does not exceed 100ms
5. Indication of whether you have already reported the available broadband service to FCC’s Broadband Data Collection Program (BDC)
 - a. If yes, you will need to confirm which BDC filing window you filed the service under
 - b. If no, you will need to attest that the service availability will be reported to the FCC during the next BDC filing window
6. Evidence that the service is deployed and available (provide as many of the following as possible):
 - a. Submitted BDC filing (If applicable)
 - b. Evidence of subscribers
 - c. Network diagram of deployments
 - d. Evidence of completed deployment, such as evidence of all necessary permits that were obtained, inspection results, or construction contracts and invoices

Evidence for Existing Service Rebuttals

Any Permissible Challenger may submit a rebuttal for an Existing Service challenge. The rebuttal must include countering evidence that demonstrates that the claimed service is not available.

The evidence may include the allowable evidence from Table 1, but may also include evidence such as failure to pass inspection or other evidence that demonstrates that the provider is unable to deliver service to Broadband Serviceable Locations as claimed.

CAI Challenges

There are two categories of Community Anchor Institutions (CAI) challenges, including:

- Identification of CAIs
- Eligibility based on broadband need

The identification of Community Anchor Institutions for the purposes of BEAD is based on the definition and process outlined in the BEAD Initial Proposal, Volume I, which includes the following on State and Tribal lands:

- 1. Schools:** This category includes all K-12 schools registered with the Connecticut State Department of Education as public or private schools as well as day care centers managed by the Office of Early Childhood Education and was cross-referenced with Homeland Infrastructure Foundation-Level Data, Connecticut Education Network member lists, and the NCES database.
- 2. Libraries:** The list of libraries includes all libraries listed by the Connecticut State Library and a handful of non-state libraries such as the private New Haven Institute Library. This list is then cross-referenced with E-RATE and ALA listings.
- 3. Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals, and other medical providers (such as nursing homes and other senior care facilities), includes all healthcare institutions licensed by the Connecticut Department of Public Health and is cross-referenced with Homeland Infrastructure Foundation-Level Data and the Centers for Medicare and Medicaid Services listings.
- 4. Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, and police stations, based on records maintained by Department of Emergency Services and Public Protection (CT DESPP) and based on records maintained and provided by units of local government. Included in the list of public safety entities is also the list of public safety answering points (PSAP) in the FCC PSAP registry.
- 5. Institutions of higher education:** Institutions of higher education include all institutions Connecticut State Department of Education in the category “college”, including junior colleges, community colleges, etc. and is cross-referenced with Homeland Infrastructure Foundation-Level Data.
- 6. Public housing organizations:** Public housing organizations include public housing agencies, HUD-assisted housing organizations, and Tribal housing organization. The data includes those listed as Public Housing Authorities by HUD and verified with the Connecticut Department of Housing (CT DOH).
- 7. Community support organizations:** DEEP has included the following organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals:
 - a. Adult Education Providers:** Adult education centers facilitate the greater use of broadband by vulnerable populations, including low-income, unemployed, and aged individuals by providing access to digital literacy programs and technology resources, empowering individuals to acquire the necessary skills and knowledge to navigate the digital world effectively and access online opportunities for education, employment, and social engagement. The list includes organizations such as those listed in the directory of adult education providers compiled by the State Department of Education, Bureau of Health/Nutrition, and Family Services and Adult Education.
 - b. Community Centers:** Community centers facilitate the greater use of broadband by vulnerable populations by offering a free of charge physical space for individuals to access the internet, provide digital literacy training, and create a supportive environment that encourages participation in online activities, thus bridging the digital divide and promoting digital inclusion. Community center, youth centers, and similar multi-use community entities provide cultural, educational, social and recreational activities for residents. The list includes community centers such as those identified in the 211 database maintained by United Way in partnership with the State of Connecticut.

