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State of New Hampshire

BEAD Initial Proposal

Volume I

Broadband Equity, Access, and Deployment Program

New Hampshire Department of BUSINESS AND ECONOMIC AFFAIRS

mission broadband
Connecting America's Communities

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Volume I (Requirements 3, 5 – 7)

The state of New Hampshire Department of Business and Economic Affairs (BEA) is proud to present the first volume of the Initial Proposal in compliance with the following requirements for Volume 1 of the Broadband Equity Access and Deployment (BEAD) Initial Proposal:

- 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.

Volume 2 of the Initial Proposal, which includes the remaining sixteen items discussed in the BEAD Initial Proposal, was released for public comment in November. For the purposes of this proposal, "Eligible Entity" is BEA.

The public comment period lasted 30 days, following the publication of this document. The public comment e-mail was posted on BEA's website; https://www.nheconomy.com/office-of-broadband-initiatives, and the feedback was sent to; broadband@livefree.nh.gov. Vol. 1 of this report will focus on BEA's responses to the third, fifth, sixth, and seventh requirements of the initial proposal. We expect our proposal to be updated based on new data and the public's suggestions. This process will be repeated for the second volume of our initial proposal, which as stated previously, was released in November.

New Hampshire was one of the first States to receive approval for its broadband expansion program as part of The American Rescue Plan Act (ARPA) Coronavirus Capital Projects Fund (CPF), receiving Treasury approval of the Broadband Contract Program plan in June 2022. The State created the Broadband Contract Program, overseen by the Department of Business and Economic Affairs (BEA), to deploy resources quickly and efficiently by offering internet service providers (ISPs) an opportunity to bid for the most efficient reduction in unserved (<25/3 MBPS) and underserved (<100/20 MBPS) addresses in the State, where it may have previously been financially infeasible for providers to attempt to expand. Under this $90 million program, (part of the State's $122 million in CPF allocations,) New Hampshire aims to connect 48,016 homes and businesses to high-speed internet. The first round will bring high-speed internet to 23,259 addresses across New Hampshire. The second round will connect an additional 24,757 addresses.

BEA's objective for the Broadband Contract Program is three-fold: 1) fund broadband infrastructure that delivers reliable internet service that meets or exceeds 100/100 Mbps symmetrical speeds; 2) serve unserved and underserved locations, while keeping equity and inclusion at the forefront of this initiative; 3) deliver these services quickly and in a cost-efficient manner. To serve these goals, ISPs are required to participate in the Federal Communications Commission's Affordable Connectivity Program (ACP).

The Broadband Matching Grants Initiative (BMGI), established by RSA 12-O:61-63, makes an initial $25 million available to provide matching grants to internet service providers (ISPs) and municipalities to improve broadband availability across the state. BMGI is funded through the Department of Business and Economic Affairs using the state's allocation of Capital Projects Fund (CPF). Grants will be awarded through application rounds, the first with $25 million in CPF funds.

Since our office was created in 2021, we have engaged community feedback through community meetings and stakeholder interviews and administered surveys to local governments. At the national level, BEA presented at the School Health Libraries Broadband Conference in Washington, DC. At the State level, BEA discussed broadband equity and affordability at the NH Municipal Association Conference, the Mobilizing NH for Digital Equity and Economic Inclusion Meeting, and the Affordable Broadband in NH Meeting. At the local level, BEA conducted in-person Q&A sessions on the BEA Broadband Road Trip across New Hampshire. Prior to selecting contractors, BEA worked with ISPs across the State to understand the nuances of large-scale broadband infrastructure builds and ensure that the parameters of the contract were feasible for targeting the broadest number of locations. Prior to project implementation, BEA administered a survey to all towns in New Hampshire to gather information on broadband existence, current projects, and planned projects to better understand the needs for investment. On the ground level, BEA leveraged internal data-gathering strategies to develop an initial list of unserved and underserved addresses that will be impacted by funding. BEA has utilized the feedback received from all these initiatives to formulate the State's program plan and scope of work.

BEA plans to host webinars and publish broadband resources to ensure all end users are secure and connected. BEA will continue to engage with ISP leadership teams to build effective strategies. In the following years, BEA plans to leverage the community engagement strategies in place to increase impact. After project implementation, BEA plans to perform adoption audits, and for properties that have chosen not to subscribe to services, set out to understand the barriers to using service once infrastructure is in place. Finally, BEA intends to support ISPs and municipalities in promoting the use of the broadband subsidy programs in the communities where work is being done to increase the adoption of the service when it becomes available. The community partnership established between the broadband stakeholders (State, ISPs, and end users) will serve as an invaluable resource during project standup, implementation, and closeout of grant activities.

If you have any questions about the proposal or need clarification on any points, please do not hesitate to contact us at broadband@livefree.nh.gov.

1.1 Existing Broadband Funding (Requirement 3)

Identified in the following Figure 1 Broadband Funding are the existing efforts funded by the federal government within New Hampshire to deploy broadband and close the digital divide, as documented in the New Hampshire Five-Year Action Plan. Amounts that appear as "Available" in the table below for any last-mile deployment project refer to funding that has yet to be expended. Locations covered by this funding have either already been accounted for in FCC maps as benefiting from an enforceable funding commitment and thus not eligible for BEAD funding; or they will be so accounted for in subsequent updates of eligible Broadband Serviceable Location (BSLs).

