



Link Up
Idaho

Now receiving comment on
BEAD Initial Proposal Vols. I & II
Sept. 29 - Oct. 31, 2023

PUBLIC COMMENT PERIOD GUIDE SHEET

WE WANT TO HEAR FROM YOU!

Link Up Idaho invites all Idahoans to comment on its BEAD Initial Proposal Volumes I and II.

The State of Idaho has drafted its Initial Proposal Volume I and Volume II required under the historic Broadband Equity, Access, and Deployment (BEAD) funding. Beginning September 29, 2023, we are seeking public comment.

Upon receipt and consideration of the public's comments on the Initial Proposal, the State of Idaho will submit the document to the National Telecommunications and Information Administration (NTIA).

Volume I lays the groundwork for the technical aspects for the State's broadband efforts and goal to bring high-speed internet to all. Volume II details plans for the distribution of deployment funds, workforce and economic development initiatives, tribal coordination, and more.

To access and review either volume of the Initial Proposal, as well as other documents and information about the State of Idaho's broadband expansion efforts under BEAD, we recommend visiting LinkUp.Idaho.gov.

WHO CAN MAKE PUBLIC COMMENT?

Any Idaho resident, group, organization, non-profit, lobbying group, or government agency with an interest in the BEAD Initial Proposal can submit a public comment. Comments may be submitted anonymously or by a third party such as a friend or a representative.

► The Idaho Office of Broadband would like to kindly request you consider leaving comment on the following sections:

IP VOL I.

- 1.3 Community Anchor Institutions (CAIs) (Requirement 6)
- 1.4 Challenge Process (Requirement 7)

IP VOL II.

- 2.4. Deployment Subgrantee Selection (Requirement 8)
- 2.7. Labor Standards and Protection (Requirement 11)
- 2.8. Workforce Readiness (Requirement 12)
- 2.12. Low-Cost Broadband Service Option (Requirement 16)
- 2.13. Middle-Class Affordability Plans (Requirement 20)
- 2.16. Certification of Compliance with BEAD Requirements (Requirement 19)

PROCESS

Submit comments by following the steps below.

1. If assistance is needed while submitting comment, please feel free to contact the Idaho Office of Broadband:

208-334-2470

broadband@commerce.idaho.gov

700 W. State St., Boise, Idaho 83720

2. Visit **Linkup.Idaho.gov**.

3. Navigate to the 30-Day Public Comment Section (near the top of the home page) and click "Comment."

4. An email box will open, ready for participant to begin commenting to the State.

5. The subject line of your message should include which volume you are commenting on: Vol. I or Vol. II.

6. Send comments to broadbandcomments@commerce.idaho.gov.



Comment directly: broadbandcomments@commerce.idaho.gov

**HAVE YOUR
VOICE HEARD.
LEAVE COMMENT. ►**



TIPS FOR SUBMITTING PUBLIC COMMENT

- ☑ Remember to refer to the BEAD Initial Proposal Vol. I or Vol. II and page number or section to which you are commenting.
- ☑ Be as clear as possible in your comment, and use clear organization and formatting.
- ☑ Consider presenting your comment in the form of an argument, supported with data, if needed.
- ☑ Provide links to materials you are referencing in your comments.
- ☑ Establish your relevant expertise in the area you are commenting on, if any, but be sure not to include any identifying information.

To learn more about broadband expansion in Idaho, or to participate in the 30-Day Public Comment Period, visit linkup.idaho.gov/.

ADDITIONAL OPPORTUNITIES

The Idaho Office of Broadband and the Idaho Broadband Advisory Board will be hosting a Virtual Public Comment Period on October 11, 2023 from 10 a.m. to 12 p.m. MT. Up-to-date meeting information and registration will be available on LinkUp.Idaho.gov.

ABOUT LINK UP IDAHO

The Link Up Idaho initiative is led by the Idaho Broadband Advisory Board (IBAB) and the Idaho Department of Commerce, in coordination with the Idaho Office of Information Technology Services. This multifaceted initiative aims to gather information about internet connectivity challenges in Idaho communities to provide insight into internet availability across the state, provide outreach across Idaho to inform communities of the availability of broadband funds, and disperse funds to communities to improve broadband access. Link Up Idaho's mission is to provide all Idahoans with access to affordable and reliable broadband infrastructure.

