



The State of Connecticut
Department of Energy & Environmental Protection

Initial Proposal for the BEAD Program
Broadband Equity, Access, and Deployment

Volume 1

DRAFT FOR PUBLIC COMMENT

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1. Overview

The Connecticut Department of Energy & Environmental Protection (DEEP) has drafted the following sections of the Initial Proposal, as required under the Broadband Equity, Access, and Deployment Program (BEAD). These sections serve as Volume 1 of the Initial Proposal. Upon receipt and consideration of comments to this document, DEEP will submit this document for consideration to the National Telecommunications and Information Association (NTIA), the administrators of BEAD.

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, DEEP will post drafts of the BEAD Initial Proposal Volumes 1 and 2 for 30-day public comment periods prior to submission to the NTIA. Upon approval from NTIA, DEEP will again publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window.

Comments on Volume 1 of the BEAD Initial Proposal should be submitted via email to DEEP.Broadband@ct.gov by 5:00 PM on Friday, November 17, 2023 for review and consideration. Volume 2 of the Initial Proposal, which includes the remaining fourteen requirements of the BEAD Initial Proposal, will be made available for public comment at a later date. For more information about how the Initial Proposal, as well as other documents under the BEAD program, please visit <https://portal.ct.gov/deep/energy/broadband-deployment/bead-program>.

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2. Existing Broadband Funding (Requirement 3)

Below are the existing efforts funded by the federal and state government within the State of Connecticut to deploy broadband and close the digital divide, including on Tribal Lands, as documented in Connecticut’s Five-Year Broadband Action Plan.

Source	Purpose	State Subgrant Administrator	Total	Expended	Remaining
AMERICAN RESCUE PLAN ACT Administered by the U.S. Department of the Treasury					
<u>Capital Projects Fund (CPF)</u>	To fund broadband infrastructure that delivers reliable internet service that meets or exceeds symmetrical download and upload speeds of 100 megabits per second (Mbps).	DEEP	\$42,966,125	\$0 Program expenses incurred as of date of Plan submission under review and pending processing for payment	\$42,966,125
Capital Projects Fund (CPF)	To fund broadband infrastructure upgrades of (1) CEN backbone connecting 670 existing member institutions (2) Expand Access to Municipalities and Libraries not currently directly connected to CEN (3) Expand Access to Charter Schools not directly connected to CEN (4) administer a grant program to expand public Wi-Fi access in municipalities.	The Commission for Educational Technology (DAS)	\$73,966,489	n/a	
State and Local Fiscal Recovery Funds (SLFRF) Program	To support the local response to and recovery from the COVID-19 public health emergency.	The State of Connecticut and Municipalities	\$29,673,781	\$2,324,266 Expended \$6,934,307 Obligated	\$22,739,474
BIPARTISAN INFRASTRUCTURE LAW Administered by the National Telecommunications and Information Administration					
Broadband Equity, Access, and Deployment Program Initial Planning Funds	To support the development of a Five-Year Action Plan that identifies Connecticut's broadband access, affordability, equity, and adoption needs; build the capacity of the State's broadband office; and support local engagement with unserved, underserved, and underrepresented communities	DEEP	\$5,000,000	\$0 Program expenses incurred as of date of Plan submission under review and pending processing for payment	\$5,000,000

	to better understand barriers to adoption. Please note that the \$5,000,000 in Initial Planning Funds is included in the total allocation described in the following row.				
Broadband Equity, Access, and Deployment Program Total Allocation (including Initial Planning Funds)	To deploy or upgrade broadband networks to ensure that everyone has access to reliable, affordable, high-speed internet service. Once deployment goals are met, remaining funding may be used to pursue eligible access, adoption, and equity-related uses.	DEEP	\$144,180,792	\$0	\$144,180,792
Digital Equity Act Planning Grant Program	To develop a State Digital Equity Plan, including a needs assessment and stakeholder engagement strategy.	The Commission for Educational Technology (DAS)	\$736,568	\$80,729	\$655,839
Other					
Tribal Broadband Connectivity Program (TBCP) Administered by the NTIA	To be used for broadband deployment on tribal lands, as well as for telehealth, distance learning, broadband affordability, and digital inclusion.	Tribes	\$493,008	\$191,975.72* *As reported by the Mashantucket Pequot Tribal Nation Federally Administered Program	\$301,032.28
Connecting Minority Communities (CMC) Pilot Program Administered by the NTIA	For Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority-Serving Institutions (MSIs) for the purchase of broadband internet access service and eligible equipment or to hire and train information technology personnel.	n/a	\$2,864,285	n/a – Federally Administered Program	
Connecticut Rural Digital Opportunity Fund (RDOF) Administered by the FCC	To bring fixed broadband and voice service to unserved homes and small businesses in rural America. *Space Exploration Technologies Corp. and Frontier Communications Corporation DIP were awarded funding in Connecticut.	n/a	\$4,210,410*	n/a – Federally Administered Program	

