New Hampshire BEAD CHALLENGE PROCESS RESOURCE GUIDE

Version 1.0

BEA

New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

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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 State Challenge Process is designed to provide stakeholders in New Hampshire with an opportunity to challenge the eligibility of locations. Based on the process approved by the National Telecommunications and Information Administration (NTIA), challengers can dispute the data from the National Broadband Map using local data.

Questions related to policy or procedural items should be directed to **broadband@livefree.nh.gov**. Questions related to technical assistance issues should be directed to **nhhelpdesk@ready.net**.

Note: Due to ongoing discussions between federal and state partners, the information in this document is subject to update and clarification. Any changes will be announced through official channels, with any changes documented in a change log.

Permissible Challenges

What can be challenged?
The BEAD Challenge Process is designed to accommodate different categories of challenges that are necessary to develop a more accurate list of BEAD eligible locations.

There are different challenge types within each category, but generally, permissible challengers can only challenge on the following grounds:

- The identification of eligible community anchor institutions, as defined by the Eligible Entity.
- Community anchor institution which lacks giga-bit level internet access determinations.
- BEAD eligibility determinations for existing BSLs.
- Enforceable commitments
- Planned service.

Area & MDU Challenges
The New Hampshire Office of Broadband Initiatives will administer area and MDU challenges for Availability, Technology, and Data Cap challenge types. An area challenge is triggered if six or more broadband serviceable locations[1] using a particular technology and a single provider within a census block group[1] are challenged under the same challenge type. An MDU challenge requires challenges to at least three units or 10% of the unit count listed in the Fabric within the same broadband serviceable location, whichever is larger.

Please note that all Technology challenges will be recorded as an Availability challenge under Reason Code 5, as described in Table 1. This means that Technology challenges will be combined with Availability challenges for the purposes of triggering Area and MDU Challenges. However, this is based on tentative feedback from NTIA, therefore, it is recommended that you submit all Technology challenges under Availability and Reason Code 5.

The provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability/technology, and data cap requirement, respectively, for all locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals described in this document for the respective challenge type.

[1] Area challenge determinations will be determined based on 2020 Census Block Groups

Area challenges for Availability need to be rebutted with evidence that service is available for all BSL 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 challenge system will offer a representative random sample of the area in contention, but no fewer than [10], where the provider must demonstrate service availability and speed.

In the event of a representative random sample being used for a rebuttal, such as with an availability area challenge or 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.

Permissible Challengers

Who can submit a challenge?
Under the federal policy for the BEAD Program, only the following entities are permitted to submit formal challenges during the BEAD Challenge Process:

- Units of Local and Tribal Governments
- Non-profit 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 . Additionally, residents can use New Hampshire's Resident Corrections feature to submit evidence regarding the lack of service at their address that can be reviewed and converted into challenges by qualified non-profit organizations and units of local or tribal government.

Structure and Timing

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

Prior to the kickoff of the challenge process, The New Hampshire Office of Broadband Initiatives will post the final eligibility determinations on a public map and available through the portal.

The Challenge Process Phases

Challenge Submission Window	07/15/2024 – 08/14/2024 (tentative)
Rebuttal Submission Window	08/29/2024 – 09/28/2024 (tentative)
Final Determination Window	9/29/2024 – 10/29/2024 (tentative)

Challenge Phase

The challenge phase will run for 30 calendar days. During this phase, eligible challengers will be able to submit challenges using the Challenge Portal. After a challenge is submitted, the New Hampshire Office of Broadband Initiatives team will review the evidence and determine if it meets the evidentiary requirements. If a challenge is determined to meet the minimum level of evidence, it will be considered a 'valid challenge'.

After all the challenges have been reviewed, the valid challenges will be processed collectively to determine which challenges require a rebuttal and identify any Area Challenges.

Since the intention of the challenge process is to modify the 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 phase ends. You will not be allowed to fix errors or omissions in your challenge after the 30-day submission window closes.*

Rebuttal Phase

After the Challenge Phase closes and challenges are processed, the Rebuttal Phase will run for 30 calendar days. At the beginning of the Rebuttal Phase, all 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 the details necessary to respond during the Rebuttal Phase. The challenged provider will have 30 days 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 non-profit organizations, will receive an email notification when the Rebuttal Phase 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. Unlike the provider challenges, other challenge types are still subject to the final review and determination by the New Hampshire Office of Broadband Initiatives team.

After a rebuttal is submitted, the New Hampshire Office of Broadband Initiatives team 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 Phase, all challenges with valid rebuttals submitted will be marked as "disputed" and proceed to the Final Determination Phase.

