

# Broadband Equity Access and Deployment Program

## Initial Proposal - Volume 1



**OKLAHOMA**  
Broadband Office

---

# INTERNET FOR ALL

---

## Initial Proposal

Volume I

## Oklahoma



U.S. Department of Commerce  
National Telecommunications and Information Administration

**Note:** *This document is intended solely to assist recipients in better understanding BEAD Initial Proposal and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.*

## Table of Contents

|  |          |
|--|----------|
| <b>Volume I Initial Proposal Requirements .....</b>                  | <b>4</b> |
| <b>1.1 Existing Broadband Funding (Requirement 3).....</b>           | <b>4</b> |
| <b>1.2 Unserved and Underserved Locations (Requirement 5) .....</b>  | <b>5</b> |
| <b>1.3 Community Anchor Institutions (CAIs) (Requirement 6).....</b> | <b>6</b> |
| <b>1.4 Challenge Process (Requirement 7) .....</b>                   | <b>7</b> |

# Volume I Initial Proposal Requirements

## 1.1 Existing Broadband Funding (Requirement 3)

Identified in this section are the existing efforts funded by the federal government and the state of Oklahoma to deploy broadband and close the digital divide, including in Tribal Lands. The information in this list was sourced directly from partners and from publicly available documentation from the federal government including NTIA’s Federal Broadband Funding Dashboard.

Note: if funding award amounts are not available for the current year, funding awards from 2022 will be used.

| Grant   | Recipient  | Purpose                  | Total  |
|---|--|--------------------------|--|
| FCC Emergency Connectivity Fund (2021-2024)                       | Statewide  | Access                   | \$126,622,034  |
| FCC E-Rate (Ongoing)  | Statewide  | Access                   | \$47,615,882.06  |
| FCC Lifeline (Ongoing)  | Statewide  | Access                   | \$86,956.00  |
| FCC Rural Digital Opportunity Fund (2021-2030)                    | Statewide  | Access                   | \$3,184,755  |
| FCC Affordable Connectivity Outreach Grant (2021-2024)            | Statewide  | Affordability            | \$500,000  |
| Enabling Middle Mile Broadband Infrastructure (2022-2024)         | Missouri Network Alliance (Northeast Oklahoma)   | Access                   | \$14,547,482.42  |
| Department of Agriculture Community Facilities Program (Ongoing)  | Statewide  | Access                   | \$50,000<br>\$31,200   |
| USDA Community Facilities Technical Assistance Training (Ongoing) | Muskogee   | Digital Skills           | \$53,683   |
| USDA Community Facilities Direct Loans and Grants (Ongoing)       | Stonewall Public School<br>Fanshawe Public School  | Access                   | \$50,000<br>\$31,200   |
| USDA Community Connect Program (Ongoing)                          | Okmulgee<br>McCurtain County<br>Southern Plains Cable<br>Anadarko<br>Oklahoma Western<br>Telephone<br>Medicine Park Telephone<br>Company, Inc. | Access<br>Digital Skills | \$756,760<br>\$883,904<br>\$8,134,548<br>\$183,495<br>\$1,795,159.00<br>\$2,204,445.00 |
| USDA ReConnect Loan and Grant Combination (Ongoing)               | Canadian Valley Telephone<br>Company   | Access                   | \$4,997,600  |
| USDA ReConnect Grant (Ongoing)                                    | Valiant Telephone Company,<br>Inc.   | Access                   | \$883,904.00   |

