



Washington State
Department of
Commerce

INTERNET FOR ALL IN WASHINGTON

Initial Proposal Volume I

Broadband Equity, Access, and Deployment (BEAD) Program

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Note: Each section below includes the prompt from the National Telecommunications and Information Administration (NTIA) – the federal agency administering the BEAD program – to indicate what information the NTIA is requesting for each requirement. Although not all of these prompts require a written response, the Washington State Broadband Office (WSBO) has included a narrative for each prompt to provide additional context to the reader. The three types of requests include:

Attachment – The NTIA has asked the WSBO to submit document or file to satisfy the requirement.

Text Box – The NTIA has asked the WSBO to describe how it will satisfy the requirement.

Response – The NTIA has asked the WSBO to select either ‘yes’ or ‘no’ in response to a requirement.

LETTER FROM THE BROADBAND OFFICE

November 22, 2023

The Washington State Broadband Office proudly presents Washington's Initial Proposal Volume I for the Broadband Equity, Access, and Deployment (BEAD) program. Established by the Infrastructure Investment and Jobs Act of 2021, the BEAD program allocated more than \$42.45 billion nationally for the construction of broadband networks, the establishment of subsidies to offset the cost of internet service for qualifying households and the creation of training programs to equip users with a digital skillset.

The Initial Proposal Volume I is one key component of the Internet for All in Washington Initiative, which supports the creation of strategies to ensure reliable, high-speed Internet across the state of Washington, along with opportunities to invest in digital equity programs to make sure that in addition to internet access, people also have the tools and skill sets necessary to fully take advantage of the benefits that come with digital inclusion.

To support public engagement and adhere to NTIA requirements, the WSBO implemented a public comment period for 30 days following the initial publication of the draft version of this document. Based on comments received and conversations with stakeholders, the WSBO added language throughout the document to improve readability and provide context to the more technical aspects of the Challenge Process.

We could not have completed this document without the help of our incredible partners throughout the state, from tribal leaders to state agencies to internet service providers to the communities affected by the digital divide.

In advance of the launch of the Challenge Process next year, the WSBO will provide technical assistance and facilitate information sessions to support participation from permissible challengers and the public. More information on these resources is forthcoming. In addition to these resources, the WSBO will continue to hold monthly question and answer webinars through 2024. Register for monthly webinars [here](#).

We look forward to hearing from you, and please contact us if you have any questions or need assistance at internetforall@commerce.wa.gov.

Sincerely,

Mark Vasconi

Mark Vasconi

Director of the Washington State Broadband Office

EXECUTIVE SUMMARY

Building upon ongoing digital inclusion efforts, extensive public engagement, and insight from local and tribal governments in Washington, the Washington State Broadband Office (WSBO) submits this Initial Proposal Volume I to fulfill the requirements outlined in the Broadband Equity, Access, and Deployment (BEAD) Program.¹ Volume I contains information for four Initial Proposal requirements – out of the 20 total Initial Proposal requirements, a list of which can be found in [Appendix 6.1](#) – including:

- **Requirement 3: Existing Broadband Funding** – Identifies existing broadband efforts within the jurisdiction of the state funded by the federal government or the state of Washington to minimize duplication of efforts or funding.
- **Requirement 5: Unserved and Underserved Locations** – Identifies unserved and underserved locations, including locations in applicable tribal lands, using the National Broadband Map as of October 24, 2023.
- **Requirement 6: Community Anchor Institutions (CAIs)** – Defines CAIs and identifies those CAIs that lack access to 1 Gigabit per second (Gbps) symmetrical broadband.
- **Requirement 7: Challenge Process** – Discusses the WSBO’s decision to adopt the National Telecommunications and Information Administration’s (NTIA) model challenge process with the following modifications:
 - Locations considered “served” are locations with broadband speeds of 100 Megabits per second (Mbps) downstream and 20 Mbps upstream or higher. Locations that use digital subscriber line (DSL) as their broadband connection will be designated as “underserved.”
 - Locations initially considered “served” will be underserved if speed tests demonstrate that the location’s actual service speed is below 100 Mbps downstream and 20 Mbps upstream.
 - Location service status could be reconsidered using area or multiple dwelling unit (MDU) challenges.