As a result of our office's increasing engagement with stakeholders across the state to coordinate and plan the implementation efforts resulting from these federal funding activities, BEA has substantially bolstered its implementation capabilities to administer our BEAD efforts. These efforts include the growing experience and knowledge of our core BEA staff and close efforts with other stakeholders such as Gov. Chris Sununu's administration, the New Hampshire Municipal Association, New Hampshire Planning Association (NHPA), University System of New Hampshire, New Hampshire Department of Education, state legislators, numerous nonprofit organizations, seasoned contractor resources with capabilities in GIS modeling and data management and internet service providers.

BEA has also strengthened our broadband deployment cost modeling and strategic planning and federal grant program planning and reporting. This will allow consistency throughout the entire process from planning to implementation.

Figure 1-Existing Broadband

Source	Purpose	Total	Expended	Available
Department of Treasury - Capital Projects Fund[1]	To build broadband infrastructure connecting unserved and underserved locations that will deliver at least 100/20 Mbps service.	$122,066,151	$122,066,151	$0
Department of Treasury-Coronavirus Aid, Relief and Economic Security (CARES Act)	To build broadband infrastructure to unserved locations that will deliver at least 25/3 Mbps service by Dec. 15, 2020.	$13,000,000	$13,000,000	$0
Department of Commerce- Broadband Equity, Access, and Deployment (BEAD) Planning Grant[2]	Planning Grant to support development of the BEAD program, conduct research & data collection, provide technical assistance to subgrantees, etc.	$5,000,000	$2,080,000	$2,920,000
Department of Commerce - Digital Equity Planning Grant[3]	Planning Grant to support the development of a plan to identify covered populations, their digital equity challenges, and develop strategies to address those challenged.	$525,033	$525,033	$0
Department of Commerce - BEAD Grant[4]	BEAD Grant to deploy or upgrade broadband networks to ensure that served and unserved locations have access to reliable, affordable, high-speed Internet service with speeds of at least 100/20Mbps	$191,560,278	$0	$191,560,278
Federal Communications Commission - Affordable Connectivity Program[5]	Funding that helps ensure that households can afford broadband connectivity by providing a discount of up to $30/month towards internet service, and up to $100 for a device.	$51,136,560	$12,606,120	$38,530,440
Federal Communications Commission - Schools and Libraries Fund (E-rate) 2016 - 2022[6]	Funding that provides discounts for telecommunications, Internet access, and internal connections to eligible schools and libraries.	$23,737,940	$23,737,940	$0
Federal Communications Commission - Emergency Broadband Benefit Program[7]	Predecessor to the Affordable Connectivity Program, eligible participants received discounts of up to $50/month towards Internet access services.	$2,391,423	$2,391,423	$0
Department of Commerce - Enabling Middle Mile Broadband Infrastructure Program	Provided funding for the construction, improvement, or acquisition of middle mile infrastructure to reduce the cost of connecting areas that are unserved or underserved to the internet backbone.	$11,969,000	$0	$11,969,000

Department of Commerce- State and Local Fiscal Recovery Funds[9]	Program to support state & local governments respond to and recover from the COVID-19 public health emergency.	$1,321,200	$659,734	$661,466
Federal Communications Commission - Alternative Connect America Cost Model (A-CAM)	A-CAM (2015 – 2022) provided funding to rate-of-return carriers that adopted a new Cost model for High-Cost support in exchange for meeting defined broadband build-out obligations (10/1 or 25/3 Mbps).	$14,985,791	$14,985,791	$0
Federal Communications Commission - ACP Outreach Program[10]	Funding to support efforts to inform ACP-eligible households about the program in their local communities through outreach and community engagement.	$316,200	$0	$316,200
Federal Communications Commission - Alternative Connect America Cost Model II (A-CAM II)	A-CAM II (2019 – 2022) provided funding to rate-of-return carriers that adopted a new cost model for High-Cost support in exchange for meeting defined broadband build-out obligations (usually 25/3 Mbps).	$615,089	$615,089	$0
Federal Communications Commission - Connect America Fund II (CAF II)	CAF II (2015 – 2022) auctioned High-Cost universal service support in speed tiers ranging from 10/1 Mbps to 1 Gbps/500 Mbps.	$29,806,022	$29,806,022	$0
Federal Communications Commission - Connect America Fund – Broadband Loop Support (CAF-BLS)	CAF-BLS (2016 – 2022) reformed the High-Cost Interstate Common Line Support fund to support 10/1, and later 25/ Mbps, service levels.	$9,743,817	$9,743,817	$0
Federal Communications Commission - Rural Digital Opportunity Fund (RDOF)[11]	RDOF auctioned High-Cost funds to support speed tiers ranging from 25/3 Mbps through 1 Gbps/500 Mbps.	$15,247,989	$1,389,168	$13,858,821
Northern Border Regional Commission - State Economic & Infrastructure Development Investment Program	Funding awarded in 2021 to provide last-mile broadband service in Haverhill.[12] Funding was in 2022 to allow Hebron to connect to Bristol and the University of New Hampshire; and to fund a public-private fiber partnership in Sandwich.[13]	$3,335,603	$3,335,603	$0

1.2 Unserved and Underserved Locations (Requirement 5)

According to the FCC, New Hampshire has 517,584 total BSL locations with 481,308, or 93 percent, served with speeds of at least 100/20 Mbps.