|  |   |               |  |
|--|---|---------------|--|
| Indian Business Incubators Program (2022-2023)                   | Cherokee Nation<br>Chickasaw Nation   | Access        | \$300,000<br>\$300,000                                       |
| National Tribal Broadband Grant (2022-2023)                      | Muscogee (Creek) Nation<br>Prairie Band Potawatomi Nation   | Access        | \$175,000<br>\$107,520                                       |
| Native American Business Development Institute Grant (2022-2023) | Cherokee Nation<br>Delaware Nation<br>Kickapoo Tribe<br>Muscogee (Creek) Nation   | Access        | \$75,000<br>\$60,300   |
| Oklahoma Universal Service Fund (Ongoing)                        | Statewide   | Affordability | \$479,150,139 (total funds since inception)                  |
| Tribal Competitive Outreach Program (2022-2023)                  | Choctaw Nation of Oklahoma<br>Delaware County Community Partnership, Inc.<br>Kickapoo Tribe of Oklahoma<br>Pawnee Nation of Oklahoma<br>The ARC Foundation: Strengthening Communities | Affordability | \$592,341<br>\$67,209<br>\$420,446<br>\$292,529<br>\$316,376 |
| ACP Your Home, Your Internet Pilot Program (2022-2024)           | Cheyenne and Arapaho Housing Authority  | Affordability | \$241,200  |
| Alternative Connect America Cost Model (2017-2026)               | Statewide   | Access        | \$291,341,825  |
| Alternative Connect America Cost Model 2 (2017-2028)             | Statewide   | Access        | \$29,552,355   |
| Connect America Fund Phase 2 (2019-2028)                         | Statewide   | Access        | \$45,754,280   |
| CAF Broadband Loop Support (2019-2023)                           | Statewide   | Affordability | \$145,381,873  |
| Rural Broadband Experiments (2015-2025)                          | Statewide   | Access        | \$1,038,405  |

## 1.2 Unserved and Underserved Locations (Requirement 5)

Two .csv files are available for download (titled “unserved.csv” and underserved.csv”) listing unserved and underserved location ID’s the data is sourced from the FCC’s Broadband DATA Map as of August 16, 2023.

The state of Oklahoma plans to use version two of the Broadband DATA Maps to identify unserved and underserved locations. Files were included categorizing the locations as follows:  
 Served: locations with speeds greater than 100 Mbps download and 20 Mbps upload (100/20)  
 Underserved: locations less than 100/20 Mbps and greater than or equal to 25/3 Mbps  
 Unserved: locations with speeds less than 25/3 Mbps

Note: Unlicensed fixed wireless and satellite are excluded.

Note: The publication date of the National Broadband Map does not predate the submission of Volume 1 of the Initial Proposal by more than 59 days.

### 1.3 Community Anchor Institutions (CAIs) (Requirement 6)

#### 1.3.1 Identification of CAIs

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the broadband office applied the definition of “community anchor institution” 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 low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

The incarcerated are the only group not listed in the original definition that are explicitly added into Oklahoma’s list of community anchor institutions. According to the National Institute of Corrections, in 2020 Oklahoma had 93 jails in 77 counties, with the 2020 jail population as 10,670 incarcerated and overall prison population was 22,462. Criminal Justice System Statistics in Oklahoma 2020, National Institute of Corrections (2020). Due to the high number of incarcerations in Oklahoma, this population shall be included to ensure equity and inclusion.

OBO utilized information from Homeland Infrastructure Foundation-Level Data to identify the following CAIs:

- **Schools:** The list includes K-12 public and private schools, childcare centers, early learning centers, off-reservation boarding schools, tribal and non-tribal head start entities.
- **Libraries**
- **Local, state, federal or tribal government building listing:** The list includes tribal headquarters (from OKMaps.org/ogi/search.aspx), courthouses, prisons, community correction offices, conservation district offices (from the Oklahoma Conservation Commission).
- **Health clinic, health center, hospital, or other medical providers:** The list includes hospitals, nursing homes, assisted living, public health departments, urgent care facilities, veteran’s medical facilities, and Indian Health Services.
- **Public safety entity:** The list includes EMS, fire stations, emergency communication centers, and law enforcement.
- **Institutions of higher education.** The list includes public and private colleges, community colleges, and technology centers.
- **Public housing organizations**
- **Community support organization:** The list includes places of worship, community centers, senior centers, workforce centers, veteran centers, economic opportunity entities, YMCA’s, etc.

Data for CAI locations was obtained from the Oklahoma GIS Department and the FCC Broadband map.