The state of Washington will incorporate guidance from the NTIA to ensure compliance with BEAD requirements. It also considered feedback received from the public comment period for the first draft of the Initial Proposal Volume I. The Initial Proposal Volume II was released for public comment on November 1, 2023, and includes all other requirements outlined in the BEAD Notice of Funding Opportunity (NOFO).²

Following the submission of the Initial Proposal Volumes I and II – and the NTIA’s approval of Volume I – the WSBO will begin the Challenge Process outlined in [Chapter 4](#).

¹ This follows the state’s submission of the Washington State BEAD Five-Year Action Plan which is publicly available at this link: <https://deptofcommerce.box.com/s/yr03ll1kw1rpd7x4w4wk0z5g6gdah90n>

² National Telecommunications and Information Administration (2022), Notice of Funding Opportunity: Broadband Equity, Access, and Deployment Program. Accessed at: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

1. EXISTING BROADBAND FUNDING (REQUIREMENT 3)

Attachment 1.1.1: As a required attachment, submit the file identifying funding sources, 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 their Five-Year Action Plans.³

Similar to the information the Washington State Broadband Office (WSBO) included in the Washington State Broadband Equity, Access, and Deployment (BEAD) [Five-Year Action Plan](#), which it submitted on August 11, 2023, the WSBO has summarized existing broadband funding associated with broadband deployment within the state, located in [Appendix 6.2](#). This information includes:

- The **Funding Source** – The funding program and the governmental entity responsible for administering the program.
- The **Purpose** – A brief description of the funding’s role in expanding broadband availability.
- The **Total Funding** – The total amount of funding authorized for projects within the state of Washington.
- The **Expended Funding** – The total amount of funding awarded, and thereby committed, by the administering governmental entity to a specific project and grantee.
- The **Available Funding** – The amount of authorized funding remaining after accounting for all awarded funds.

For existing federal, state, or local funding for broadband deployment on tribal lands, only awards with a tribal legally binding agreement, which includes a Tribal Government Resolution, will be considered for deduplication of funding. It is the responsibility of any challengers who have enforceable commitments on tribal lands to produce the necessary documentation during the Challenge Process.

³ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

2. UNSERVED AND UNDERSERVED LOCATIONS (REQUIREMENT 5)

In adhering to the National Telecommunications and Information Administration’s (NTIA) requirements, Volume I of Washington state’s Initial Proposal includes a list of all unserved and underserved locations in Washington. Consistent with the Broadband Equity, Access, and Deployment (BEAD) Notice of Funding Opportunity (NOFO):

- “Unserved” means a location that lacks reliable broadband service at a speed of at least 25 Mbps downstream and 3 Mbps upstream and latency levels low enough to support real-time, interactive applications.
- “Underserved” means locations that lack similar broadband service at speeds of at least 100 Mbps downstream and 20 Mbps upstream.

2.1 UNSERVED AND UNDERSERVED LOCATIONS LISTS

Attachment 1.2.1: As a required attachment, submit one CSV file with the location IDs of each unserved location, including unserved locations in applicable tribal lands.⁴

Attachment 1.2.2: As a required attachment, submit one CSV file with the location IDs of each underserved location, including underserved locations in applicable tribal lands.⁵

Using data from the Federal Communications Commission’s (FCC) National Broadband Map published October 24, 2023, the Washington State Broadband Office (WSBO) has included links to two Excel files, with the location IDs of all unserved and underserved locations, in [Appendix 6.3](#).

2.2 NATIONAL BROADBAND MAP PUBLICATION DATE

Text Box 1.2.3: Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.⁶

The unserved and underserved locations identified in this document and its attachments are based on the National Broadband Map published on October 24, 2023. Consistent with NTIA guidance, the publication date of the National Broadband Map does not predate the submission of the Initial Proposal by more than 59 calendar days. For the Challenge Process, the WSBO will use updated data from the National Broadband Map that is published no more than 59 calendar days in advance of the start of the Challenge Process.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

3. COMMUNITY ANCHOR INSTITUTIONS (REQUIREMENT 6)

3.1 CAI STATUTORY DEFINITION

Text Box 1.3.1: Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.⁷

Following the statutory definition of “community anchor institution” (CAI) as defined in 47 USC 1702 (a)(2)(E), the Washington State Broadband Office (WSBO) applied the definition of a CAI to mean a school, library, health clinic, health center, hospital or other medical providers, public safety entity, an institution of higher education, public housing organization (including any public housing agency, U.S. Department of Housing and Urban Development-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 aging individuals (aged 60 years or older). In addition, the WSBO decided to include government buildings in its definition of CAIs.