- Served: 481,308 locations with speeds equal to or greater than 100 Mbps download and 20 Mbps upload (100/20)
- Underserved: 10,153 locations with speeds less than 100/20 Mbps and greater than or equal to 25/3 Mbps
- Unserved: 26,123 locations with speeds less than 25/3 Mbps.
- Note: There are no federally recognized tribal lands in New Hampshire.

1.2.1 One .csv file (titled "unserved.csv") listing unserved location IDs in New Hampshire is available. The data is sourced from the FCC's Broadband DATA Map as of December 31, 2022, updated November 7, 2023.

1.2.2 One .csv file (titled "underserved.csv") listing underserved location IDs in New Hampshire is available. The data is sourced from the FCC's Broadband DATA Map as of December 31, 2022, updated November 7, 2023.

Both files categorized the locations as follows:

New Hampshire's top priority for broadband deployment is to connect all unserved Broadband Service Locations (BSLs), and to connect all underserved BSLs. New Hampshire mirrors BEAD's focus of deploying broadband service to unserved locations, those without any broadband service at all or with broadband service offering speeds below 25/3 Mbps, that is, 25 Mbps down and 3 Mbps up, and underserved locations, those without broadband service offering speeds of 100 Mbps down and 20 Mbps up.

While New Hampshire's top priority is to reach unserved locations first, efficient network design, use of material and use of the workforce will result in underserved locations and unserved locations being grouped and funded within the same projects. Capitalizing on this strategy will ensure unserved and underserved locations can be serviced in the most economical and efficient manner. All broadband deployment in New Hampshire will include safety protocols for the workforce and the public to ensure the safety of each.

1.2.3 Date Selection: As noted above, the unserved and underserved locations have been identified using the latest available data, the FCC Broadband Data Maps published December 31, 2022, updated November 7, 2023. The following figures further examine the current New Hampshire broadband landscape with a breakdown of residence and business locations by percentage and representations of illustrations of their placements.

Figure 2-New Hampshire's broadband landscape

	New Hampshire Broadband Deployment Collection (BDC) December 2022 (last updated November 7, 2023)			
	Total Broadband Serviceable Locations (BSL)	**Unserved** locations with no broadband service or speeds less than 25/3 Mbps	**Underserved** locations less than 100/20 Mbps and greater than or equal to 25/3 Mbps	**Served** locations with speeds equal to or greater than 100/20 Mbps
Total NH (BSLs)	**517,584**	**26,123**	**10,153**	**481,308**
Residential	**458,549**	**21,286**	**8,490**	**428,773**
Business	**31,890**	**3,334**	**1,105**	**27,451**
Other*	**27,145**	**1,503**	**558**	**25,084**
	***includes business and residence mixed use locations, enterprise, group quarters**			

