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Content

- |          |              |
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| <b>2</b> | Replacements |
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Pennsylvania  
Broadband Development Authority

# Broadband Equity, Access, and Deployment INITIAL PROPOSAL

VOLUME 1



Pennsylvania Broadband Development Authority  
Honorable, Uri Monson, Chairman  
Brandon Carson, Executive Director





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# **Overview of the Initial Proposal**

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The Pennsylvania Broadband Development Authority (PBDA) will publish the following sections of the Initial Proposal, as required under the Broadband Equity, Access, and Deployment Program (BEAD). These sections make up Volume I of the Initial Proposal. The Initial Proposal is the “first draft” of Pennsylvania’s Final Proposal for BEAD grant funding and will explain how Pennsylvania will ensure that every resident has access to a reliable, affordable, and high-speed broadband connection, drawing on all funding available to accomplish this goal, including but not limited to BEAD Program funds.

After receiving public comments on this Volume, it will be submitted for approval to the PBDA Board of Directors and subsequently submitted to the National Telecommunications and Information Administration (NTIA) for final consideration. The Challenge Process, outlined in Requirement 7, will commence upon acceptance of Volume II by NTIA.

For more information about the BEAD Initial Proposal, as well as other BEAD Program components, please visit [NTIA’s BEAD “Overview” webpage](#).

## **1.1 Existing Broadband Funding (Requirement 3)**

**1.1.1** As a required attachment, submit the file identifying sources of funding, a brief description of the broadband deployment, and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from the Five-Year Action Plan.

See attachment 1.1.1.

## **1.2 Unserved and Underserved Locations (Requirement 5)**

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**1.2.1 Attachment:** .csv file with the location IDs of each unserved location.

A downloadable .csv file with the location IDs of each unserved location is available on PBDA's website accompanying this document.

**1.2.2 Attachment:** .csv file with the location IDs of each underserved location.

A downloadable .csv file with the location IDs of each underserved location is available on PBDA's website accompanying this document.

**1.2.3 Date Selection:** Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations:

As required by NTIA, the data used to identify unserved and underserved locations was accessed from the National Broadband Map on 10/10/2023.

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

**1.3.1** Describe how the statutory definition of “community anchor institution” was applied, how CAIs were identified, and how network connectivity needs were assessed.

The Pennsylvania Broadband Development Authority (PBDA) defines a Community Anchor Institution (CAI) as an entity that facilitates publicly accessible internet service to vulnerable populations, including NTIA defined covered populations<sup>1</sup>, and those that lack access to gigabit-level broadband service.

CAIs include institutions that provide consistent access to broadband service that is available to the public during set hours, and without access limitations such as membership, fees/dues, security measures, and/or other barriers to use. CAI services must be available to anyone meeting set criteria. For example, PBDA considers a senior center eligible since anyone over a certain age may participate in its opportunities. Senior centers also enable better access for vulnerable populations, namely the older adult (aging individual) community. CAIs also must possess a physical address (rather than a post office box address) and provide public community support services. Examples include public libraries, schools, institutions of higher education, faith-based institutions, and/or community service organizations.

PBDA based its definition of a CAI largely on requirements stipulated in Act 96 of 2021, the Authority’s enabling legislation. That Act considers a CAI to be “any entity, including any 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 low-income individuals, unemployed individuals and aged individuals, that lack access to gigabit-level broadband service”.

Faith-based organizations are considered eligible CAIs since many of these entities facilitate the use of broadband service to vulnerable populations, particularly in rural areas, small municipalities, or low-income areas where assets are scarce. Throughout Pennsylvania, faith-based organizations provide after-school programs, prevention services, mentoring programs, and other general support services. Excluding these organizations would be a detriment to the communities that rely on them for vital social services.

In its list of eligible CAIs, PBDA includes other entities, such as fire stations and others that facilitate broadband use by the general public. Nursing homes and senior citizen centers are also eligible entities as they provide broadband access to a covered population. Public housing gives individuals internet service that otherwise would not have access in a common space and provides public service to low income individuals.

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<sup>1</sup> Per the Digital Equity Act of 2021, the NTIA in collaboration with the US census evaluated various federal data sets to identify various segments of the population that would be considered as “covered populations” in reference to digital equity. These include Persons who are 60 years of age or older; Incarcerated individuals; Veterans; Persons with disabilities; Members of a racial or ethnic minority group; Rural residents; Individuals with a language barrier, including those who are English learners or have low literacy levels; Individuals living in households with incomes not exceeding 150 percent of the poverty level. Infrastructure Investment and Jobs Act (Sections 60301-60307).

PBDA excluded certain entities from its eligibility list as well, particularly those that do not serve the general public. PBDA will prioritize non-profit organizations for available funding in this program, due to their focus on community and social services.

According to the United States Department of the Interior, Bureau of Indian affairs, Pennsylvania does not have any federally designated tribal lands. Thus, those groups have been excluded from consideration.