The Idaho Office of Broadband has launched the Link Up Idaho initiative to better understand who has access to high-speed, affordable internet in the state, what areas are struggling to connect, and to develop a strategic plan to ensure everyone can access reliable, fast, affordable internet. The State's robust internet expansion plans are outlined and detailed in the Broadband, Equity, Access, and Deployment Initial Proposal Volumes I and II. The plans are now available for your review and feedback at LinkUp.Idaho.gov. Comments will be accepted September 29 through October 31, 2023.



2023

BEAD INITIAL PROPOSAL VOLUME I

IDAHO DEPARTMENT
OF COMMERCE

OFFICE OF BROADBAND



Contents

Executive Summary	3
1.1 Existing Broadband Funding (Requirement 3)	4
1.2 Unserved and Underserved Locations (Requirement 5)	9
1.3 Community Anchor Institutions (CAIs) (Requirement 6)	11
1.4 Challenge Process (Requirement 7)	13
Permissible Challenges	15
Permissible Challengers	15
Challenge Process Overview	15
Area and Multiple Dwelling Unit Challenges	19
Transparency Plan	20
1.5 Volume I Public Comment	21

DRAFT

Executive Summary

“In a data-driven society, connectivity is imperative for a strong economy. Improved broadband infrastructure means both urban and rural Idaho will be connected and well-positioned to attract business and enhance our citizens’ quality of life. “- Governor Brad Little, Idaho¹

The Idaho Office of Broadband (IOB) and Link Up Idaho are pleased to present Volume I of the Initial Proposal as required under the Broadband Equity, Access, and Deployment (BEAD) Program. Upon receipt and consideration of comments to this document, the IOB will submit this document for consideration to the National Telecommunications and Information Association (NTIA), the administrators of the BEAD Program.

The BEAD Program², established by the Infrastructure Investment and Jobs Act (IIJA) of 2021, provides \$42.45 billion to achieve reliable, affordable, and high-speed Internet coverage throughout the U.S. Idaho has been awarded \$583,256,249.88. This funding will establish the critical infrastructure that drives economic opportunities, expand access to healthcare services, enrich educational experiences of students, and improve overall quality of life for Idahoans and for all U.S. residents.

Idaho will prioritize its BEAD funding to extend high-speed broadband infrastructure to the 85,902 unserved and 52,094 underserved broadband serviceable locations that have been identified based on the Federal Communication Commission’s (FCC) Broadband Serviceable Location Fabric along with all identified Community Anchor Institutions (CAIs) lacking access to 1 Gbps symmetrical broadband connectivity.

Volume I of the Initial Proposal is drafted to meet the following four BEAD Notice of Funding Opportunity (NOFO)³ requirements:

- Item 3 – Identification of existing broadband efforts
- Item 5 – Identification of existing unserved and underserved locations
- Item 6 – Identification and application of community anchor institutions
- Item 7 – Detailed challenge process plan

The public comment period will last 30 days after the publication of this document. We expect to update our Initial Proposal based on new data and the public’s suggestions.

Upon approval of Volume I, and subsequent submission of the remaining 16 BEAD NOFO requirements (Volume II), the IOB will begin conducting the challenge process as outlined in this document. NOFO guidance allows flexibility in the Initial Proposal submission process and this two-volume approach allows the IOB to maintain an accelerated timeline of approval and implementation of funds provided under the BEAD program.

¹ Office of the Governor, “Gov. Little signs “Idaho First” broadband investments into law,” March 20, 2023, <https://gov.idaho.gov/pressrelease/gov-little-signs-idaho-first-broadband-investments-into-law/>.

² <https://broadbandusa.ntia.doc.gov/news/latest-news/ntias-role-implementing-broadband-provisions-2021-infrastructure-investment-and>

³ <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

1.1 Existing Broadband Funding (Requirement 3)

Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the State of Idaho to deploy broadband and close the digital divide, including in Tribal Lands.