Figure 3-New Hampshire broadband deployment

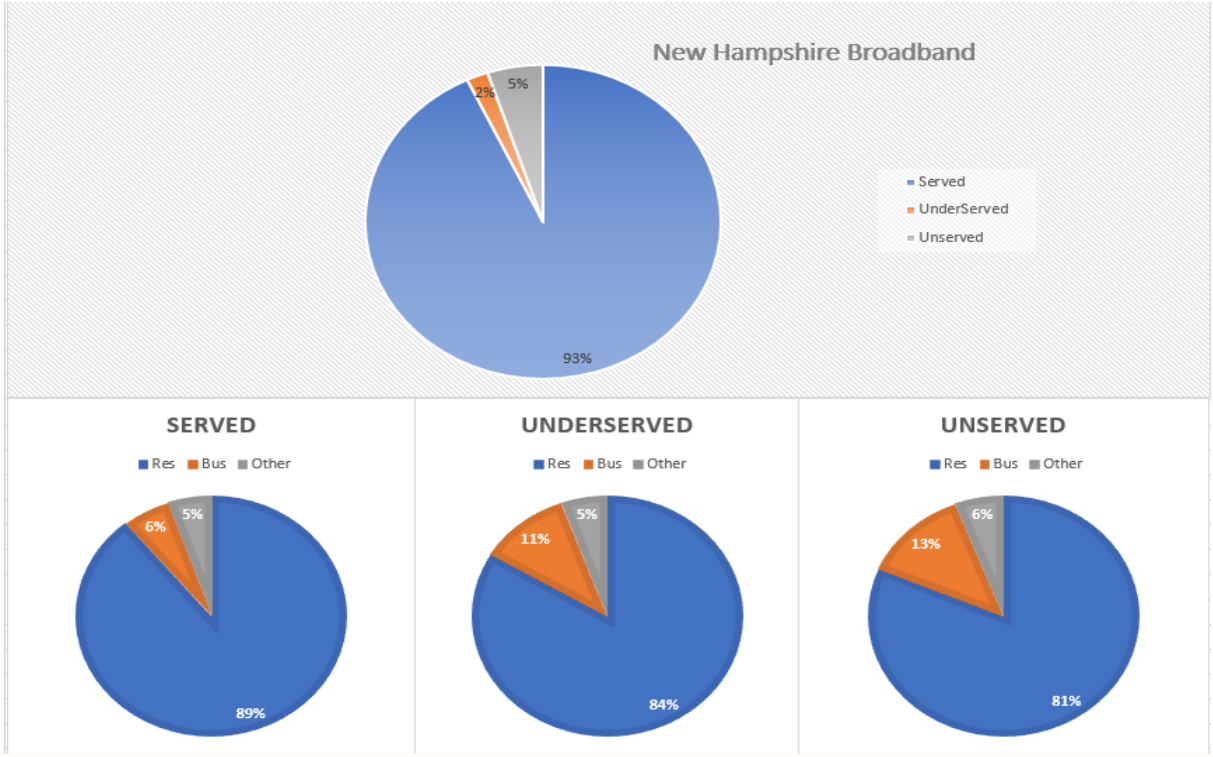
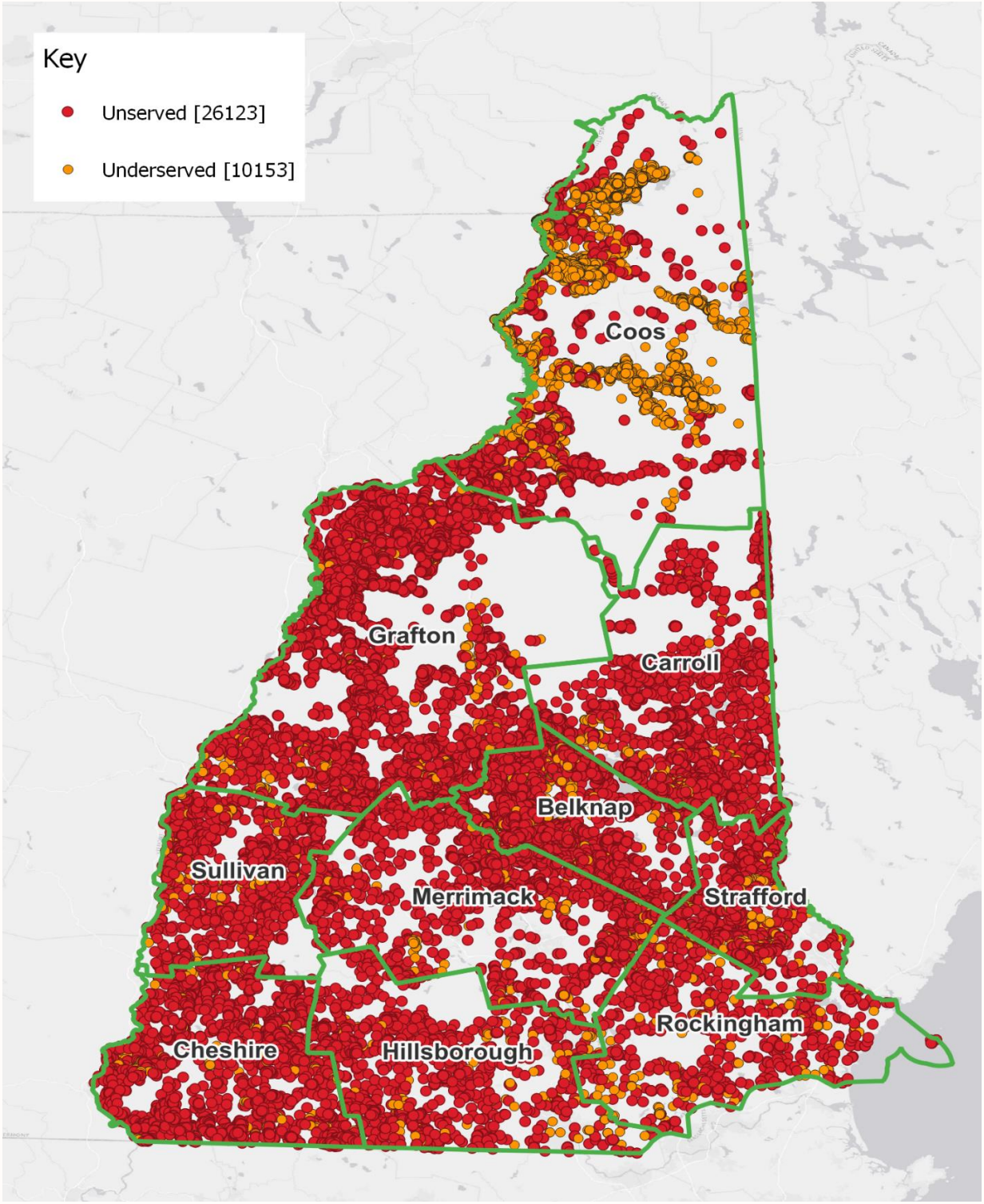


Figure 4-FCC Broadband Data Maps published December 31, 2022, updated November 7, 2023



1.3 Community Anchor Institutions (Requirement 6)

1.3.1 If any funding remains unallocated after the unserved and underserved areas needs have been addressed, BEAD guidance allows for the use of available BEAD funding to connect Community Anchor Institutions (CAIs) that currently have less than 1 Gigabit per second (Gbps) symmetrical service

The definitions of CAIs are based on the statutory definition provided in 47 USC 1702 (a)(2)(E). BEA applied the definition to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. There are no federally recognized tribal lands in New Hampshire.