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

Final Determination Phase

Within 30 days of the close of the Rebuttal Phase, the New Hampshire Office of Broadband Initiatives team will review the evidence for each challenge, including the evidence from any rebuttals, and will make a final determination to "sustain" or "reject" each challenge. The reviewers will fully review all 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 the 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. Type of Entity (select from dropdown)

    b. **Broadband Providers Information**
        i. Provider Name (select from dropdown)
        ii. FRN
        iii. Physical Address
        iv. Additional documentation to verify identity

    c. **Unit of Local Government Information**
        i. Physical Address
        ii. Additional documentation to verify identity

    d. **Unit of Tribal Government Information**
        i. UEI Number assigned by Sam.gov
        ii. Tribe's name as listed by BIA
        iii. Physical Address
        iv. Additional documentation to verify identity

    e. **Non-Profit Organization Information**
        i. EIN
        ii. Physical Address
        iii. 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 the New Hampshire Office of Broadband Initiatives 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 phases are open.

Submitting Challenges

All Permissible Challengers are eligible to submit challenges of any type.

Challenge Steps

1. **Log-in to the Challenge Portal** - Users can log-in using email/password combination or use a "Magic Link" which sends an email with a link to log-in directly without password.

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 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 Category and Type** - Each challenge category includes multiple challenge types to select from:
        i. **Planned or Existing Service**
            1. Planned Service
            2. Existing Service
        ii. **Enforceable Commitments**
            1. Covered by Enforceable Commitment
            2. Not Covered by Enforceable Commitment
        iii. **Provider Service Level**
            1. Availability
            2. Data Cap
            3. Technology
            4. Business Service Only
        iv. **Anchor Institution Classification**
            1. Location is a CAI
            2. Location is not a CAI

    b. **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 further throughout this document.

    c. **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
        i. **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.
        ii. **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.

1. **Shift+Click+Drag cursor** - This method allows you to quickly select multiple locations directly on the map. This is the quickest, but 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.

2. **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.

3. **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"

d. **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 reupload a .csv file with the selected locations. Please provide as much information as possible within this file to help match your provided evidence with the correct locations; this will help expedite review.

e. **Attestation** - After you've uploaded your evidence, you will be required to accept and complete an attestation stating, to the best of your knowledge and belief that 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 Phase 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 information on whether challenges were received against them. The formal notice will initiate the 30-day rebuttal window.

2. **Log-in to the Challenge Portal** - Users can log-in using email/password combo or use a "Magic Link" which sends an email with a link to log-in directly without password.

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 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 of the challenging entity, challenge type, number of challenged locations, and other details.

5. **Click View 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 like 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 submit or accept all the challenges, you can do so using the Rebut All/Accept All button. 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 challenge you will be asked to provide any evidence and documentation that you want included in the review of your challenge.

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

Evidence and 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 delivered within 10 days, at no extra cost to the customer, over 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.[2]

Evidence for Availability Challenges

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.

Table 1

Code	Reason	Acceptable Evidence Types for Challenges	Data Age
1	Provider failed to schedule a service installation within 10 business days of a request.	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● Documentation of phone call or in-person interaction ● Other evidence to support challenge	365 Days
3	Provider requested more than the standard installation fee to connect the location.	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● Documentation of phone call or in-person interaction ● Other evidence to support challeng	365 Days
4	Provider denied the request for service.	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● Documentation of phone call or in-person interaction ● Other evidence to support challenge	180 Days

[2] 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.

5	Provider does not offer the technology entered above at this location.	• Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology. • Other evidence to support challenge	365 Days
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.	• Screenshot from provider website • Email from provider • Text message or Voicemail transcript from provider • Letter from provider (Physical or PDF) • 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	180 Days
7	Intentionally Omitted[3] (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).	• Screenshot from provider website • Email from provider • Text message or Voicemail transcript from provider • Letter from provider (Physical or PDF) • Documentation of phone call or in-person interaction • Infrastructure Knowledge/Evidence • Other evidence to support challenge	365 Days

Evidence for Availability Rebuttals

Only the challenged provider may submit a rebuttal to an Availability Challenge. This evidence must include evidence that counter the reason code and evidence provided by the challenger. The acceptable forms of evidence are provided in Table 2.

Table 2

Code	Reason	Acceptable Evidence Types for Rebuttals
1	Provider failed to schedule a service installation within 10 business days of a request	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. Provider provides 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.	The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.
4	Provider denied the request for service.	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill.