<p>Emergency Connectivity Fund (ECF) Administered by the FCC</p>	<p>To help schools and libraries provide the tools and services their communities needed for remote learning during the COVID-19 emergency period, and to help close the Homework Gap for students who currently lack necessary internet access or the devices they need to connect to classrooms.</p>	<p>n/a</p>	<p>\$55,200,957</p>	<p>n/a – Federally Administered Program</p>	
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3. Unserved and Underserved Locations (Requirement 5)

The BEAD Program establishes a two-tiered definition of areas that lack qualifying broadband service at or above the level of 100 megabits per second (Mbps) download and 20 Mbps upload. In accordance with this definition, for the purposes of BEAD:

- Locations without access to internet speeds at or above 25/3 are considered unserved.¹
- Locations without access to internet speeds at or above 100 Mbps/20 Mbps are considered underserved.²

DSL Modifications

DEEP will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.” This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service.

Speed Test Modifications

DEEP will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies (i.e., methodologies aligned to the BEAD Model Challenge Process Speed Test Module) demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream. This modification will better reflect the locations eligible for BEAD funding because it will consider the actual speeds of locations.

The status of state or federal funding present at these locations does not impact their service status of served, unserved, or underserved. Locations with an enforceable commitment are not eligible for funding under BEAD. An enforceable commitment for the deployment of qualifying broadband to a location exists when there is a commitment to deploy qualifying broadband service to that location as defined in Footnote 52 of the BEAD Notice of Funding Opportunity.

This first volume of the State of Connecticut's BEAD Initial Proposal includes, consistent with NTIA requirements, a list of all unserved and underserved locations in the state. The data is sourced from the FCC's Broadband DATA Map published in June 2023 which is based on data submitted by December 31, 2022. The publication date of the National Broadband Map will not predate the submission of the Initial Proposal by more than 59 days.

Note: These files are not yet published and will be made available when the final version of this document is submitted to the NTIA after consideration of public comments. Interested parties are encouraged to visit broadbandmaps.ct.gov for more information on unserved and underserved locations in Connecticut.

¹According to the BEAD NOFO, the term “unserved location” means a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

²According to the BEAD NOFO, the term “underserved location” means a broadband-serviceable location that is (a) not an unserved location, and (b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.

Community Anchor Institutions (Requirement 6)

DEEP adopts the definition for Community Anchor Institution, as cited in Section 60102(a)(2)(E) of the Infrastructure Act, as an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public 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.

Note that designation as a Community Anchor Institution does not imply a commitment of funding from the BEAD Program.

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

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 institutions registered as medical institutions with the State of Connecticut 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 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. **Local government:** 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 from towns and is cross-referenced with Homeland Infrastructure Foundation-Level Data (HIFLD).
6. **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.
7. **Public housing organizations:** Public housing data is divided into two types: 1) Public Housing Authority facilities and 2) Public Housing units. The former is sourced from HUD and verified with the Connecticut Department of Housing (CT DOH). The latter is based on the CT DOH Appeals list, a comprehensive list of all publicly subsidized housing units in the state.
8. **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:** 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 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:** The list of Community Action Agencies (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:** 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:** 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. **Senior Centers:** 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.
- g. **Workforce Development Organizations:** 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.

Note: DEEP recognizes the intersectionality of community support organizations, and therefore, organizations are encouraged to assess their alignment with the listed categories. If none of these categories fits their profile, but they believe their work facilitates the greater use of broadband by vulnerable populations, they are welcome to submit a comment for additional consideration.