New Hampshire BEA utilized information largely downloaded from Homeland Infrastructure Foundation-Level Data (HIFLD). In addition, the State has engaged the CAIs, other stakeholder groups, and partners to ensure alignment and coordination with the common goals and strategies of the Digital Equity requirements of BEAD.

Through public outreach and local coordination efforts, BEA received feedback on the need for additional CAI's to be recognized through the BEAD effort. Specifically, Correctional Facilities, Faith-based organizations, Community Centers, and municipality owned government buildings. BEA reviewed this feedback and discovered how the use of these facilities directly supports the vulnerable population and the advantage to these vulnerable populations of having adequate high-speed broadband services. Included with the NTIA definition of CAI's, BEA will identify these additional CAI's which qualify for needed broadband services.

Approximately 3,700 CAIs have been identified in New Hampshire:

- 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.
- Hospitals: 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 (PSAPs), based on records maintained by New Hampshire 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 New Hampshire enumerated by the U.S. Department of Housing and Urban Development.
- Community support organizations: BEA included community centers and organizations that facilitate greater use of broadband service by vulnerable populations, including low-income, unemployed, and aged individuals. BEA also included senior centers and job training centers in this category because seniors and unemployed are vulnerable populations and the centers facilitate greater use of broadband. 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.

BEA's outreach included conversations with these groups representing the correctional system in New Hampshire. 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.

Moreover, in furtherance of its efforts to support the BEAD requirement of maximizing digital equity, New Hampshire will also include municipality owned government buildings when it can be identified they provide community support for vulnerable populations or act as community shelters as needed and broadband connectivity is a necessity. These identified CAI locations will have wi-fi access and promote internet skills as well as non-emergency access for the vulnerable populations

they serve. Local populations have a recognized safe environment providing internet access, help them with learning how to navigate the internet and learn new skills. In some circumstances, a reliable broadband connection at these locations allows for needed updated information and the ability to communicate with family and friends.

Additionally, in furtherance of its efforts to support the BEAD requirement of maximizing digital inclusion, New Hampshire will also include faith-based organizations, within the Community Support category above when it can be identified they provide community support for the vulnerable populations they serve. Local populations have recognized these institutions as a safe environment to help them with learning how to navigate the internet and learn new skills. In times of emergency situations, a reliable broadband connection at these locations allows for updated information and the ability to communicate with family and friends.

Through BEA's outreach efforts, local coordination and public comment, BEA did not receive any additional CAI types which have not been identified in our Volume I document. BEA's internal review of CAI needs throughout the state confirmed sporting facilities do not meet the requirement of defined internet related activities and were not approved CAI's. BEA had no other CAI types or locations to be defined.

1.3.2 New Hampshire lists all eligible community anchor institutions in the attached cai.csv file, some that may require qualifying broadband service and do not currently have access to such service. Available speeds to all CAI locations are under review and further examination to determine need.

1.4 Challenge Process (Requirement 7)

1.4.1 Yes, New Hampshire will adopt the model challenge process as provided by NTIA.

1.4.2 New Hampshire will adopt Optional module 2 (Digital Subscriber Line (DSL) modifications). New Hampshire will not adopt Optional module 3 (Speed Test).

Modification 2: New Hampshire 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. This designation cannot be challenged or rebutted by the provider.

1.4.3 Yes, New Hampshire will adopt the BEAD Eligible Entity Planning Toolkit to ensure Deduplication of Funding.

1.4.4 New Hampshire will enumerate locations subject to enforceable commitments, by using the BEAD Eligible Entity Planning Toolkit, and by consulting with at least the following data sets as available:

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.8
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. New Hampshire and local data collections of existing state, federal, and local enforceable commitments or obligations.

The BEA will make a best effort to create a list of broadband serviceable locations (BSLs) subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the state will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The state will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA. The state 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 New Hampshire or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the state will reach out to the provider to verify the deployment speeds of the binding commitment. New Hampshire will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