- c. Connecticut Community Action Agencies:** Community Action Agencies (CAAs) facilitate the greater use of broadband by vulnerable populations, especially low-income and unemployed individuals, by providing access to critical digital resources like government assistance and job and vocational training, to address digital disparities and economic barriers. The list of CAAs includes organizations identified as the state and federally designated antipoverty agencies created by the federal Economic Opportunity Act of 1964. Connecticut's nine CAAs continually strive to address the causes and conditions of poverty. Through the identification and removal of social and economic barriers, the mobilization of community resources, advocacy, and the provision of direct services at the community level, CAAs use cost-effective and community-based processes to help limited income people and communities in all 169 cities and towns across the state.
- d. Correctional Facilities, Juvenile Detention Centers, and Re-Entry Organizations:** These organizations facilitate the greater use of broadband by vulnerable populations by offering educational and vocational training programs through digital platforms, enabling inmates and individuals in the re-entry process to acquire essential digital skills for successful reintegration into society and future employment opportunities. The list includes correctional facilities identified by the Connecticut State Department of Correction, juvenile detention centers, including residential services, as identified in a directory maintained by the State of Connecticut Judicial Branch, and re-entry organizations such as ex-offender halfway houses, and ex-offender re-entry programs identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
- e. Homeless Resource Centers:** Homeless resource centers facilitate the greater use of broadband by vulnerable populations by providing access to digital services and resources, such as job search platforms and online communication tools, allowing individuals without secure housing to connect with opportunities for employment, support, and social engagement. The list includes organizations such as shelters, resource centers, emergency shelters, drop-in centers identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
- f. Local government:** Local government buildings like town halls facilitate the greater use of broadband by vulnerable populations by serving as potential public Wi-Fi hotspots and device access points, ensuring that community members, including those without internet access at home, can connect to essential online services, information, and government resources. The list of local government facilities includes town halls and annexes and other listed public properties used to provide public services. This list is based on data managed by the Connecticut Office of Policy and Management (OPM) from towns and is cross-referenced with Homeland Infrastructure Foundation-Level Data (HIFLD).
- g. Senior Centers:** Senior centers facilitate the greater use of broadband by vulnerable populations, specifically aged individuals, by providing digital literacy training, access to computers, and guidance in navigating the internet, empowering seniors to stay connected, access vital information, and engage in online activities to enhance their quality of life. The list of senior centers includes facilities such as those identified in the 211 database maintained by United Way in partnership with the State of Connecticut.
- h. Workforce Development Organizations:** Workforce development organizations facilitate the greater use of broadband by vulnerable populations, particularly unemployed individuals, by offering online job search resources, skills training, and career development programs, enabling them to access employment opportunities, improve their skills, and reenter the workforce. The list includes entities such as job training centers, which have been identified through the Department of Labor's database of "American Job Training" training centers (accessed through the [American Job Center Finder](#)) and with the assistance of the Office of Workforce Strategy.

Identification of CAI

All Permissible Challengers can challenge the designation of the location as a CAI, based on the categories described above.

Evidence for Location is a CAI Challenge

If you believe that a location is incorrectly identified as a non-CAI, you may challenge to have that location included as a CAI. To submit a successful challenge, you will need to submit the following information and evidence:

1. Official entity name of the institution
2. The type of CAI, selecting from the categories defined above
3. Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
4. If a Community Support Organization, explanation of how organizations facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
5. Evidence to support the challenge, which may include:
6. Registration documents
7. Contact information to confirm organizational details
8. Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI

When challenging to add a location as a CAI, you will be given an opportunity to indicate whether the institution currently has access to broadband at the CAI target threshold of 1000/1000 Mbps. If the location for a CAI is missing entirely from the map, please reach out to challenge@esd.ny.gov.

Evidence for Location is a CAI Rebuttal

Any Permissible Challenger may submit a rebuttal for a Location is a CAI challenge. The information and evidence must include:

1. Identify the basis for the challenge that claims the location is not a CAI
2. Location is a residence
3. Location is a non-CAI business
4. Institution does not fall under listed category
5. Identify the institution type that the location should be listed as
6. CAI has ceased operations
7. Date CAI ceased operations:
8. Evidence to support rebuttal

Evidence for Location is Not a CAI Challenge

If you believe that a location is incorrectly identified as a CAI, you may challenge to have that location removed from the list. Please note that DEEP is not allowed to add Broadband Serviceable Locations (BSLs) to the map, so a successful challenge will remove this location from BEAD eligibility altogether.