On June 26, 2023, NTIA announced that Idaho will receive \$583,256,249.88 to expand access to broadband in the state as part of the BEAD Program. The BEAD Program provides \$42.45 billion (about \$130 per person in the US) nationwide for planning, infrastructure development, and adoption programs.⁴

The IOB will require each applicant to disclose, for itself and for its subsidiaries, any application submitted or planned to submit, and any broadband deployment project undertaken or committed to undertaken by the applicant or its subsidiaries using public funds at the time of submission of the application. Public funds including but not limited to funds provided under: the Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178); the CARES (Coronavirus Aid, Relief, and Economic Security) Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4), any federal Universal Service Fund high-cost program (e.g., RDOF, CAF (Connect America Fund)), or any State or local universal service or broadband deployment funding program.

The State of Idaho has also received funding through multiple rounds of state and federal investments to deploy broadband infrastructure and address the digital divide of Idahoans, including on Tribal Lands, as documented in Idaho’s Five-Year Action Plan. These funding programs address broadband access, affordability, and adoption, which are discussed in the table below.

The existing broadband funding information will also be available in an .xlsx document and will be provided to the NTIA upon formal submission.

Table 1: Existing Broadband Funding

Source	Purpose	Total	Expended	Available
US Department of Commerce (DOC)	Idaho will receive \$583,256,249.88 in BEAD funding, of which \$578,256,249.88 will be available for last-mile connectivity. The remaining \$5M will be allocated to be spent on planning activities.	\$578,256,249.88	\$0.00	\$578,256,249.88

⁴ The White House. “Biden-Harris Administration Announces State Allocations for \$42.45 Billion High-Speed Internet Grant Program as Part of Investing in America Agenda.” June 26, 2023. Available at: <https://www.internetforall.gov/news-media/biden-harris-administration-announces-state-allocations-4245-billion-high-speed-internet>.

Source	Purpose	Total	Expended	Available
US Treasury CPF	IBAB will award grants via a competitive grant application process in furtherance of priorities outlined in its Broadband Strategic Plan to entities that commit to improving broadband infrastructure in underserved and unserved locations in Idaho.	\$125,000,000.00	\$0.00	\$125,000,000.00
State General IBAB - Idaho Broadband Fund	The Idaho Broadband Fund consists of funds the legislature appropriates to assist broadband infrastructure in Idaho financially.	\$35,000,000.00	\$26,510,313.00	\$8,489,687.00
FCC Rural Digital Opportunity Fund (RDOF)	The Rural Digital Opportunity Fund (RDOF) disbursed \$57.9 million to Idaho over 10 years to bring fixed broadband and voice service to Idahoans of unserved homes and small businesses throughout the state.	\$57,946,359.00	\$0.00	\$0.00
US Department of Commerce (DOC)	Shoshone-Bannock Tribes received a Tribal Broadband Connectivity Program (TBCP) grant from the National Telecommunications and Information Administration (NTIA) and US DOC to install middle-mile and last-mile fiber and last-mile fixed wireless to directly connect 408 unserved Native American households with fiber-to-the-home 100/100 Mbps service.	\$22,485,260.71	\$0.00	\$22,485,260.71
US DOC	Shoshone-Paiute Tribes of the Duck Valley Indian Reservation received a TBCP grant from the NTIA	\$1,599,399.82	\$0.00	\$1,599,399.82

Source	Purpose	Total	Expended	Available
	and US DOC to connect 90% of the Reservation to newly established Wi-Fi towers, to purchase 75 computers and 169 Chromebooks for Tribal households/students with the greatest needs and to subsidize broadband service costs for 150 homes for one year. Additionally, the award includes the development of an engineering plan.			
US DOC	Syringa Networks, LLC proposes a 76-mile fiber backbone middle-mile route in rural Southwestern Idaho. The route crosses three Idaho counties and connects eight cities to their existing network.	\$6,209,732.74	\$0.00	\$6,209,732.74
US Department of Agriculture (USDA)	Midvale Telephone Company will use this Rural Development ReConnect Program Loan from the USDA to connect socially vulnerable communities in Elmore, Blaine, Custer, and Boise Counties in Idaho (and Gila, Graham, Pinal, Cochise, and Pima Counties in Arizona). The new fiber-to-the-home network will connect 455 people, 39 businesses, and 69 farms to high-speed internet in these regions.	\$10,583,267.00	\$5,092,151.00	\$5,491,116.00
USDA	This Rural Development investment from the US Department of Agriculture will deploy a fiber-to-the-premises network to connect 469 people, 32 businesses, and four farms to high-speed	\$2,103,857.00	\$0.00	\$0.00