To identify eligible CAIs within Pennsylvania, PBDA collected data from the U.S. Homeland Infrastructure Foundation, the Pennsylvania Department of Health, the Pennsylvania Department of Aging, the National Housing Preservation Database, and the Pennsylvania Department of Community and Economic Development. The initial evaluation of CAIs was based on the NTIA CAI definition, as well as Pennsylvania-specific considerations.

To assess the existing internet service levels of identified CAIs, PBDA utilized Geographic information System (GIS) technologies and processes to develop a link between CAI addresses and BSL locations using the National Broadband Map. Additionally, CostQuest data was utilized where relevant. As a result, PBDA determined the level of service 1,117 CAIs represented within the established list (see Attachment 1.3.2). PBDA may choose to challenge CAIs that were not validated against the National Broadband map, within future challenge periods.

**1.3.2** As a required attachment, submit the .csv file that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity's knowledge.

A downloadable .csv file that lists eligible community anchor institutions is available on PBDA's website accompanying this document.

## 1.4 Challenge Process (Requirement 7)

### 1.4.1 Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Req. 7.

PBDA will adopt NTIA's BEAD Model Challenge process for Requirement 7.

### 1.4.2 If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity's jurisdiction as "served", "underserved", or "unserved", and provide justification for each modification.

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

Pennsylvania will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take four forms:

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

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by the Eligible Entity, that grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

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

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

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

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

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule<sup>2</sup>, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

**1.4.3** Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Pennsylvania will utilize the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

<sup>2</sup> The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

#### **1.4.4** Describe the process that will be used to identify and remove locations subject to enforceable commitments.

Pennsylvania's process for identifying and removing BSLs subject to enforceable commitments will utilize GIS and spatial analyses. Enforceable commitment project areas will be mapped as polygons and utilized to select intersecting BSLs. The BSLs that intersect enforceable commitment polygons will be removed from the list of BEAD-eligible locations.

Where feasible, PBDA will identify BSLs that intersect with enforceable commitment project areas using the BEAD Eligible Entity Planning Toolkit, and will consult the following data sets:

- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
- Data sets available through state broadband deployment programs that rely on funds from the ARPA Capital Projects Fund and State and Local Fiscal recovery Funds administered by U.S. Treasury.
- State-sponsored broadband funding programs.
- Local data collections of existing enforceable commitments, mapped to the best extent possible.

PBDA will review existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure.

#### **1.4.5** As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

1.4.5 Deduplication of Funding Programs		
Program Name	Federal, State/Territory, or Local Funding Source	Funding Implementation Year
ReConnect	Federal (USDA)	2018
Rural Digital Opportunity Fund (RDOF)	Federal (FCC)	2020
Redevelopment Assistance Capital Program (RACP)	State (Office of the Budget)	2023
Unserved Highspeed Broadband Funding Program (UHSB)	State (Department of Community & Economic Development)	2020
Capital Projects Fund Broadband Infrastructure Program (BIP)	Federally-funded, State-administered (US Treasury; DCED)	2023
Enhanced Alternative Connect America Cost Model (E-ACACM)	Federal (FCC)	2023
American Rescue Plan Act (ARPA)	Federal (US Treasury)	2021
Connect America Fund (II) (CAF-2)	Federal (FCC)	2019
Partnerships for Opportunity and Workforce and Economic Revitalization (POWER)	Federal (Appalachian Regional Commission)	2022
Broadband Infrastructure Program (BIP)	Federal (National Telecommunications and Information Administration)	2021
Community Connect Grant Program	Rural Utilities Service	2019
Rural E-Connectivity Program	Rural Utilities Service	2019
Telephone Loan Program	Rural Utilities Service	2019

#### **1.4.6 Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.**

To ensure that the BEAD challenge process is evidence-based, fair, transparent, and expeditious, PBDA will work collaboratively with project applicants and challengers. The challenge process timeline will be announced and communicated through PBDA's distribution list, which reaches more than 3,500 individuals, local government officials, CAIs, and other stakeholders.

Instructions for the challenge process will be posted on PBDA's public website. As of November 2023, PBDA is undergoing a redesign of its hosting website, and thus no specific site location to publicly post challenge process information is available. Once this process is complete, PBDA will prioritize communication of such information through its email distribution list and newsletters. Additionally, PBDA will conduct an online webinar for eligible challengers to outline the challenge process and offer opportunity for questions and answers. The webinar will include the following:

- A demonstration of the challenge portal.
- Discussion of acceptable evidence.
- A review of PBDA challenge workflows.
- A description of the adjudication process.

A "Frequently Asked Questions" document will be available on the PBDA website to address additional process details. Results of the challenge process will be shared with the public after PBDA adjudication.