#### 1.3.2 CAI list

One .csv file is available for download (titled “OK-cai.csv”) with the current list of CAI locations, location ID, and /or latitude and longitude, and eligibility. Given the timing of this Volume 1 comment period, the OBO encourages the ISP’s to use the public comment process to populate available service speeds. Other information received during the public comment period may be in

the form of additional CAI locations, recommended deletions, or a confirmation from CAIs if a 1 Gbps symmetrical service is desired. Any entities requiring clarification or detail will be pursued by the OBO following the public comment period for updates prior to the submission of Volume I to include validations that this list of eligible CAI locations is complete and that 1 Gbps is required at each CAI location.

## **1.4 Challenge Process (Requirement 7)**

### NTIA BEAD Model Challenge Process Adoption

The state of Oklahoma has elected to adopt NTIA's challenge process for BEAD funding.

The OBO 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.

The State of Oklahoma has also elected to adopt the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments. The OBO will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
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. Oklahoma and local data collections of existing enforceable commitments.

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

The OBO 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 or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the OBO will reach out to the provider to verify the deployment speeds of the binding commitment.

The OBO will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds.

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

Oklahoma has created a list of federal, state, and local enforceable commitments which can be found in the table in Section 1.1.

### **1.4.1 Challenge Process Design**



### 1.4.1.1 Challenge Process: Overview

Oklahoma has developed a plan for implementing the BEAD challenge process. In addition to the federal BEAD guidance from the NTIA, the OBO must also implement state statutes which require a broadband mapping portal informed by a challenge process. Oklahoma's HB3363 of 2021, entitled the Rural Broadband Expansion Act, established the state broadband office's responsibilities including broadband mapping, and the following requirement:

The OBO shall establish policy as needed to implement a process whereby impacted parties may challenge, or protest data and information published on the OBO's mapping system. The process shall include, but not be limited to, features that:

1. Are heard and ruled on at the OBO level;
2. Provide for a ruling by the OBO within sixty (60) days of the submitted challenge or protest; and
3. Upon successful protest action, result in a timely correction of the map.

Both the state statute and the BEAD guidance indicate that there be a challenge process to verify the accuracy of broadband coverage data. The BEAD guidance indicates that valid challengers are local governments, community organizations, and ISPs. In contrast, HB 3363 of 2021 requires impacted parties, including residents and businesses may challenge the map.

The OBO developed a challenge process for the state broadband map that satisfies both the state and the federal requirements.

The OBO challenge process will start with a broadband mapping portal, where Oklahoma citizens and entities can view the state's best information about the status of broadband coverage at every location in Oklahoma. This data will be based on the FCC map.

The portal will allow any Oklahoman to report any incorrect information displayed concerning broadband coverage and identification of community anchor institutions. As the reports come in, local public officials will be alerted to the need to take action in the portal in order to submit the challenges. These local public officials will then be classified as the "challenger" for purposes of a BEAD-compliant process.

A user-friendly form will allow users to initiate a correction (or challenge) to the map. The form will mark the address with incorrect information, input a proposed correction, and provide evidence to support the challenge. The challenge may be in response to coverage or CAI. All the information submitted will be retained and organized in the back end of the mapping portal. A notification or receipt should be provided to the user submitting the claim. At this point in the process, no alteration in the public map will occur at this stage.

In compliance with the BEAD guidance, a proposed correction must be channeled through a select set of valid challengers, namely (a) local governments as represented by duly constituted officials, (b) community organizations, and (c) internet service providers (ISPs). Citizen-originated corrections to the map are not processed as challenges until local governments are notified, review the evidence provided, endorse, and submit the challenge. All local public officials with potential to be valid challengers will be contacted. When local public officials see incoming citizen-originated supporting evidence for a challenge, they will be able to immediately endorse the challenge evidence, and initiate challenge process case.

Once a challenge is submitted, the appropriate respondent will be notified and invited to sustain or rebut the challenge by providing evidence. If a rebuttal with evidence is received, the OBO will review the evidence and determine whether to sustain or dismiss the challenge.

More details about the challenge process, illustrating alignment with the BEAD Model Challenge Process as proposed by the NTIA, are listed in the following sections.

#### **1.4.1.2 The BEAD Model Challenge Process: Oklahoma Implementation**

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

#### **Permissible Challenges**

The OBO will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the OBO,
- 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 OBO will only allow challenges from nonprofit organizations, units of local and tribal governments, and ISPs.