Source	Purpose	Total	Expended	Available
	internet in Madison County, Idaho. Columbine Telephone Company will make high-speed internet affordable by participating in the FCC's ACP (Affordable Connectivity Program).			
USDA	Direct Communications Rockland, Inc. will use this 50/50 Loan Grant Combo for Rural Development investment to deploy fiber-to-the-premises broadband service in rural Idaho. The funded service areas include 690 households and 2 essential community facilities spread over 378.67 square miles.	\$19,645,246.00	\$0.00	\$0.00
USDA	Midvale Telephone Company to use this 50/50 Loan Grant Combo for Rural Development investment to deploy fiber-to-the-home broadband service in rural Idaho. The funded service areas include 119 households, and 1 essential community facility spread over 22.34 square miles.	\$10,982,232.00	\$0.00	\$0.00
USDA	Oregon-Idaho Utilities, Inc. FY2020 to use 100% Grant for rural development investment to deploy fiber-to-the-premises broadband services in rural Idaho, Nevada, and Oregon. The funded service areas include 255 households spread over 1,284.48 miles.	\$12,867,781.00	\$0.00	\$0.00

Source	Purpose	Total	Expended	Available
USDA	<p>All West Communications, Inc. FY2020 100% Grant will use this Rural Development investment to deploy fiber-to-the-premises broadband service in rural Utah, Idaho, and Wyoming. The funded service areas include 74 households spread over 82.6 square miles.</p>	\$5,666,692.00	\$0.00	\$0.00
USDA	<p>This Rural Development investment will be used to deploy a fiber-to-the-premises (FTTP) network to provide high-speed internet. This network will benefit 7,302 people, 145 businesses, 505 farms and four educational facilities in Ada and Canyon counties in Idaho and Grant County in Oregon. Oregon Telephone Corporation (OTC) will make high-speed internet affordable by participating in the Federal Communications Commission's (FCC) Affordable Connectivity Program, as well the Oregon Telephone Assistance Program (OTAP), including Oregon Lifeline. Additionally, to ensure an easy transition to its new service offering, OTC will credit the difference between its new service and the customer's existing service rate for a full 12-month transition period, along with offering free installation of FTTP technology to all residential customers in the service area.</p>	\$30,738,266	\$0.00	\$0.00

Source	Purpose	Total	Expended	Available
FCC	Regents of the University of Idaho received funding for Affordable Connectivity Outreach Grant Program (ACP Outreach Grant Program), National Competitive Outreach Program (NCOP) Round 2. The funds will be used to engage with partners around Idaho to help inform ACP-eligible households about the program in their local communities, with funding and resources to support such outreach and community engagement.	\$399,704	\$0.00	\$0.00

1.2 Unserved and Underserved Locations (Requirement 5)

Identify each unserved location and underserved location under the jurisdiction of the State of Idaho, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.

The IOB has identified 85,902 unserved and 52,094 underserved broadband serviceable locations (BSLs) in the state based on the FCC’s National Broadband Map availability data published on July 12, 2023. Most Idaho’s unserved and underserved locations are in rural parts of the state. This data will continue to be updated as enhanced data becomes available.

Note: The publication date of the National Broadband Map data used to determine unserved and underserved locations does not predate the submission of Volume 1 of the Initial Proposal by more than 59 days (about 2 months).

IOB has compiled two Comma Separated Value (CSV) files identifying 1) unserved locations and 2) underserved locations and will include them with this Initial Proposal submission to the NTIA, per guidelines set forth in the NTIA BEAD NOFO.

BSLs were considered unserved if they receive service of less than 25 Mbps download and 3 Mbps upload speeds. Broadband serviceable locations were considered underserved if they receive service of less than 100 Mbps download and 20 Mbps upload speeds but greater than 25 Mbps download and 3 Mbps upload speeds. Locations that receive service of greater than 100

Mbps download and 20 Mbps upload speeds were considered served and were not included in the spreadsheets submitted.