To submit a challenge, you will need to submit the following information and evidence:

- 1. Basis for the challenge:**
 - a.** Location is a residence
 - b.** Location is a non-CAI business
 - c.** Institution does not fall under listed category
 - i.** Identify the institution type that the location should be listed as
 - d.** CAI has ceased operations
 - i.** Date CAI ceased operations
 - ii.** If there is another CAI currently operating at this location:
 - 1.** Official entity name of the institution
 - 2.** The type of CAI, selecting from the categories defined above
 - A.** Depending on the entity type, you will be asked to provide different types of identification numbers, e.g. CMS Certification Number (CCN) for hospitals
 - B.** If a Community Support Organization, explanation of how organizations facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals
 - C.** Other evidence that demonstrates that the organization meets the requirements of the selected category of CAI
- 2.** Evidence that demonstrates that the location is a non-CAI or is no longer in operation

Evidence for Location is Not a CAI Rebuttal

Any Permissible Challenger may submit a rebuttal for a Location is a CAI challenge. The information and evidence must include evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

CAI BEAD Eligibility Based on Broadband Need

Evidence for CAI Does Not Have Access to 1 Gbps Service Challenge

If a CAI is reported to have access to 1 Gbps symmetrical service, but you have countervailing evidence, you may file a CAI Does Not Have Access to 1 Gbps Service challenge.

To submit this challenge type, you must provide the following information and evidence:

1. Attest that this location does not currently have access to 1 Gbps/1Gbps broadband service and does not have a connection that is readily scalable to 1 Gbps speeds at a higher tier of service over the existing infrastructure.
2. If there is an available Internet connection at the location, you'll be asked to provide the following information:
 - a. Who is the current provider?
 - b. What technology is delivering the current services?⁶
 - c. What are the speeds of your current plan?
3. Upload evidence of recent bill/invoice, photo of the provider gateway, or other evidence to support the challenge
4. Signed attestation

Evidence for CAI Does Not Have Access to 1 Gbps Service Rebuttal

Any Permissible Challenger may submit a rebuttal for a CAI Does Not Have Access to 1 Gbps Service challenge. The information and evidence must include evidence that the CAI location has an existing connection capable of delivering 1 Gbps/1Gbps speeds or a connection that is readily scalable to 1 Gbps symmetrical speeds at a higher tier of service over the existing infrastructure.

Evidence for CAI Has Access to 1 Gbps Service Challenge

If a CAI is reported to not have access to 1 Gbps symmetrical service, but you have countervailing evidence, you may file a CAI Has Access to 1 Gbps Service challenge. For this type of challenge, the acceptable challenge and evidence types would be the reverse of those for the CAI Does Not Have Access to 1 Gbps Service challenge type above.

6. Note that copper or cable connections would generally not be sufficient to achieve 1 Gbps service.

OBTAINING COSTQUEST BSL FABRIC LICENSES

In order to administer the BEAD program, DEEP is required to use the FCC National Broadband Map as the baseline, which provides reported broadband availability data at the location level and relies on a proprietary dataset to provide the location data.

DEEP was required to enter into a license agreement with CostQuest Associates, the owner of the dataset, to access the data for the purposes of the BEAD program including the Challenge Process. The terms of this license agreement restrict DEEP from making the data fully available to stakeholders participating in the Challenge Process.

While DEEP cannot make the data fully available to stakeholders, the participants in the Challenge Process are eligible to apply for their own licenses with CostQuest. NTIA entered into a contract with CostQuest to cover the cost of these licenses, so there is no expense to licensees.

A CostQuest License is not required to file challenges directly through the challenge portal. However, a license from CostQuest will simplify the submission of bulk challenges, especially those with large numbers of locations, by enabling you to select locations by uploading a list of BSL Location IDs.

License Tiers

There are two tiers of licenses relevant for the BEAD Program:

- **Tier D License:** The Tier D License is available to all qualified, or presumptively qualified, recipients and subrecipients of federal broadband grants. This license is available to broadband providers, including co-ops, and units of Tribal governments. [Request License](#)
- **Tier E License:** The Tier E license is intended for units of local government, nonprofits, and other organizations that have signed an FCC Tier 4 license. [Request License](#)

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