#### **Challenge Process Phases**

The challenge process conducted by the broadband office will include four phases, spanning 120 days:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the OBO 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 OBO will also publish locations considered served, as they may be challenged. (This event should occur shortly after the approval of the Initial Proposal, and the event will trigger Day 0 of the Challenge Process)
2. **Challenge Phase:** During the Challenge Phase, which will last for 30 days, the challenger will submit the challenge through the OBO challenge portal. This challenge will be visible to the ISP whose service availability and performance is being contested. The portal will notify the ISP of the challenge through an automated email, which will include related information about timing for the ISP's response. After this stage, the location will enter the "challenged" state. (Planned for Day 0 to Day 45 of the Challenge Process, including the OBO initial assessment of the evidence.)
  - 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.] (Note: The portal will not have any OCR capability.) For availability challenges, the OBO 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. (The OBO review of evidence is planned to be completed during Day 30 to Day 45 of the Challenge Process)

- b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. (Planned for Day 0 to Day 30 of the Challenge Process)
3. **Rebuttal Phase:** Only the challenged ISP may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. An ISP may also agree with the challenge and thus transition the location to the “sustained” state. ISPs must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
    - a. **Timeline:** ISPs will have 14 business days from notification of a challenge to provide rebuttal information to the OBO. (Planned for Day 45 to Day 59 of the Challenge Process)
  4. **Final Determination Phase:** During the Final Determination phase, the OBO 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 OBO will make a final challenge determination within 76 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. (Planned for Day 59 to Day 120 of the Challenge Process)

**Evidence & Review Approach**

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

A classification of challenge types is presented in the table below. Note that in some cases the intended provider of evidence for rebuttal is not clear, so the task of providing rebuttals where appropriate will fall on the OBO itself.

| 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"> <li>- Screenshot of ISP webpage.</li> <li>- A service request was refused within the last 180 days (e.g., an email or letter from ISP).</li> <li>- Lack of suitable infrastructure (e.g., no fiber on pole).</li> <li>- A letter or email dated within the last 365 days that an ISP failed to schedule a service installation or offer an installation date within 10 business days of a request.</li> <li>- A letter or email dated within the last 365 days indicating that an ISP requested more than the standard installation fee to connect this location or that an ISP quoted an amount in excess of the ISP's standard installation charge in order to connect service at the location.</li> </ul> | <ul style="list-style-type: none"> <li>- ISP shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill.</li> <li>- If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</li> <li>- The ISP submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.</li> </ul> |
| S | Speed        | The actual speed of the service tier falls below the unserved or underserved thresholds.   | Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.  | ISP has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.  |
| L | Latency      | The round-trip latency of the broadband service exceeds 100 ms.  | Speed test by subscriber, showing the excessive latency.  | ISP 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.  |
| D | Data cap     | The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer. <a href="#">[7]</a> | <ul style="list-style-type: none"> <li>- Screenshot of ISP webpage.</li> <li>- Service description provided to consumer.</li> </ul>   | ISP 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   | ISP has countervailing evidence from their network  |

|   |                                    |  |   |  |
|---|------------------------------------|--|---|--|
|   |                                    |  | specific technology.  | 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 ISP webpage.  | ISP documentation that the service listed in the BDC is available at the location and is marketed to consumers.  |
| E | Enforceable Commitment             | The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.  | Enforceable commitment by ISP (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 ISP 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 an ISP is building out broadband offering performance beyond the requirements of an enforceable commitment. | <ul style="list-style-type: none"> <li>- Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.</li> <li>- Contracts or a similar binding agreement between the OBO and the ISP 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.</li> </ul> | Documentation showing that the ISP 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   | Declaration by ISP subject to the enforceable commitment.   |  |

|   |                       |  |  |  |
|---|-----------------------|--|--|--|
|   |                       | BEAD NOFO at 36, n. 52.)   |  |  |
| 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 OBO.                                      | Evidence that the location does not fall within the definitions of CAIs set by the OBO 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 OBO or is no longer in operation. | Evidence that the location falls within the definitions of CAIs set by the OBO or is still operational.              |

### 1.4.1.3 Optional Challenge Module: Area and MDU Challenge

NOTE: The state of Oklahoma plans to adopt and implement the optional challenge module referred to in the Initial Proposal Guidance as “Area and MDU Challenges,” and described as follows:

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

An area challenge is triggered if six or more broadband serviceable locations using a particular technology and a single ISP 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 ISP is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge. If an ISP offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

### 1.4.1.4 State Challenge Modifications to Leverage FCC Challenge Process

#### 1.4.1.4.1 State Modification: Tract Challenges

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 samples of the area in contention, but at least ten, where the ISP has to demonstrate service availability and speed (e.g., with a mobile test unit).