In accordance with the BEAD NOFO, locations that 1) are served exclusively by satellite, 2) are using an entirely unlicensed spectrum, 3) are served by a technology not specified by the FCC for the National Broadband Map, or 4) have high latency connections, do not meet the criteria for Reliable Broadband Service and so are considered by the IOB to be unserved.

The number of locations considered served, unserved, or underserved is not affected by prior funding commitments through other government programs, although any location with an enforceable commitment, as defined by Footnote 52 of the BEAD NOFO, is not eligible for BEAD funding. The IOB will apply the process and abide by the principles laid out in Section IV.B.7.a.ii of the BEAD NOFO for locations with eligible commitments.

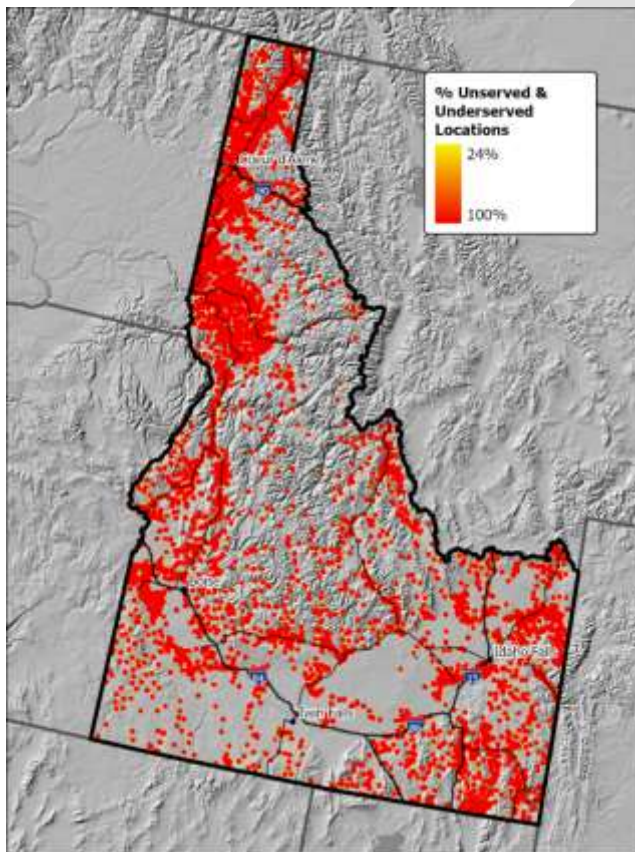


Figure 1 Unserved and underserved BSLs by percent of locations

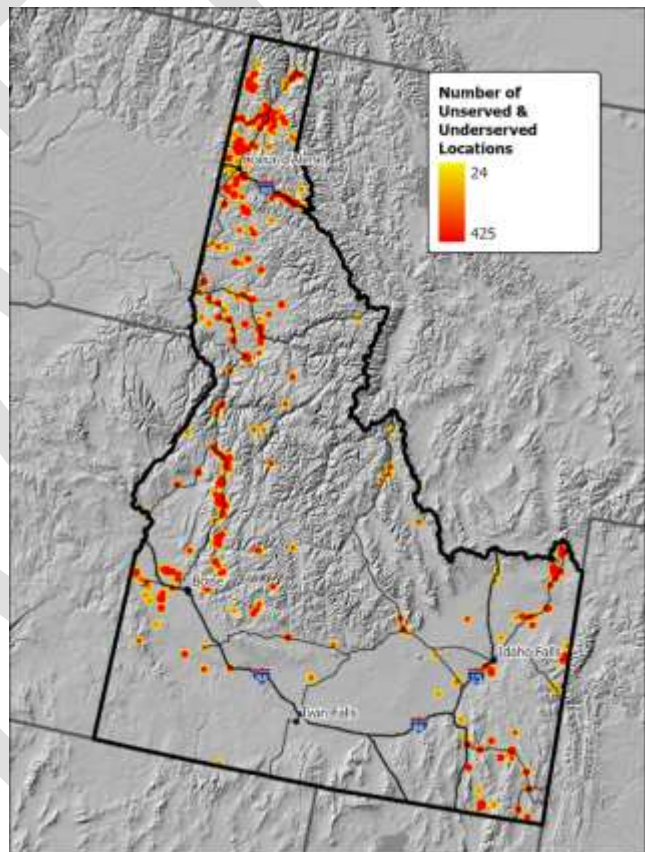


Figure 2 Unserved and underserved BSLs by number of locations

Figures 1 and 2 show two different methods of mapping unserved and underserved locations in Idaho based on the FCC’s National Broadband Map availability data, the CostQuest Broadband Serviceable Location Fabric version 3 data and Uber resolution 8 hexagon data. Figure 1 maps the percentage of total unserved and underserved locations per hexagon and illustrates that there are many areas of Idaho where a significant percentage of the population lacks adequate internet access. However, many of the regions shown in Figure 1 possess a more rural character and have

low populations. Figure 2, which maps the raw count of locations per hexagon, highlights areas of the state where there are many locations that lack adequate internet. In these areas, more unserved and underserved populations can be served by installing new infrastructure.

1.3 Community Anchor Institutions (CAIs) (Requirement 6)

Describe how Idaho applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if Idaho proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)€ of the IIJA, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

Community Anchor Institutions (CAIs)⁵ are critical partners in the expansion of and access to broadband across the State of Idaho. They cultivate strong relationships and trust within their communities and are focused on empowering community members by providing key services and serving as an essential hub of information about opportunities and resources. For some Idahoans, CAIs, such as a local library, offer the best, most affordable, and, in some cases, the only access to a computer and the internet. Ensuring CAIs have reliable, high-speed Internet is one of the top priorities under the BEAD program and for the State of Idaho.

The IOB defines a CAI 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 (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), government facility, or community support organization that facilitate greater use of broadband service by vulnerable populations as defined in BEAD NOFO section 2 page 11.

