

A man with glasses, wearing a red t-shirt and shorts, is sitting on a wooden dock by a lake. He is looking down at a laptop computer on his lap. The background shows a calm lake and a line of trees in the distance under a clear sky.

# **BEAD CHALLENGE PROCESS**

**Office of Broadband Initiatives  
Department of Business and Economic Affairs  
State of New Hampshire**

# Introduction to the Office of Broadband Initiatives

Matthew Conserva – Program Manager

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Ready.net - Adi Rishab Dugar

Please send your questions through the webinar chat function. As time permits, there will be a question-and-answer period at the conclusion of the webinar.

# Existing Broadband Funding

Capital Projects Fund – Approximately \$122 million for Broadband Expansion

- Broadband Infrastructure Contracts
  - Two Contracts totaling \$90M
    - Providing Broadband Access to 48,000 Unserved and Underserved Addresses
- Broadband Matching Grant Initiative (BMGI)
  - Established by [RSA 12-O:61-63](#)
  - Makes \$25 million in matching grants available to Internet Service Providers (ISP)/Municipalities
  - Up to 75% match for eligible costs
  - Currently finalizing application awards
    - 12 Applications
    - 3,000+ addresses

# Existing Broadband Funding

## Infrastructure Investments and Jobs Act (IIJA)

- BEAD
  - Awarded \$196M
  
- Digital Equity
  - Awarded \$525K Planning Grant
  - Submitted Application for the Digital Equity Capacity Grant: \$4.9M

# Current State of Broadband in New Hampshire

## State Definition of Broadband

- Established by New Hampshire [SB 222](#)
- ***Greater than or equal to 100 megabits per second download and 20 megabits per second upload or at rates of transmission*** defined by the Federal Communications Commission as a wireline advanced telecommunications capability as defined by section 706 of the Telecommunications Act of 1996, ***whichever rates of transmission are greater***, irrespective of the network technology used.

## Current Unserved/Underserved Locations

- 13,369 Unserved (Less than 25/3 Mbps)
- 4,705 Underserved (Greater than 25/3 Mbps but less than 100/20 Mbps)

# BEAD Overview

- Broadband Equity, Access, and Deployment (BEAD) was established by the Infrastructure Investment and Jobs Act (IIJA) signed in 2021
- The Notice of Funding Opportunity (NOFO) was released May 2022
- The goal of the BEAD program is to serve 100% of remaining unserved and underserved Broadband Serviceable Locations (BSLs) within the state.
- This program offers up to a 75% match
- New Hampshire was awarded \$5 million in December 2022 for planning purposes
- In 2023, New Hampshire was allocated an additional \$191.5 million to expand Broadband Infrastructure
- To access the remaining funding, the BEA Office of Broadband Initiatives (using funds from its \$5 million planning grant) completed the following:
  - [Five-Year Plan](#) – Approved
  - [Initial Proposal Volume I](#) – Approved (March 11, 2024)
  - [Initial Proposal Volume II](#) – Approved (June 3, 2024)
  - Final Proposal – In Progress (due June 3, 2025)
- As of June 18<sup>th</sup>, 2024, the remaining funds have been obligated to the State.

# BEAD Challenge Process Overview

New Hampshire's BEAD Challenge Process is outlined in complete detail in its [Initial Proposal Volume I](#).

- The goal of the Challenge Process is to ensure that the most accurate list of locations possible is used for BEAD funding allocation.
- New Hampshire has accepted the Model Challenge Process
  - New Hampshire has accepted the DSL Modification
- Version 4 of the FCC Fabric
  - BDC Data as of December 31, 2023 (Pulled May 28, 2024)
- Deduplication
  - The following have been deduplicated from the data:
    - RDOF, E-ACAM, and ReConnect
    - NH Broadband Infrastructure Contracts (CPF)
    - Broadband Matching Grant Initiative (BMGI)
      - This will occur during a second round of deduplication at the end of the process
      - Subject to awards being approved by Governor and Executive Council

# BEAD Challenge Process Overview

## Timeline

- Eligible Locations will be posted 1 week prior to Challenge Process launch
- Challenge Phase (30 days)
  - July 15, 2024 – August 14, 2024
- Adjudication (14 days)
  - August 15, 2024 – August 29, 2024
- Rebuttal Phase (30 days)
  - August 30, 2024 – September 29, 2024
- Final Determinations (30 days)
  - September 30, 2024 – October 30, 2024



# Permissible Challengers

Internet Service Providers (ISPs)

Units of Local and Tribal Governments

Non-Profits Organizations

Residents may provide feedback using the Public Comment portal.

# Permissible Challenges

- Planned or Existing Service
  - Planned Service
  - Existing Service
- Enforceable Commitments
  - Covered by an Enforceable Commitment
  - Not Covered by an Enforceable Commitment
- Provider Service Level
  - Availability
  - Data Cap
  - Technology
  - Business Service Only
- Anchor Institution Classification
  - Location is a CAI
  - Location is not a CAI

# Planned Service (P)

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.