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

#### **Permissible Challenges**

PBDA will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the Eligible Entity,
- 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 PBDA will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

## **Challenge Process Overview**

The challenge process conducted by PBDA will include four phases, spanning 90 days:<sup>3</sup>

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, PBDA 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). PBDA will also publish locations considered served, as they may be challenged. Publication of eligible locations will tentatively happen on or around **April 1, 2024**.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the PBDA challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
  - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. [The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.] For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, PBDA will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
  - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. The Challenge Phase will take place tentatively on or around **April 1, 2024- April 30, 2024**.
3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the "disputed" state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the "sustained" state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
  - a. **Timeline:** Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to PBDA. The Rebuttal Phase will take place on or around **April 1, 2024- June 11, 2024**.
4. **Final Determination Phase:** During the Final Determination phase, PBDA 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, PBDA will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. Final Determinations will be made no later than **June 29, 2024**.

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<sup>3</sup> Timeline is tentative and subject to change.

## Evidence & Review Approach

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

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• A service request was refused within the last 180 days (e.g., an email or letter from provider).</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 a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.<sup>4</sup></li> <li>• A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider's standard installation charge in order to connect service at the location.</li> </ul>	<ul style="list-style-type: none"> <li>• Provider 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 provider 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>

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<sup>4</sup> 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.”

<b>Code</b>	<b>Challenge Type</b>	<b>Description</b>	<b>Specific Examples</b>	<b>Permissible Rebuttals</b>
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. <sup>5</sup>	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. <sup>6</sup>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms. <sup>7</sup>	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements. <sup>8</sup>
D	Data Cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>9</sup>	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• Service description provided to consumer.</li> </ul>	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.

<sup>5</sup> The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.

<sup>6</sup> As described in the NOFO, a provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. See Performance Measures Order, 33 FCC Rcd at 6528, para. 51. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

<sup>7</sup> Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

<sup>8</sup> Ibid.

<sup>9</sup> 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.

<b>Code</b>	<b>Challenge Type</b>	<b>Description</b>	<b>Specific Examples</b>	<b>Permissible Rebuttals</b>
<b>B</b>	Business Service Only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
<b>E</b>	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).
<b>P</b>	Planned Service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> <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 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.</li> </ul>	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.
<b>N</b>	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.	

<b>Code</b>	<b>Challenge Type</b>	<b>Description</b>	<b>Specific Examples</b>	<b>Permissible Rebuttals</b>
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. <sup>10</sup>	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is Not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

### **Transparency Plan**

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, PBDA 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. PBDA 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 email [PBBroadbandAuthority@pa.gov](mailto:PBBroadbandAuthority@pa.gov) to be added to the distribution list to receive challenge process updates and newsletters. Providers will also be notified of challenges through the email distribution list and newsletters.

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

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

PBDA 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, PBDA 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.

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<sup>10</sup> 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.

PBDA 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.

Additionally, PBDA shall comply with the “Information Technology Policy for Proper Use and Disclosure of Personally Identifiable Information”, set by the Office of Administration/Office for Information Technology (OA/IT) on March 19, 2010, as well as the [Commonwealth’s Privacy Policy](#).

## 1.5 Volume I Public Comment

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**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.

Pennsylvania's Volume I public comment period for the Initial Proposal was open from September 11, 2023, through October 10, 2023, a total of 30 days.

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

PBDA encouraged feedback during the public comment period for Volume I of the Initial Proposal through various outlets. DCED's Communications Office administered the process and collected public responses using Microsoft Forms. The accompanying comment form included the following:

1. Name\*
2. Email address\*
3. Zip code\*
4. Organization (if applicable)
5. Job title (if applicable)
6. Comments on Requirement 3: "Existing Broadband Funding"
7. Comments on Requirement 5: "Unserved and Underserved Locations"
8. Comments on Requirement 6: "Community Anchor Institutions"
9. Comments on Requirement 7: "Challenge Process"
10. Comments on "Volume I Public Comment"
11. Additional comments on Volume I

\* = required question

An announcement about the comment period was distributed via email to PBDA's mail distribution list, which includes more than 3,500 contacts from the following industries:

- Local Development District administrators
- County and Local Governments
- Association partners
- Service Providers
- Economic and Community Development organizations
- Consulting groups

- State and Federal Legislators
- Digital Equity advocates
- Commonwealth of Pennsylvania employees
- Other Non-Profit and Non-Governmental Institution representatives

The comment period was advertised through PBDA's four sub-committees and the various digital equity coalitions that PBDA regularly works with, such as the PA Statewide Digital Equity Coalition, the National Digital Inclusion Alliance, and the PA Workforce Development Board Interagency Workgroup.

A total of 108 comments were received from constituents, internet service providers, digital equity advocates, elected officials, and others. Though all comments were reviewed in great detail, a significant portion were not considered relevant to NTIA's requirements for Volume I. For example, comments related to the challenge process were rejected because the suggestions fell outside the scope of the NTIA model challenge process. PBDA received several concerns about its definition and classification methodology for determining which CAIs could be eligible for BEAD funds. In its initial draft of Volume I, PBDA categorized CAIs in a two-tier system that was meant to prioritize funding for CAIs with the greatest need. However, several of the comments received suggested eliminating the two-tier system in order to better meet community needs and avoid confusion about what would be required to meet PBDA's priorities. Subsequently, PBDA removed eliminated its two-tier classification of CAIs.



Commonwealth of Pennsylvania