The IOB defines vulnerable populations as groups that have been challenged with aspects of economic, social, and civic life, including low-income households, aging individuals, incarcerated individuals, veterans, Indigenous and Native American persons, women, persons with disabilities, and persons who live in rural areas. This definition was adopted for the BEAD program in Idaho.

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

Schools: Includes all public and private K-12 schools as identified in either the [FCC E-Rate entity data](#) or the National Center for Education Statistics [common core of data](#) in the categories “public schools” or “private schools.”

Libraries: All public libraries as identified in the FCC E-Rate entity data or the U.S. Department of Homeland Security [HIFLD database](#).

Health clinic, health center, hospital, or other medical providers: Includes hospitals, urgent care centers, and VA facilities from the U.S. Department of Homeland Security HIFLD database as

⁵ IOB has compiled and will send to the NTIA a CSV file that identifies all eligible CAIs with the IOB’s Initial Proposal submission, per guidelines set forth in the NOFO (Requirement 1.3.2).

well as nursing homes from the state of Idaho databases.

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). Police, Fire, EMS (Emergency Medical Service), and PSAPs (Public Safety Answering Points) are sourced from the U.S. Department of Homeland Security HIFLD database.

Institutions of higher education: All institutions of higher education, including colleges, universities, junior colleges, community colleges, technical colleges, minority-serving institutions, and job training centers identified in the National Center for Education Statistics common core of data in the category “college” or in the U.S. Department of Homeland Security HIFLD database.

Public housing organizations: The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the [National Housing Preservation Database](#) (NHPD).

Community support organizations: The IOB included the following types of organizations and locations that facilitate greater use of broadband service by vulnerable populations as CAIs.

Licensed childcare centers - These are included as CAIs because they are educational facilities serving children and families. These facilities may be the most easily accessible or only place for many children and families in vulnerable populations to access the internet. These facilities were identified using the U.S. Department of Homeland Security HIFLD database.

Recreation, Community, and Senior Centers are included as CAIs because they are public buildings open to all, where citizens often congregate or spend their free time. These facilities are particularly important to youth and seniors and may be the most easily accessible or only place for many people in these vulnerable populations to access the internet.

Recreation Centers: Recreation centers are multipurpose facilities designed to promote physical and leisure activities within a community. They offer a wide range of amenities, such as sports courts, fitness equipment, swimming pools, and organized programs for individuals of all ages. These centers aim to enhance overall well-being, foster social interactions, and provide a hub for active lifestyles.