1.4.5 The state has compiled a list of federal, state, and local enforceable commitments listed below in Figure 5.

Figure 5-Broadband Programs

	Purpose
Department of the Treasury	Capital Projects Fund to build broadband infrastructure connecting unserved and underserved households American Rescue Plan Act (ARPA)
Department of the Treasury	Coronavirus Aid, Relief and Economic Security (CARES) Act
Department of Commerce	BEAD Planning Grant
Department of Commerce	Digital Equity Planning Grant
Department of Commerce	Digital Equity Capacity Grant
Department of Commerce	BEAD Grant
Federal Communications Commission	Affordable Connectivity Program
Federal Communications Commission	Schools and Libraries Fund (E-rate) 2016 - 2022
Federal Communications Commission	Emergency Broadband Benefit Program
Department of Commerce	NTIA Middle Mile Grant
Department of the Treasury	State and Local Fiscal Recovery Funds
Federal Communications Commission	Alternative Connect America Cost Model 10/1 (A-CAM) 2015 – 2022 (if deployment meets or exceeds 100/20 Mbps)
Federal Communication Commissions	ACP Outreach Grant Program
Federal Communications Commission	Alternative Connect America Cost Model II 25/3 (A-CAM II) 2019 – 2022 (if deployment meets or exceeds 100/20 Mbps)
Federal Communications Commission	Enhanced Alternative Connect America Cost Model (Enhanced A-CAM)
Federal Communications Commission	Connect America Fund II 10/1 (CAF II) 2015 - 2022
Federal Communications Commission	Connect America Fund-Broadband Loop Support 25/3 (CAF-BLS) 2016 - 2022
Federal Communications Commission	Rural Digital Opportunity Fund
Northern Border Regional Commission	2021and 2022 NBRC State Economic & Infrastructure Development Investment Program

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

Permissible Challenges

The state will only allow challenges 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.

Permissible Challengers

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

Note: There are no federally recognized tribal lands in New Hampshire.

Challenge Process Overview

The challenge process conducted by the state will include four phases, spanning 90 calendar days.[14] Implementation efforts around the challenge process are supported through capable state contractors and support teams that provide GIS capabilities, data analytics and technical audit skills. These subcontractors will assist in development of the state challenge portal, intake process, and adjudication methods. The challenge portal and associated contractor is currently being reviewed by BEA with an estimated time for completion of April 1st, 2024. The state staff will directly review challenges and verify the accuracy of submission. Decisions will ultimately be made by the Program Manager and staff. The state of New Hampshire will adopt the model challenge process as provided by NTIA, and described below:

1. **Publication of Eligible Locations**: Prior to beginning the Challenge Phase, the state 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. A set of eligible locations would be tentatively published April 1st, 2024, pending implementation of portal.
2. **Challenge Phase**: During the Challenge Phase, the challenger will submit the challenge through the state 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.

3. **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 state 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.
    a. **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. This period is estimated to occur from April 1st through April 30th, 2024.
4. **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 30 calendar days from notification of a challenge to provide rebuttal information to the state. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase, estimated to be May 1st through May 30th, 2024.
5. **Final Determination Phase:** During the Final Determination phase, the state 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, the state will make a final challenge determination within 30 calendar days of the termination of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. This period is estimated to occur from May 30th through June 30th, 2024.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the state will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The state 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 state plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The state will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determination. Unless otherwise noted, "days" refers to calendar days.

Figure 6-Challenge Process

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).	Screen capture 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.[15] 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 more than the provider's standard installation charge to connect service at the location.	Provider shows that the location subscribes or has subscribed within 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.
D	Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer.[16]	Screen capture of provider webpage. Service description provided to consumer.	Provider has terms of service showing that it does not impose a data cap, 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 that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
				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.	Screen capture of provider webpage.	Provider documentation that the service listed in the Broadband Data Collection (BDC) system 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	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.	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.e.*, 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.

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
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.[17]	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operations.
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 MDU Challenge

The state will administer area and MDU challenges for challenge types A, D, and T. An area challenge reverses the burden of proof for availability, 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, 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. 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 must demonstrate service availability and speed (e.g., with a mobile test unit).[18]

Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the state 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. The state will provide online resources for challenge process guidance. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The state 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 portal which is being designed for challenge process participation. They can engage with the state by a designated email address broadband@livefree.nh.gov.

Beyond actively engaging relevant stakeholders, the state 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), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The broadband office follows the New Hampshire Privacy Policy and 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 state 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.[19]

The broadband office 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.

BEA will publicly post final classification of eligible locations after resolving each challenge for at least 60 days before allocating grant funds for network deployment. Estimated posting date of July 1st through September 1st, 2024.

1.5 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

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

The thirty-day Public Comment period for New Hampshire's Initial Proposal volumes 1 and 2 opened on November 13 and closed on December 13, 2023. The proposals were made available for comment on the BEA website, https://www.nheconomy.com/office-of-broadband-initiatives/iija/bead, and written comments were collected via an email address to BEA's office of Broadband Initiatives and traditional mail. Notifications were made to the public with a press release, and by email to an extensive network of stakeholders, including non-profits, municipalities, regional organizations, healthcare providers, associations, and internet service providers. Informational webinars were held by BEA on December 6th specifically for the internet service provider (ISP) community and December 8th for the public, municipalities, and other stakeholders. BEA also received extensive support from stakeholders to "get the word out." The response to the request for public comment is gratifying. The State received 52 detailed comments covering a variety of issues. Many commenters, especially larger companies and national associations provided suggestions and comments on many sections of Volume I and Volume II. The issues related to Volume I are summarized below.

Mapping

Several comments were shared that the maps being used are flawed and need immediate attention to ensure proper deployment of service to identify unserved, underserved, and CAI locations. As in accordance with NTIA guidance, BEA is committed to using the most current maps and data sets available, November 2023 as of the date of this filing.