The WSBO’s CAI definition also distinguishes between CAIs and individual broadband serviceable locations (BSLs) based on the Federal Communications Commission (FCC) BSL definition. The FCC defines BSLs as, “a business or residential location in the United States at which mass-market fixed broadband internet access services is, or can be, installed.”⁸ BSLs are the data points that make up the National Broadband Map, which the WSBO used to identify the unserved and underserved locations described in [Chapter 2](#). The FCC also acknowledges that CAIs are more likely to subscribe to customized, enterprise-grade internet service, compared to the mass-market services available to businesses and residents.⁹ Therefore, these CAI definitions consider this while recognizing the benefits CAIs provide to their communities.

For example, although the WSBO’s CAI definition includes public housing organizations, this definition does not extend to their public housing inventories, including single-family residences, duplexes, or larger multiple dwelling units (MDUs). These individuals’ public housing locations would instead appear as residential BSLs.

The following definitions were used to identify the types of CAIs:

- **Schools:** Public and private K-12 schools associated with an FCC E-Rate, a National Center for Education Statistics (NCES) ID or those identified through the Washington State Board of Education.
- **Institutions of higher education:** Higher Education organizations with an NCES ID or those identified through the State Board for Community and Technical Colleges.

⁷ *Ibid.*

⁸ FCC (2023), About the Fabric: What a Broadband Serviceable Location (BSL) Is and Is Not. Accessed at: [About the Fabric: What a Broadband Serviceable Location \(BSL\) Is and Is Not – BDC Help Center \(fcc.gov\)](#)

⁹ FCC (2023), How to Identify a Community Anchor Institution as a Broadband Serviceable Location. Accessed at: [How to Identify a Community Anchor Institution as a Broadband Serviceable Location – BDC Help Center \(fcc.gov\)](#)

- **Libraries:** Libraries with an FCC E-Rate ID or those identified through the Washington Secretary of State's Washington Library Locations list.
- **Health clinic, health center, hospital, or other medical providers:** Health care facilities with a Centers for Medicare and Medicaid Services (CMS) identifier, including health clinics, hospitals, mental health facilities, and in/outpatient treatment centers.
- **Public safety entities:** Fire houses, emergency medical services (EMS), police stations, and 911 public safety answering points (PSAP).
- **Public housing organizations:** Public housing authorities identified by contacting the Public Housing Agencies (PHA) for the state enumerated by the U.S. Department of Housing and Urban Development.
- **Community support organizations:** Youth centers, senior centers, job training centers (such as WorkSource Centers), Centers for Independent Living, and Regional Service Centers for the Deaf, as organizations that facilitate greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aging individuals.
- **Government organizations:** The WSBO has expanded the CAI definition to include certain types of state, local, county, and tribal buildings that provide essential services to their community – requiring consistent and reliable broadband access. They include:
 - **State and local**– The WSBO included CAIs that offer technical or educational services. Specifically, this includes:
 - Washington State Department of Social and Health Services (DSHS) community services offices: Locations help eligible individuals and families apply for federal benefits while accessing services such as workforce development or emergency programs.¹⁰ Public computers are in office lobbies for DSHS business use, including online access to Working Connections Child Care services.
 - Community corrections and reentry centers: Juvenile and adult community corrections, rehabilitation and reentry offices provide health, educational, counseling, and employment services. These facilities need broadband to help incarcerated individuals access educational resources, apply for jobs, develop digital literacy skills, and ultimately reduce the rate of recidivism.
 - Detention centers: Similar to community corrections and reentry centers, detention centers provide health, educational, counseling, and employment services. Juvenile detention centers work with the Washington State Department of Children, Youth, and Families through an integrated treatment model. These facilities need broadband to help both adults and at-risk-youth complete basic education programs, apply for secondary education financial aid, pre-employment education, apply for jobs, and can also be used for check-ins and other services that can be accessed online.