Government Facilities – Defined as public buildings, open to all, where citizens go to interact with or receive services from government institutions. These locations may be the most easily accessible or only place where many members of vulnerable populations can access the internet.

Town or City Hall buildings	Local government offices
State government offices	Federal and local courthouses
Public health departments	State government operational facilities ⁶

⁶ For example: Idaho Transportation Department salt and maintenance sheds, Idaho Fish and Game field structures, or Idaho Department of Lands service locations. These facilities were identified using state of Idaho databases and the U.S. Department of Homeland Security HIFLD database (public health depts, courthouses).

Community Centers: Community centers serve as focal points, providing spaces for meetings, events, and educational activities. They offer resources for residents, including meeting rooms, libraries, and programming that address diverse needs, from youth development to cultural enrichment. These centers strengthen social bonds and empower residents to collaborate for the betterment of their neighborhood.

Senior Centers: Senior centers cater specifically to older adults, offering a supportive environment for recreation, socialization, and access to senior-specific services. Senior centers contribute to a sense of belonging and connection among elderly community members.

In each above case, the IOB also drew on state, territorial, tribal, county/parish and municipal resources to identify additional eligible community anchor institutions.

The IOB acknowledges that the data sources stated above will not include some CAIs that meet the established criteria. The IOB strongly recommends that organizations review this draft list of CAIs to ensure that your organization, which meets the definition outlined above, is included in this list. If it is not, please review the challenge process guidance below on how to include the location as a CAI.

To assess the connectivity needs and gaps among CAIs in the state, the IOB conducted a GIS analysis of CAIs overlaid with FCC broadband availability data published as of July 12, 2023, to determine the broadband service levels of all CAIs in the state. The IOB will continue to analyze and refine this data to finalize its BEAD Initial Proposal and will incorporate comments and feedback received through the external engagement process.

The IOB will actively notify government agencies, umbrella organizations and nonprofits via email blasts, Link Up Idaho website and a Challenge Process webinar.

IOB will identify those CAIs currently lacking access to symmetrical Gigabit-speed broadband service and will classify them as “eligible” CAIs. These eligible CAIs will be prioritized for BEAD subgrant-funded deployments.

1.4 Challenge Process (Requirement 7)

Include a detailed plan as to how Idaho will conduct a challenge process as described in Section IV.B.6 of the BEAD NOFO.



NTIA BEAD Model Challenge Process Adoption

YES The State of Idaho will adopt the Model Challenge Process as provided by the NTIA.

Modifications to Reflect Data Not Present in the National Broadband Map

The State of Idaho will not make additional modifications to the process.

The IOB has chosen to **utilize optional Module 1**, the No Modifications option.

The IOB declines to utilize optional Module 2, the DSL Modification, and optional Module 3, the Speed Test Modification.

Deduplication of Funding

YES The IOB plans to use the NTIA deduplication toolkit to identify locations that are subject to an enforceable commitment and flag them as ineligible for BEAD funding. The IOB will perform this task once the toolkit is released, which is expected to be in August 2023.

In its deduplication efforts, the IOB will consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IJIA § 60105.⁷
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. Idaho and local data collections of existing enforceable commitments.

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

The IOB 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 Idaho or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the IOB will reach out to the provider to verify the deployment speeds of the binding commitment. The IOB will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

In addition to these efforts, the IOB has compiled a list of federal, state, and local enforceable commitments. *A CSV file identifying these enforceable commitments has been included with the*

⁷ The broadband funding map published by FCC pursuant to IJIA § 60105 is referred to as the "FCC Broadband Funding Map."

IOB's Initial Proposal submission, per guidelines set forth in the NTIA's NOFO (Requirement 1.4.5).

Challenge Process Design

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

Permissible Challenges

The IOB will only allow challenges on the following grounds:

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

Permissible Challengers

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



Residents can submit challenges through their unit of local government or a nonprofit, preferably via a web portal. This unit of local government or nonprofit will then upload the challenges to the state challenge portal, which in turn notifies the broadband provider of the challenge.