Challenges

Five comments were received regarding challenge timing, speed tests and MDU's. Footnotes from the NTIA template were overlooked and Volume 1 has been corrected. Another comment raised concern of capacity of municipalities to participate in the challenge process.

In summary, comments were received from the public, companies, organizations, associations, and cooperatives. These groups represent public housing, ISP's, wire line and wireless companies, environmental, healthcare, education, labor, and economic development.

New Hampshire appreciates the comments from all parties. They were used to inform the Initial Proposal and ensure a fair process to bring broadband to all New Hampshire unserved and underserved locations.

This spreadsheet tracks changes to the BEAD Model Challenge Process.

Figure 7-NTIA Model Challenge Process Change Log

Version Number	Page Number	Date of Change (mm/dd/yyyy)	Location of Change	Description of Change
1.1	1	08/30/2023	Introduction	• Added sentence to clarify that where Eligible Entities adopt model, they should update the model to reflect the Eligible Entity's adoption prior to submission
1.1	4, 11, 13, 18	08/30/2023	§§ 1.2.2, 1.4.6	• Update to calendar days
1.1	5	08/30/2023	§ 1.3.1	• Revised sentence describing Eligible Entity's option to elaborate on their definition of CAI for clarity
1.1	12	08/30/2023	§ 1.4.6	• Clarified when the rebuttal period begins
1.1	19	08/30/2023	§ 1.4.6	• Clarified that speed test data may only be used to change a location's status from "served" to "underserved."
1.1	20	08/30/2023	§ 1.4.6	• Added placeholders for Eligible Entities to describe how they intend to identify potential challenger and ensure that they have information necessary to participate in the challenge process.

Key Terms & Definitions

The following definitions are from the NTIA BEAD Notice Of Funding Opportunity.

1. Broadband; Broadband Service—The term "broadband" or "broadband service" has the meaning given the term "broadband internet access service" in Section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation, meaning it is a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.
2. Broadband DATA Maps—The term "Broadband DATA Maps" means the maps created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).
3. Community Anchor Institution (CAI)—The term "community anchor institution" means 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. An Eligible Entity may propose to NTIA that additional types of institutions should qualify as CAIs within the entity's territory. If so, the Eligible Entity shall explain why it has determined that the institution or type of institution should be treated as such and affirm that the institution or class of institutions facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.
4. Digital Equity—The term "digital equity" means the condition in which individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States.
5. Eligible Community Anchor Institution—The term "eligible community anchor institution" means a community anchor institution that lacks access to Gigabit-level broadband service.
6. Eligible Entity—The term "Eligible Entity" means any state of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands or, in the case of an application failure, a political subdivision or consortium of political subdivisions that is serving as a Substitute Entity.
7. Extremely High Cost Per Location Threshold— An "Extremely High Cost Per Location Threshold" is a BEAD subsidy cost per location to be utilized during the subgrantee

selection process described in Section IV.B.7 of this NOFO above which an Eligible Entity may decline to select a proposal if use of an alternative technology meeting the BEAD Program's technical requirements would be less expensive.

8. Funded Network—The term "Funded Network" means any broadband network deployed and/or upgraded with BEAD Program fund.
9. High-Cost Area—The term "high-cost area" means an unserved area in which the cost of building out broadband service is higher, as compared with the average cost of building out broadband service in unserved areas in the United States (as determined by the Assistant Secretary, in consultation with the Commission), incorporating factors that include— (I) the remote location of the area; (II) the lack of population density of the area; (III) the unique topography of the area; (IV) a high rate of poverty in the area; or (V) any other factor identified by the Assistant Secretary, in consultation with the Commission, that contributes to the higher cost of deploying broadband service in the area. For purposes of defining "high-cost area," the term "unserved area" means an area in which not less than 80 percent of broadband-serviceable locations are unserved locations. NTIA will release further information regarding the identification of high-cost areas for purposes of BEAD funding allocations at a later date.
10. Location - Broadband-Serviceable Location — The terms "location" and "broadband serviceable location" mean "a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed."
11. Middle Mile Infrastructure — The term "middle mile infrastructure" (A) means any broadband infrastructure that does not connect directly to an end-user location, including a community anchor institution; and (B) includes—(i) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and (ii) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.
12. Non-Traditional Broadband Provider—The term "non-traditional broadband provider" means an electric cooperative, nonprofit organization, public-private partnership, public or private utility, public utility district, Tribal entity, or local government (including any unit, subdivision, authority, or consortium of local governments) that provides or will provide broadband services.
13. Program—The term "Program" means the Broadband Equity, Access, and Deployment Program