¹⁰ Washington State Department of Social and Health Services (n.d.), Services We Offer. Accessed at: [Services We Offer | DSHS \(wa.gov\)](https://www.dshs.wa.gov/services-we-offer)

- **Corrections centers:** These facilities provide basic education and job training for incarcerated individuals. Second Substitute Senate Bill 5433 of 2019 (2SSB 5433) also introduced a program to allow students in corrections centers to utilize secure internet connections to expand educational opportunities.¹¹ The Department of Corrections is currently working to connect more facilities to the Off State Network (OSN), which would support broader access needs for incarcerated individuals. This would include access to approved internet services, correctional industries services, and the law library. It also provides room for expansion to address future departmental needs.¹²
- **City and town halls:** The WSBO included city and town halls because they serve as a base for essential local government administration and as the primary connection point between local communities and government. City and town halls allow citizens to access and interact with policymakers, fully participate in council meetings and the democratic process, and address administrative matters related to housing, business, social services support, and recreation. Many city and town halls in Washington provide free public WiFi, which may be the only broadband service that some vulnerable populations can access. For example, individuals experiencing housing instability often rely on free public WiFi to access the internet.
- **County courthouses:** The WSBO included county courthouses because they function as the center of the county judiciary process and often serve as the county’s administrative core. Information technology and broadband services enhance these functions by allowing community members to routinely access broadband services at these locations to participate in the judiciary process and address administrative activities, such as housing applications, permitting, and licensing, as well as social services support.
- **Tribal** – The WSBO included the administrative offices of any federally recognized tribal entities that provide essential services to tribal members and offer a place for tribal communities to convene and access information and services online and in person.

A more detailed table identifying the data sources for various CAI subcategories is linked in [Appendix 6.4](#).

The WSBO acknowledges that this list does not cover all CAIs providing critical services to their communities. Instead, the WSBO has applied a narrower focus for the purposes of adhering to NTIA guidance that relates to how a CAI facilitates the greater use of broadband service by vulnerable populations.

Youth Centers, Job Training Centers, Senior Centers, Centers for Independent Living, and Regional Service Centers for the Deaf: The WSBO has specifically identified senior centers, job training centers (including WorkSource Centers), youth centers, Centers for Independent Living, and Regional Service Centers for the Deaf as community support organizations facilitating greater broadband use. Of the 51

¹¹ Washington State Legislature (2019). SB 5433 - 2019-20 Incarcerated Adults—Postsecondary Education Degree Opportunities—Report. Accessed at: [5433-S2.SL.pdf \(wa.gov\)](#).

¹² Washington State Department of Corrections (2021). Secure Internet Connections for the Purpose of Postsecondary Education and Training of Incarcerated Individuals. Accessed at: [GetPDF \(wa.gov\)](#)

Community Action Plans submitted by Washington counties and tribes, 19 of them identified senior centers as community support organizations that would increase broadband use for aging populations. Many older participants shared hesitancy around connecting to broadband service in public engagement sessions throughout the state. The reasons behind this shared sentiment varied from cybersecurity concerns to a lack of broadband availability at home to limited broadband device adoption. Providing senior centers with 1 Gbps speeds can facilitate a safe space for digital skills training sessions targeted towards aging individuals, giving them the tools to participate in the digital society and economy.

Job training centers have also been identified as community support organizations, as they are integral to upskilling workers in Washington state and providing them with a platform to increase their digital literacy and digital skills. These include WorkSource Centers. Equipping job training centers with 1 Gbps symmetrical broadband service will enable more trainees to connect to broadband at job training centers and to pursue skills training online. Furthermore, for those Washingtonians without broadband service at home, a job training center can provide them with the connectivity needed for a successful job search and application submission. Job training centers serve all Washingtonians.

Additionally, of the Community Action Plans submitted by Washington counties and tribes, nine of those plans identified youth centers as community support organizations, as they serve as a safe space for diverse, young community members. Supplying youth centers with 1 Gbps speeds will bridge the divide for those in low-income households or rural communities, for which broadband service may not be available at home. Broadband service is essential for Washington's youth as more K-12 schoolwork is online, giving those without reliable broadband outside the classroom a place to complete homework.

Finally, based on public comment feedback, Centers for Independent Living and Regional Service Centers for the Deaf have been identified as community support organizations that facilitate greater use of broadband service by vulnerable populations. Centers for Independent Living are federally monitored organizations that provide tools, resources and supports to fully integrate people with disabilities into their communities. These tools include independent skills training (including technology and communication) and referrals or connections to other resources. Regional Service Centers for the Deaf also meet the WSBO's definition of a community support organization. These centers provide support for deaf individuals related to employment and job seeking, among other support services. Equipping both organizations with 1 Gbps symmetrical service supports Washingtonians with disabilities, as many assistive technology platforms require greater upload and download speeds.