Challenge Process Overview

The challenge process conducted by the IOB will include **four phases**, spanning up to 120 days. The implementation efforts around the challenge process will be undertaken by the IOB with support from other State of Idaho offices including teams that provide GIS capabilities, data analytics and technical audit skills. The IOB will develop the state challenge portal, intake process, and adjudication methods. IOB staff will directly review challenges and verify the accuracy of the submission. Final decisions will be made by the IOB and staff.

The state of Idaho will adopt the model challenge process as provided by NTIA, as described below:



1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the IOB will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). The IOB will also publish locations considered served, as they may be challenged under the permissible challenges listed above. The eligible, and ineligible (served) locations will be published via a publicly accessible map on the existing linkup.idaho.gov website. This map is expected to go live to the public prior to opening of the state’s challenge process.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the IOB challenge portal. The challenge portal will also be publicly available on the existing <https://linkup.idaho.gov> website. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider’s response. After this stage, the location will enter the “challenged” state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the IOB 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 15 calendar days to submit a challenge from the time the initial list of served, underserved, and unserved locations, CAIs, 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 substantiated. 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 15 calendar days from notification of a challenge to provide rebuttal information to the IOB.
4. **Final Determination Phase:** During the Final Determination phase, the IOB will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
- a. **Timeline:** Following the intake of challenge rebuttals, the IOB will make a final challenge determination within 80 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, the IOB will review all applicable challenge and rebuttal information in detail without bias before deciding to sustain or reject a challenge. The IOB will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. The IOB plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all submitted challenges. The IOB will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Table 2: Description of Acceptable Challenge Types

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 a 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.⁸ • A letter or email dated within the last 365 days indicating that a provider requested 	<ul style="list-style-type: none"> • The provider shows that the location subscribes to 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 shows service availability. • The provider submits evidence that the service is now available as a standard installation,

⁸ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			more than the standard installation fee to connect this location or that a Provider quoted an amount more than the provider's standard installation charge to connect service at the location.	e.g., via a copy of an offer sent to the location.
L	Latency	The round-trip latency of the broadband service exceeds 100 ms. ⁹	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. ¹⁰
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer. ¹¹	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to consumer. 	The 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.	The 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 (Broadband Data Collection) 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	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).

⁹ *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

¹⁰ *Ibid*

¹¹ An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			location(s) at issue (see Section 6.2 above).	
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> 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. 	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.
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. ¹²	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

Area and Multiple Dwelling Unit Challenges

¹² For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.

For challenge types A, L, D, and T, the IOB will allow area and Multiple Dwelling Unit (MDU) challenges. An area challenge reverses the burden of proof for availability, 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 or MDU challenge must demonstrate that they are indeed meeting the availability, 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 in Table 2.

An area challenge is triggered if six 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 three 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., 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. ISPs and non-profits will be actively notified via email blasts, LinkUp Idaho website and Challenge Process webinar.

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 a representative random sample of the area in contention, but at least [10], where the provider must demonstrate service availability.

Transparency Plan

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

Beyond actively engaging relevant stakeholders, the IOB will also post all submitted challenges and rebuttals on the challenge portal 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 (see Table 2)

- a summary of the challenge, including whether a provider submitted a rebuttal

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

The IOB will treat information submitted by an existing broadband service provider designated as proprietary and confidential, consistent with applicable federal law and in alignment with Idaho statute, including, but not limited to, Title 74, Idaho Code, and the Idaho Public Records Act." 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.

1.5 Volume I Public Comment

1.5.1 Text Box: Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

a. The public comment period was no less than 30 days and

The Idaho Office of Broadband is posting both Volume I and Volume II of the Initial Proposal for public comment beginning September 29, 2023, and running through October 31, 2023. The documents are being made available on the Link Up Idaho Website. Print copies are also available at local libraries.

Public comments can be made in the following ways:

Email:

broadbandcomments@commerce.idaho.gov

Telephone: 208.334.2470

Via USPS:

The Idaho Office of Broadband
Attn: BEAD Program Comments
700 West State St.
Boise, ID 837

b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

The IOB is conducting multiple in-person and virtual outreach and engagement activities to encourage broad awareness, participation, and feedback during the public comment period, particularly among Tribal Governments, local community organizations, unions and worker organizations, and other underrepresented groups. Examples of outreach mechanisms include public meetings, informational brochures, local media, relevant social media channels, and direct mail.