[3] The Availability challenge does not adjudicate whether the actual speeds of the service falls below the advertised speeds. The FCC uses Code 7 is used for consumer complaints when "Subscribed Speed Not Achievable"

5	Provider does not offer the technology entered above at this location.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.	Provider shows that the location subscribes or has subscribed within the last 12 months, e.g. with a copy of a customer bill. If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. Provider provides a copy of an offer sent to the location for the service at the speeds shown on the Broadband Map.
7	Intentionally Omitted[4] (Does not constitute a formal challenge)	N/A
8	No wireless signal is available at this location (only for technology codes 70 and above).	Provider has countervailing evidence to demonstrate service availability and speed (e.g., with a mobile test unit).

Additional Provider Service Level Challenges

In addition to the Availability Challenge type in the BEAD Challenge Process, there are three additional allowable Provider Service Level Challenge Types: Data Cap, Technology, and Business Service Only.

Evidence for Additional Provider Service Level Challenges
The Data Cap, Technology, and Business Service Only Challenge requirements are like those for Availability Challenges. Table 3 outlines the acceptable evidence for each of these challenge types 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.

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[4] The Availability challenge does not adjudicate whether the actual speeds of the service falls below the advertised speeds. The FCC uses Code 7 is used for consumer complaints when "Subscribed Speed Not Achievable"

Table 3

Type	Reason	Acceptable Evidence Types for Challenges	Data Age
Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● Documentation of phone call or in-person interaction ● Terms of Service / Service Description ● End-User contract or offer ● Other evidence to support challenge	365 Days
Technology	Provider does not offer the technology entered above at this location (The technology indicated for this location is incorrect.)	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● 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	365 Days
Business Service Only	The location is residential, but the service offered is marketed or available only to businesses.	● Screenshot from provider website ● Email from provider ● Text message or Voicemail transcript from provider ● Letter from provider (Physical or PDF) ● Documentation of phone call or in-person interaction ● Terms of Service / Service Description ● End-User contract or offer ● Other evidence to support challenge	365 Days

Evidence for Additional Provider Service Level Rebuttals

Only the challenged provider may submit a rebuttal to a challenge. This evidence must include evidence that counter the reason code and evidence provided by the challenger. The acceptable forms of evidence are provided in Table 4.

Table 4

Type	Reason	Acceptable Evidence Types for Rebuttals
Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.	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
Technology	Provider does not offer the technology entered above at this location (The technology indicated for this location is incorrect.)	Provider has countervailing evidence from their 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.	Provider 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, The New Hampshire Office of Broadband Initiatives 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 an unserved or underserved locations have an existing federal, state, or local funding that should make those locations ineligible for BEAD.

The following details and evidence are recommended:
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

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 to less than 100% of locations and the location(s) are not covered by that commitment.

Enforceable Commitment Identification - Process and Methodology

The New Hampshire Office of Broadband Initiatives has deduplicated the list of BEAD-eligible locations, based on existing funding from current programs, using the following process:

Federally-Administered Grant Programs

The New Hampshire Office of Broadband Initiatives used the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments, which includes data on funding from the following programs (not all applicable to New Hampshire):

- NTIA Broadband Infrastructure Program (BIP)
- NTIA Tribal Broadband Connectivity Program (TBCP)*
- FCC Rural Digital Opportunity Fund (RDOF)
- FCC Connect America Fund II (CAFII)
- FCC Enhanced Alternative Connect America Model (A-CAM)
- USDA Rural eConnectivity Broadband Loan and Grant Program (ReConnect)
- USDA Telephone Loan Program (TLP)
- USDA Community Connect Grant Program (CCGP)
- Puerto Rico Together (BPRT)*
- Connect U.S. Virgin Islands (CUSVI)*

*Programs did not fund any infrastructure deployment in New Hampshire

Evidence for Not Enforceable Commitment Challenges

The Enforceable Commitment Challenge allows Permissible Challengers to provide evidence that a location is not covered by an Enforceable Commitment identified by The New Hampshire Office of Broadband Initiatives. 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 Part of an Enforceable Commitment Rebuttals

Only the provider with the challenged Enforceable Commitment can submit a rebuttal to a Not Part of 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 service or will deploy service that will be available by June 30, 2024, 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 recommended 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 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. 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 also encouraged to submit other evidence that may demonstrate that the deployment in progress.

Evidence for Planned Service Rebuttals

Any Permissible Challenge may submit a rebuttal for Planned Service Rebuttal. The rebuttal must include countering evidence that demonstrates that the planned service cannot be deployed by June 30, 2024.