PUBLIC COMMENT REQUESTS

During the public comment period, the WSBO asked the public to request additional organizations to be added to the CAI list, if they met the BEAD definition of an organization that facilitates greater use of broadband service by vulnerable populations. This includes, but is not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aging individuals. The WSBO subsequently received and reviewed several requests. The WSBO's response to these requests is located below.

Despite public comments that advocated for the inclusion of individual public affordable or low-income housing properties to be classified as CAIs, the WSBO decided that these proposed categories of institutions do not match the definition for CAIs, and thus will not include these categories. Although public housing provides a vital service to community members, they are not intended to facilitate greater use of broadband services. Instead, these locations fit within the definition of individual BSLs described above. The WSBO will assess their broadband speeds when identifying all unserved and underserved locations.

Another public comment advocated for the inclusion of Centers for Independent Living and Regional Service Centers for the Deaf, which are now included as community support organizations.

The WSBO also received public comments advocating for the inclusion of non-profits that provide various community services. The WSBO decided that these proposed categories of institutions do not match the definition for CAIs, and thus will not include these categories. Although non-profits can provide vital services, BEAD funding is earmarked for organizations that specifically help to facilitate greater broadband use. Moreover, in the instances for non-profit internet service providers (ISPs), these non-profits would instead fall under the definition of individual business BSLs.

The WSBO will continue to accept CAI-related submissions during the Challenge Process, as providing broadband to CAIs without access to 1 Gbps symmetrical speeds is a core component of the BEAD program. Please review the Challenge Process guidance in the next chapter, which outlines how to request to add a location as a CAI and what entities are permissible challengers.

An updated list of CAIs that the WSBO identified is linked in [Appendix 6.5](#). To assess the network connectivity needs of the types of eligible CAIs listed above, the WSBO:

- **Conducted a geospatial proximity analysis:** The WSBO conducted a geospatial proximity analysis to determine each CAI's proximity to broadband serviceable locations (BSLs) served with 1 Gbps symmetrical service under the assumption that a CAI located within 100 feet of a BSL would have the same broadband speed as that BSL. To perform this analysis, the WSBO uploaded the FCC's National Broadband Map, published October 24, 2023, and the comprehensive list of statewide CAIs, with location coordinates, into GIS software. The locations of the CAIs were then compared against known, unserved and underserved BSLs. If a CAI overlapped with a known unserved or underserved BSL, the CAI was marked as either unserved or underserved based on the speeds associated with that point, and the point's location ID was assigned to the CAI.
- **Made updates through the public comment process:** The WSBO allowed CAIs to request to be added to the list of CAIs or to update broadband speeds for their institution as part of [public comment](#), which differed from the initial geospatial proximity analysis described.

3.2 ELIGIBLE CAI LIST

Attachment 1.3.2: As a required attachment, submit the CSV file (names cai.csv) 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.¹³

Using this methodology and the feedback received, the WSBO compiled the list of those CAIs that likely do not have 1 Gbps symmetrical broadband service. The updated list is made available within this document – a link is included in [Appendix 6.6](#)

¹³ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

4. CHALLENGE PROCESS MODEL ADOPTION AND MODIFICATIONS (REQUIREMENT 7)

4.1 NTIA MODEL CHALLENGE PROCESS

Response 1.4.1: Select if the Eligible Entity plans to adopt the NTIA Challenge Process Model for Requirement 7.¹⁴

The Washington State Broadband Office (WSBO) will adopt the National Telecommunications and Information Administration’s (NTIA) model challenge process, as outlined in this chapter.¹⁵

4.2 MODIFICATIONS TO NATIONAL BROADBAND MAP

Text Box 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.¹⁶

The WSBO intends to adopt the following optional challenge process modification:

- **Digital Subscriber Line (DSL) Modifications:** The WSBO will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via digital subscriber line (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.¹⁷

4.3 ELIGIBLE ENTITY PLANNING TOOLKIT

Response 1.4.3: Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.¹⁸

The WSBO has decided that it will use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.¹⁹

¹⁴ *Ibid.*

¹⁵ NTIA (2023), NTIA BEAD Model Challenge Process. Accessed at: [BEAD Challenge Process Policy | Internet for All \(internet4all.gov\)](#)

¹⁶ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

¹⁷ NTIA (2023), NTIA BEAD Model Challenge Process. Accessed at: [BEAD Challenge Process Policy | Internet for All \(internet4all.gov\)](#)