## Information and Evidence:

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 will not exceed 100ms
5. An attestation to confirm that service will be deployed to the locations included in this challenge by June 30, 2024 with the technology, speeds, and latency provided.
6. Will the planned deployment, including the listed speeds, latency, and technology be deployed to the selected locations by June 30, 2024?
7. Evidence that the deployment is on track to be completed on time, which should at least include:
  - a. Planned network diagrams
  - b. Evidence of all necessary permits that were obtained
  - c. Inspection results
  - d. Construction contracts and invoices
  - e. You are encouraged to submit other evidence that may demonstrate that deployment is in progress

# Existing Service

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

## Information and Evidence:

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. Indicate if you have already reported the available broadband service to FCC’s Broadband Data Collection Program (BDC).
  1. If yes, you will need to confirm which BDC filing window you filed the service under.
  2. 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 the service is deployed and available (As many of the following as possible):
  1. Submitted specific BDC Filing for the challenged location (If applicable)
  2. Evidence of subscribers
  3. Network diagram of deployments
  4. Evidence of completed deployment, such as evidence of all necessary permits that were obtained, inspection results, or construction contracts and invoices.

# Availability (A)

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 delivered within 10 days, at no extra cost to the customer, over the reported technology and maximum advertised speeds.

- Code 1: Provider failed to schedule service installation within 10 business days of a request.
- Code 3: Provider requested more than the standard fee to connect the location.
- Code 4: Provider denied the request for service.
- Code 5: Provider does not offer the technology.
- Code 6: Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.
- Code 7: Intentionally Omitted (Does not constitute a formal challenge)
- Code 8: No wireless signal is available at this location (only for technology codes 70 and above).

# Availability (A)

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Evidence:

- Screen capture of provider webpage.
- A service request was refused within the last 180 days (e.g. letter or email from provider)
- Lack of suitable infrastructure (e.g. no fiber on pole)
- A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 days of a request.
- A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location.
- A letter that the provider quoted an amount more than the provider's standard installation to connect service at the location.

charge

**BEA**

New Hampshire Department of  
BUSINESS AND  
ECONOMIC AFFAIRS

# Enforceable Commitments (E and N)

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

## Information and Evidence:

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
7. Evidence should include:
  - a. Evidence of award such as authorization letter and 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

# Data Cap (D) and Technology (T)

## Data Cap

- The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.
- Evidence:
  - Screen capture of provider webpage
  - Service description provided to consumer

## Technology

- Provider does not offer the technology at this location (the technology indicated for this location is incorrect).
  - Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology



# Business Service Only (B)

## Business Service Only

- The location is residential, but the service offered is marketed or available only to businesses.
- Evidence:
  - Screen capture of provider webpage

# Community Anchor Institutions (CAIs)

The definition of CAI is based on the statutory definition provided in 47 USC 1702 (a)(2)(E).

BEA applied the definition 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. There are no federally recognized tribal lands in New Hampshire

Full definition and explanation is available in the [Initial Proposal Volume I](#) (Page 11).

# Anchor Institution Classification (C and R)

Location is a CAI (C)

- The location should be classified as a CAI

Location is not a CAI (R)

- The location is currently labeled as a CAI but is a resident, non-CAI business, or no longer in operation.

# Area and MDU Challenges

## Area Challenge

- An area challenge is triggered if 6 or more broadband serviceable locations (BSLs) using a particular technology and a single provider within a census block group are challenged under the same challenge type.

## Multiple Dwelling Unit (MDU)

- An MDU challenge is triggered if at least 3 units or 10% of the unit count listed in the fabric within the same broadband serviceable location are challenged.

## Challenge Types

- Availability (A), Data Cap (D) or Technology (T)

# Rebuttal Phase

- The Rebuttal Phase will last 30 calendar days.
- All successful challenges will be sent for rebuttal at the beginning of the Rebuttal Phase.
- The Challenged ISP is the only provider that can rebut the challenge.
- If no response is received from the ISP, the challenge will be considered substantiated.
- If the challenged ISP agrees, the challenge will be considered sustained.

It is critically important for all ISPs to register for the Challenge Process, even if they do not plan to challenge locations. To receive portal notification emails and be able to rebut challenges, registration must be complete.

# Final Determinations

- The Final Determination Phase will last 30 calendar days.
- The BEA Office of Broadband Initiatives will review challenges and rebuttals and make final determination of locations.
- There will also be another round of deduplication.
- Locations will be submitted to the National Telecommunications Information Administration (NTIA) for review and approval.
- The final listing of eligible locations will be posted publicly on [BEA's Office of Broadband Initiatives Website](#).

# Ready.net Demo

# CostQuest Licenses

- When participating in the Challenge Process, it is recommended that challengers acquire a CostQuest License.
  - There is no cost to obtain a CostQuest License.
  - **A CostQuest License is not required to file challenges directly through the challenge portal.** However, if you are considering submitting bulk challenges (challenges to more than one location in the same submission), we highly recommend that you obtain a license from CostQuest, which will allow us to provide a bulk challenge template pre-populated with Location IDs that you select.
- Tier D License – ISPs and units of Tribal governments.
  - [NTIA Tier D License Request \(costquest.com\)](#)
- Tier E License – Units of local government and non-profits.
  - [NTIA Tier E License Request \(costquest.com\)](#)



# Technical Assistance

## Office of Broadband Initiatives

**[broadband@livefree.nh.gov](mailto:broadband@livefree.nh.gov)**

**Ready.net**

**[nhhelpdesk@ready.net](mailto:nhhelpdesk@ready.net)**



# Q & A