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, DEEP undertook the following activities:

- **Interagency Collaboration:** DEEP held a series of interagency meetings, in partnership with the Department of Administrative Services (DAS), with various governmental departments to assess the needs of community anchor institutions and the populations they serve. These meetings also helped identify the types of data and communication channels each agency has available. Agencies included, in no particular order, the Department for Social Services, the Department of Veterans Affairs, the Connecticut State Department of Education, the Department of Housing, the Connecticut Department of Correction, and the Department of Developmental Services.
- **Community Organization Survey:** This survey helped to identify community anchor institutions and their digital equity programs and resources, service availability, and potential eligibility for BEAD Program and Digital Equity Act funding. Approximately 300 responses have been recorded.
- **Community Roundtables:** These roundtable discussions bring together key stakeholder groups like nonprofits serving underrepresented communities and other community support organizations. DEEP provides program updates and invite stakeholders to offer feedback and insights on opportunities and obstacles to universal service. In anticipation of the Initial Proposal, DEEP utilized the Community Roundtables to help identify and assess CAIs through verbal feedback as well as the promotion of the Community Organization Survey.
- **Public Comment Period:** DEEP will use the Initial Proposal public comment process to ensure that all relevant institutions meeting the CAI criteria are included.

Note: The file of identified CAIs is not yet published and will be made available when the final version of this document is submitted to the NTIA after consideration of public comments.

4. Challenge Process (Requirement 7)

DEEP adopts the NTIA Model Challenge Process.

DEEP has compiled a list of federal, state, and local enforceable commitments as documented in Requirement 3. In situations in which the funding program did not mandate specific broadband speeds for the funded network, or when there was reason to believe a provider deployed higher broadband speeds than required, DEEP will reach out to the provider to verify the deployment speeds.

Deduplication of Funding

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

- The Broadband Funding Map published by the FCC pursuant to IIJA §60105.
- Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
- State of Connecticut and local data collections of existing enforceable commitments.

DEEP, in collaboration with OPM, will make a best effort to create a list of BSLs subject to enforceable commitments based on state or local grants or loans. If necessary, DEEP and OPM will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. DEEP will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

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

DEEP drew on these provider agreements, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of State of Connecticut and local enforceable commitments.

Challenge Process Design

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

Permissible Challenges

DEEP will only allow challenges on the following grounds:

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

Permissible Challengers

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

Challenge Process Overview

The challenge process conducted by DEEP will include four phases, spanning 90 days:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, DEEP will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). DEEP will also publish locations considered served, as they may be challenged.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. [The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.] For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, DEEP will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
 - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted.
3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the "disputed" state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the "sustained" state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
 - a. **Timeline:** Providers will have 30 business days from notification of a challenge to provide rebuttal information to DEEP.
4. **Final Determination Phase:** During the Final Determination phase, DEEP will make the final determination of the classification of the location, either declaring the challenge "sustained" or

“rejected.”

- a. **Timeline:** Following intake of challenge rebuttals, DEEP will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, DEEP, in collaboration with the Office of Policy and Management’s Data and Policy Analytics (DAPA) unit, will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. DEEP will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. DEEP plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. DEEP will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter 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 business days of a request.¹⁰ • 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 or that a Provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location. 	<ul style="list-style-type: none"> • 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. • 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.
S	Speed	The actual speed of the service tier	Speed test by subscriber, showing the insufficient speed and	Provider has countervailing speed test evidence showing

		falls below the unserved or underserved thresholds. ¹¹	meeting the requirements for speed tests.	sufficient speed, e.g., from their own network management system. ¹²
L	Latency	The round-trip latency of the broadband service exceeds 100 ms ¹³ .	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements. ¹⁴
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ¹⁵	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to 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.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).

<p>P</p>	<p>Planned service</p>	<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.</p>	<ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. • Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024. 	<p>Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.</p>
<p>N</p>	<p>Not part of enforceable commitment</p>	<p>This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)</p>	<p>Declaration by service provider subject to the enforceable commitment.</p>	
<p>C</p>	<p>Location is a CAI</p>	<p>The location should be classified as a CAI.</p>	<p>Evidence that the location falls within the definitions of CAIs set by the Eligible Entity.¹⁶</p>	<p>Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.</p>
<p>R</p>	<p>Location is not a CAI</p>	<p>The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.</p>	<p>Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.</p>	<p>Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.</p>

Area and MDU Challenge

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

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

An MDU challenge requires challenges by at least 3 units or 10% of the unit count listed in the Fabric within the same broadband serviceable location, whichever is larger.

Each type of challenge and each technology and provider is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

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

Speed Test Requirements

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 period by more than 60 days.

Speed tests can take four forms:

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

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

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

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

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed below 25/3 Mbps, this broadband service will not be considered to determine the status of the location. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served or underserved. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule¹⁸, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

Transparency Plan

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

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

- the provider, nonprofit, or unit of local government that submitted the challenge,

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

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

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

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