¹⁸ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

¹⁹ NTIA (2023), NTIA BEAD Model Challenge Process. Accessed at: [BEAD Challenge Process Policy | Internet for All \(internet4all.gov\)](#). Please see the NTIA’s Internet for All: Frequently Asked Questions and Answers Draft Version 2.0 (p. 30) for the definition of an enforceable commitment. Accessed at: https://broadbandusa.ntia.doc.gov/sites/default/files/2022-09/BEAD-Frequently-Asked-Questions-%28FAQs%29_Version-2.0.pdf

4.4 ENFORCEABLE COMMITMENTS IDENTIFICATION

Text Box 1.4.4: Describe the process that will be used to identify and remove locations subject to enforceable commitments.²⁰

The WSBO 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 Federal Communications Commission (FCC) pursuant to the Infrastructure Investment and Jobs Act § 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.²¹
3. Washington state and local data collections of existing enforceable commitments.

The WSBO will make its 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 WSBO will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The WSBO will submit this list, in the format specified by the FCC Broadband Funding Map, to the NTIA.

For existing federal, state, or local funding for broadband deployment on tribal lands, only those awards accompanied by a tribal legally binding agreement, which includes a Tribal Government Resolution, will be considered for deduplication of funding. It is the responsibility of any challengers who have enforceable commitments on tribal lands to produce the necessary documentation during the Challenge Process.

The WSBO will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the state of Washington or local program did not specify broadband speeds or when there was reason to believe a provider or entity that has established a contract with the state to provide broadband service to end users deployed higher broadband speeds than required, the WSBO will reach out to the contracted entity to verify the deployment speeds of the binding commitment. The WSBO will document this process by requiring grantees to sign a binding agreement certifying the deployed broadband speeds.

The WSBO drew on these grantee agreements and its existing database on state and local broadband funding programs' binding agreements to determine the set of Washington state and local enforceable commitments.²²

²⁰ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

²¹ WSBO (n.d.), Broadband Infrastructure Funding and Services. Accessed at: <https://www.commerce.wa.gov/building-infrastructure/washington-statewide-broadband-act/>

²² NTIA (2023), NTIA BEAD Model Challenge Process. Accessed at: [BEAD Challenge Process Policy | Internet for All \(internet4all.gov\)](#)

4.5 ENFORCEABLE COMMITMENTS LIST

Attachment 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.²³

According to BEAD Initial Proposal Guidance, because the WSBO has decided to use the BEAD Eligible Entity Planning Toolkit, it will list the state or local programs that it will use to identify existing enforceable commitments. The WSBO has compiled this list based on the funding programs previously documented under [Chapter 1](#). A link is included in [Appendix 6.7](#).

4.6 CHALLENGE PROCESS DESIGN

Text Box 1.4.6: Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.²⁴

Based on the NTIA BEAD Challenge Process Policy Notice and the WSBO's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious, and evidence-based Challenge Process.²⁵

Please note that the Challenge Process cannot begin until this Initial Proposal Volume I is approved by the NTIA, and the Initial Proposal Volume II is submitted to the NTIA.

PERMISSIBLE CHALLENGES

The WSBO will only allow challenges on the following grounds (see list of permissible challengers below):

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

For more information on each challenge type, code, description, specific examples, and permissible rebuttals, please see **Table 1** below.

PERMISSIBLE CHALLENGERS

To clarify the difference between the public comment period and the official Challenge Process, during the public comment period, members of the public were invited to provide input on the definition of CAIs and to note if any known CAIs were missing from the lists shared. Members of the public were also invited to share service speeds for CAIs to help verify the initial published list of unserved CAIs. Public comments were reviewed for consideration to make edits.

The public comment period for the Initial Proposal Volume I is different from the official Challenge Process. The public comment period was an opportunity to informally verify data that may not have been available through public sources. For example, if a CAI closed or moved locations.

²³ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

²⁴ *Ibid.*

²⁵ NTIA (2023), NTIA BEAD Model Challenge Process. Accessed at: [BEAD Challenge Process Policy | Internet for All \(internet4all.gov\)](#)

The official Challenge Process will not take place until the Initial Proposal Volume I is approved by the NTIA. During the Challenge Process, the WSBO will only allow challenges from non-profit organizations, units of local and tribal governments, and broadband service providers based on the BEAD NOFO guidelines. The WSBO will provide technical assistance and training for permissible challengers, in addition to sharing information with the public on how to participate. These tools and information will be made available in the coming months, prior to the start of the Challenge Process.