In addition, a tract area challenge is triggered if 30 or more broadband serviceable locations using a particular technology and a single ISP within a census tract, including at least one location in every census block group within that census tract, are challenged.

Explanation for broadband office amendment: This amendment to the tract area challenge extends the logic of the optional area challenge module to encompass cases more geographically extensive cases of misreporting. Because two locations in a census block group will generally be more similar than two locations in a census tract, a higher standard of evidence will be required to establish the likelihood that the location is in fact underserved, both in terms of the number of locations.

#### **1.4.1.4.2 State Modification: FCC Area Modifications**

The OBO will treat locations within a census block group that the National Broadband Map shows to be served as unserved or underserved if (1) six or more broadband serviceable locations using a particular technology and a single ISP within a census block group were subject to successful availability challenges through the Federal Communications Commission's challenge process and (2) the location would be unserved or underserved if not for the challenged service. The location's status would change to the status that would have been assigned to the location without the challenged service. Challenge records will be taken from [//broadbandmap.fcc.gov/data-download/challenge-data](https://broadbandmap.fcc.gov/data-download/challenge-data). The following entries in the outcome field will be treated as a successful challenge:

- Challenge Upheld - Provider Conceded
- Upheld - Service Change
- Challenge Upheld - Adjudicated by FCC

ISPs whose reported service is removed by this modification will be allowed to overturn this pre-challenge modification by submitting the evidence required for a rebuttal of an area challenge.

Explanation for broadband office amendment: This modification applies the logic of the area challenge module to challenges already filed through the FCC challenge process. FCC challenges reflect relatively recent cases in which ISPs and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC). Cases in which six FCC challengers were successful in a single census block likely reflect more extensive mapping inaccuracies (just as six successful challenges through the state challenge process justify changes under the area challenge module).

#### **1.4.1.4.3 State Modification: Eligibility Status Changes based upon FCC Challenge Data**

Broadband serviceable locations where successful challenges were filed through the FCC challenge process will be counted toward availability or technology area challenges against the challenged provider, technology, and challenge type. For instance, in a census block group where an FCC challenge was upheld for one location against a given provider and technology, five rather than six state challenges against that provider and technology in the same census block group would trigger an area challenge. Challenge records will be taken from [//broadbandmap.fcc.gov/data-download/challenge-data](https://broadbandmap.fcc.gov/data-download/challenge-data). The following entries in the outcome field will be treated as a successful challenge:

- Challenge Upheld - Provider Conceded

Upheld - Service Change  
Challenge Upheld - Adjudicated by FCC

Explanation for the OBO amendment: FCC challenges reflect relatively recent cases in which ISPs and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC), based on broadly similar evidence to the evidence required of challenges in the state challenge process. In some areas in Missouri, an active community engagement process resulted in successful challenges to a substantial number of locations through the FCC challenge process. Without these modifications, these communities would be at a disadvantage in terms of correcting more widespread errors in the state challenge process, as successful FCC challengers would register as “served” and could not file a challenge that would count towards an area challenge.

#### 1.4.1.4.4 Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the OBO 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 OBO 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 ISPs. Relevant stakeholders can sign up on the OBO’s website (<https://oklahoma.gov/broadband.html>) for challenge process updates and newsletters. They can engage with the OBO by a designated email address ([broadband@broadband.ok.gov](mailto:broadband@broadband.ok.gov)).

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

- the ISP, nonprofit, or unit of local government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the ISP being challenged,
- the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether an ISP submitted a rebuttal.

The OBO 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 OBO 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 OBO will treat information submitted by an existing ISP 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.