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.

Evidence for Existing Service Challenges

If you have completed broadband deployment to locations currently designated as unserved and/or underserved locations, 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. 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 BDC Filing (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.

Evidence for Existing Service Rebuttals

Any Permissible Challenge 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 Tables 1 and 2, 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 is one category of Community Anchor Institutions (CAI) Challenges, including
- Identification of CAIs

The identification of Community Anchor Institutions for the purposes of BEAD is based on the definition and process outlined in Section 1.3 of New Hampshire's Initial Proposal Vol. 1, which includes:

- **Schools:** Private Schools are defined by the Private School Survey (PSS) from HIFLD data. Public Schools are defined by the Common Core Data (CCD) from the HIFLD. Public and Private schools are identified with a National Center for Education Statistics ID.
- **Libraries:** Libraires in New Hampshire were already listed from efforts in 2014 but were confirmed using location data from HIFLD published in 2023
- **Health clinic, health center, hospital, or other medical providers:** Urgent care centers, nursing homes VA medical facilities and public health department were identified from the HIFLD database. Doctors and Clinicians data were downloaded from the Centers for Medicare and Medicaid Services Address data.
- **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, police stations, sheriff and constable offices, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government.
- **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 were identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development.
- **Community support organizations:** The Eligible Entity included 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. In BEA's Workforce Innovation and Opportunity Act (WIOA) plan, training centers are targeted in the goal of creating a talent development system that leverages talent attraction, retention, and development strategies. The plan also accounts for utilizing training centers for ensuring career pathway opportunities to develop foundational skills to include certifications. 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. The National Council on Aging (NCOA) helped identify senior centers. As part of BEA's Digital Equity work, senior centers help the aging population, lower income, and veterans. These populations will be supported through these community centers and senior centers identified as providing digital literacy skills, adoption rates and potentially partnering with other groups providing devices for use at home. Community centers and senior centers are a safe environment for these covered populations to have a space for learning and increasing their digital literacy skills to include cybersecurity.

- **Correctional System:** BEA's outreach included conversations with groups representing the correctional system in New Hampshire. The New Hampshire BEA, in conjunction with the current Digital Equity efforts, is working with partners and stakeholders, such as the Division of Rehabilitative Services of the New Hampshire Department of Corrections. New Hampshire has included addresses of incarcerated populations as identified by the Department of Corrections in the state. These identified locations assist the vulnerable populations as they work to reacclimate into society. Job research, internet skills, cybersecurity, and social interaction are some of the areas where broadband will be utilized for these identified CAI's.
- **Faith Based Organization:** The eligible entity included faith-based organizations so long as it can be identified that they provide community support for vulnerable populations or act as community shelters as needed and broadband connectivity is a necessity.

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

If the location for a CAI is missing entirely from the map, please reach out to **broadband@livefree.nh.gov**.

Evidence for Location is a CAI Rebuttal

Any Permissible Challenge 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 locations is not a CAI
    1. Location is a residence
    2. Location is a non-CAI business
    3. Institution does not fall under listed category
        1. Identify the institution type that the location should be listed as
    4. CAI has ceased operations
        1. Date CAI ceased operations
2. Evidence to support rebuttal

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Evidence for Location is a Not 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 the New Hampshire Office of Broadband Initiatives 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 successful challenge, you will need to submit the following information and evidence:

1. Identify the basis for the challenge that claims the location is not a CAI
    1. Location is a residence
    2. Location is a non-CAI business
    3. Institution does not fall under listed category
        1. Identify the institution type that the location should be listed as
    4. CAI has ceased operations
        1. Date CAI ceased operations
        2. Is there another CAI currently operating at this location? If so, provide the following information:
            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 or Faith Based 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 a Not CAI Rebuttal

Any Permissible Challenge 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.

Obtaining CostQuest BSL Fabric Licenses

To administer the BEAD program, New Hampshire Office of Broadband Initiatives 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.

New Hampshire Office of Broadband Initiatives 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 New Hampshire Office of Broadband Initiatives from making the data fully available to stakeholders participating in the challenge process.

While New Hampshire Office of Broadband Initiatives cannot make the data fully available to stakeholders, the participants in the challenge process are eligible to apply for their own licenses with CostQuest. The NTIA entered a contract with CostQuest to cover the cost of these licenses, so there is no expense to the licensees.

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.

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, non-profits, and other organizations that have signed an FCC Tier 4 license.
  Request License