CHALLENGE PROCESS OVERVIEW

The Challenge Process conducted by the WSBO will include four phases and two internal turnaround buffers, spanning approximately 117 calendar days.²⁶

1. **Publication of Eligible Locations:** Before beginning the Challenge Phase, the WSBO 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 office will also publish locations considered served, as they may be challenged. The tentative timeline for the Publication of Eligible Locations phase is April 1, 2024 – April 7, 2024.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the WSBO’s challenge portal. This challenge will be visible to the service provider whose availability and performance are contested. The portal will notify the provider of the challenge through an automated email, including related information about the timing of the provider’s response. After this stage, the location will enter the “challenged” state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the WSBO 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 tentative timeline for the Challenge Phase is April 8, 2024 – May 7, 2024.
3. **Internal Turnaround Buffer:** The WSBO has built-in 10 days to validate the challenges and send them to the challenged service provider. The tentative timeline for the Internal Turnaround Buffer is May 8, 2024 – May 17, 2024.
4. **Rebuttal Phase:** For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location or area with evidence. If a provider claims gigabit

²⁶ 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.

service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges. 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:** The rebuttal period begins once the provider is notified of the challenge and thus may occur concurrently with the challenge phase. After receiving a challenge notification, providers will have 30 calendar days to provide rebuttal information to the WSBO. The tentative timeline for the Rebuttal Phase is April 8, 2024 – June 16, 2024.
5. **Final Determination Phase:** During the Final Determination phase, the WSBO will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
 - a. **Timeline:** Following the intake of challenge rebuttals, the WSBO 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. The tentative timeline for the Final Determination Phase is June 17, 2024 – July 16, 2024.
 6. **Internal Turnaround Buffer:** The WSBO has built-in 10 days for additional public posting, if necessary. The tentative timeline for the Internal Turnaround Buffer is July 17, 2024 – July 26, 2024.

EVIDENCE & REVIEW APPROACH

To ensure that each challenge is reviewed and adjudicated fairly for all participants and relevant stakeholders, the WSBO will review all applicable challenge and rebuttal information in detail without bias before deciding to sustain or reject a challenge. The WSBO 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 WSBO plans to ensure reviewers have sufficient training to apply the review standards uniformly to all challenges submitted. The WSBO will also require that all reviewers submit affidavits to ensure no conflict of interest in making challenge determinations. As noted in the Challenge Process Overview, the WSBO has added Internal Turnaround Buffer days to validate information submitted and support smooth transitions between phases. Unless otherwise noted, “days” refers to calendar days.

Table 1 below outlines the challenge types that will be accepted, in addition to their code and description. For each accepted challenge type, **Table 1** also provides specific examples and outlines permissible rebuttals.

Table 1. Challenge Process Evidence and Review Approach

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
A	Availability	The broadband service identified is not offered at the location,	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 12 months, e.g.,

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
		including a unit of a multiple dwelling unit (MDU).	<p>from a provider).</p> <ul style="list-style-type: none"> • Lack of suitable infrastructure (e.g., no fiber on poles). • 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.²⁷ • A letter or email dated within the last 365 days indicates that a provider requested more than the standard installation fee determined by the WSBO to connect this location or that a provider quoted more than the provider’s standard installation charge to connect service at the location. <i>Note:</i> Providers receiving BEAD funding cannot charge end users a connection fee that their BEAD funding request should already cover. 	<p>with a copy of a customer bill.</p> <ul style="list-style-type: none"> • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. • The provider submits evidence that the service is now available as a standard installation, e.g., via a copy of an offer sent to the location.
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. ²⁸	Speed test by subscriber using M-Lab, showing the insufficient speed, and meeting the requirements for speed tests.	Provider has countervailing M-Lab speed test evidence showing sufficient speed, e.g., from their own network management system. ²⁹
L	Latency	The round-trip latency of the	Speed test by a subscriber, showing excessive latency.	The provider has countervailing speed test

²⁷ 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.”

²⁸ The challenge portal must 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. 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.

²⁹ As described in the NOFO, a provider’s countervailing speed test should show that 80% of a provider’s download and upload measurements are at or above 80% 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.