14. Project—The term “project” means an undertaking by a subgrantee to construct and deploy infrastructure for the provision of broadband service. A “project” may constitute a single unserved or underserved broadband-serviceable location, or a grouping of broadband-serviceable locations in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.
15. Reliable Broadband Service—The term “Reliable Broadband Service” means broadband service that the Broadband DATA Maps show is accessible to a location via:10 (i) fiber-optic technology;11 (ii) Cable Modem/ Hybrid fiber-coaxial technology;12 (iii) digital subscriber line (DSL) technology;13 or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.
16. State—The term “State” means, for the purposes of the BEAD Program, any State of the United States, the District of Columbia, and Puerto Rico.
17. Subgrantee/Subrecipient—The term “subgrantee” or “subrecipient” means an entity that receives grant funds from an Eligible Entity to carry out eligible activities.
18. Underrepresented Communities—The term “underrepresented communities” refers to groups that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life˙, including: low-income households, aging individuals, incarcerated individuals, veterans, persons of color, Indigenous and Native American persons, members of ethnic and religious minorities, women, LGBTQI+ persons, persons with disabilities, persons with limited English proficiency, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality.
19. Underserved Location—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.
20. Underserved Service Project—The term “Underserved Service Project” means a project in which not less than 80 percent of broadband serviceable locations served by the project are unserved locations or underserved locations. An “Underserved Service Project" may be as small as a single underserved broadband serviceable location.
21. Unserved Location—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.

22. Unserved Service Project—The term “Unserved Service Project” means a project in which not less than 80 percent of broadband serviceable locations served by the project are unserved locations. An “Unserved Service Project” may be as small as a single unserved broadband-serviceable location.

NH State Digital Equity Survey Glossary

Accessibility means that people with different abilities have equal opportunity to the physical tools and virtual environments needed to acquire the same information, visit the same places, engage in the same interactions, and enjoy the same services as persons without different abilities.

Affordability means the ability to pay the cost of connecting to high-speed, reliable internet.

Digital equity is the condition in which individuals and communities have the information technology (11) capacity that is needed for full participation in the society and economy of the United States.

Digital equity is necessary for civic and cultural participation, employment, lifeling learning, and access to essential services.

Digital Literacy means the necessary skills associated with using technoloy to enable people to find, evaluate, organize, create and communicate information.

Devices are types of equipment that can be used to connect to the internet. Examples include desktop computers, laptop computers, tablets, netbook computers, notebook computers, handheld computers, and smarthpones.

Accessible/Adapted device means a computing device that is designed to be used by an individual with a disability. For example, a person who is blind may use a braille keyboard device to read text on the screen.

Skills training means any online or in-person opportunity to learn new skills or build knowledge about the internet and how to use it.

Broadband means a high-bandwidth connection to the Internet at your home by using a cable (fiber or coaxial) connected to an Internet service provider such as Spectrum, AT&T, Frontier, etc.

Cyber security means everything you do to make sure your devices and information are safe and secure.

Household means all the people who live in your home, apartment, or dwelling.

Cell phone data plan is a way to get Internet access without wires or cables. It uses cellular towers or a cell phone provider. It can provide the Internet to phones, computers, and other devices.

Cable Internet service is a way to connect your home to the Internet. It uses a TV or coaxial cable.

Fiber optic Internet service is a way to connect your home to the Internet. It uses a cable that holds strands of glass fibers to provide service.

Digital Subscriber Line (DSL) is a way to connect your home to the Internet. It uses a telephone wall jack and a telephone line. It allows phone calls to be made while the Internet is being used.

Fixed wireless Internet service is a way to connect your home to the Internet. It uses a dish at your home to point to a local tower that provides service.

Satellite Internet service is a way to connect your home to the Internet. It uses a satellite dish at your home that point to satellites in space.

Endnotes

[1] https://home.treasury.gov/system/files/136/Allocations-States.pdf

[2] https://www.internetforall.gov/news-media/biden-harris-administration-awards-more-55-million-new-hampshire-internet-all-planning

[3] https://www.internetforall.gov/funding-recipients?program_status=3&state=NH&form_build_id=form-I6C4KBhMPViKxZMF9KepP5ksv9uNNXKCwgp1VpnHOqY&form_id=ntia_interactive_map_state_and_program_selection

[4] https://www.internetforall.gov/sites/default/files/2023-06/New%20Hampshire_June%202023_FINAL.pdf

[5] Education Superhighway, Affordability Connectivity Program Enrollment Dashboard https://www.educationsuperhighway.org/no-home-left-offline/acp-data/#dashboard.

[6] E-Rate Search Commitments Tool | USAC | Data Platform

[7] ACP Enrollment and Claims Tracker - Universal Service Administrative Company (usac.org)

[8] https://internetforall.gov/news-media/biden-harris-administration-awards-nearly-50-million-expand-and-strengthen-regional-and

[9] https://www.internetforall.gov/sites/default/files/2023-06/New%20Hampshire_June%202023_FINAL.pdf

[10] https://docs.fcc.gov/public/attachments/DA-23-717A1.pdf

[11] https://fundingmap.fcc.gov/data-download/funding-data

[12] https://www.nbrc.gov/userfiles/files/2021/State%20EID%20Award%20Summary%20for%20Website-New%20Hampshire%20Rev%2020211116.pdf

[13] https://www.nbrc.gov/userfiles/files/2022%20SEID/State%20EID%20Award%20Summary%20for%20Website-NH%20CORRECTED%2020221020.pdf

[14] The NTIA BEAD Challenge Process Policy Notice allows up to 120 calendar days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.

[15] 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."

[16] 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.

[17] 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.

[18] A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.

[19] https://www.nh.gov/policy/privacy#policy