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
		broadband service exceeds 100 milliseconds (ms). ³⁰		evidence showing latency at or below 100 ms (e.g., from the provider’s network management system or the CAF performance measurements). ³¹
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ³²	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to the consumer. 	The provider has terms of service showing that it does not impose an unreasonable data cap or offers another affordable plan at the location without a speed reduction or an unreasonable cap below the most recent FCC Urban Rate Survey (600GB for 2023).
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	The provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the Broadband Data Collection program (BDC) is available at the location and is marketed to consumers.

³⁰ *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

³¹ *Ibid.*

³² An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
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 the service provider (e.g., authorization letter, executed contract). 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 4.4).	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., end user testimonials, county commissioner letter, etc.).
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> • Construction contracts or similar evidence of ongoing deployment and evidence that all necessary permits have been applied for or obtained. • Contracts or a similar binding agreement between the WSBO and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024. 	Documentation that shows the provider can no longer 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 the enforceable commitment.	This location is in an area subject to an enforceable commitment to less than 100% of locations and is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	<p>Construction contracts or similar evidence of ongoing deployment that include the challenged location in the scheduled build to be completed on or before June 30, 2024.</p> <p>Service provider to provide KMZ file, list location fabric identification number</p>

Code	Challenge Type	Description	Specific Examples	Permissible Rebuttals
				(Fabric ID), and timeline demonstrating planned coverage. ³³
C	The location is a community anchor institution (CAI)	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the WSBO (a form will be available). ³⁴	Evidence that the location does not fall within the definitions of CAIs set by the WSBO or is no longer in operation (a form will be available).
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by the WSBO or is no longer in operation (a form will be available).	Evidence that the location falls within the definitions of CAIs set by the WSBO or is still operational (a form will be available).

AREA AND MDU CHALLENGE

The WSBO will administer area and multiple dwelling unit (MDU) challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps, and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement for all (served) locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.³⁵

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

An MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined

³³ A KMZ file is a zipped file containing one or compressed KML files. KML stands for Keyhole Markup Language. It is a form of XML notation for expressing geographic information in internet-based maps, like Google Earth. A KML file will specify a set of geographic features which may include all or any of the following: place marks, images, polygons, 3D models and text descriptions. (Source: <https://apollomapping.com/how-to/creating-kmz-file-google-earth/>)

³⁴ 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.

³⁵ A successful MDU challenge converts the status of the location to the lowest level of service across all units. For example, the location is considered unserved if one unit is found to be unserved, even if other units within the MDU reach the underserved or served speed thresholds.

as one broadband serviceable location listed in the Fabric.³⁶ An MDU challenge counts towards an area challenge (*i.e.*, six successful MDU challenges in a census block group may trigger an area challenge).

To reiterate, these unit challenges must be submitted by permissible challengers (non-profit organizations, units of local and tribal governments, and broadband service providers) and not by individual residents. The WSBO will guide permissible challengers on how to submit challenges on behalf of residents and businesses.

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

Area challenges for availability need to be rebutted in whole or by location with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or hybrid fiber-coaxial (HFC) infrastructure or by subscriber information. For fixed wireless service, the challenge system will offer a 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).³⁷ For MDU challenges, the rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service.

SPEED TEST REQUIREMENTS

The WSBO 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 calendar 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), optical network terminal (for fiber-to-the-home), or fixed wireless subscriber module.
2. A speed test reading available from within the residential gateway web interface.
3. A reading of the speed test found on the service provider's webpage.
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway using a speed test application. The WSBO has selected the M-Lab speed test application for this use from the list of NTIA-approved speed test applications.

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, which identifies the residential gateway conducting the test.

Each group of three speed tests must include:

³⁶ For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

³⁷ 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.

- 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 WSBO, that grants access to these information elements to the WSBO, 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). Thus, they 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, suppose 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. In that case, the speed tests qualify the location for a challenge since the measured upload speed marks the location as underserved.

Subscribers may conduct speed tests, but speed test challenges must be gathered and submitted by units of local or tribal government, non-profit organizations, or a broadband service provider.

Subscribers submitting a speed test must indicate the speed tier to which they are subscribing. Since speed tests can only be used to change the status of locations from "served" to "underserved," only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered. 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. However, even if a particular service offering does not meet the speed threshold, the eligibility status of the location may not change. For example, suppose a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber. In that case, 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.

The existing WSBO speed test portal, powered by M-Lab, will be modified to serve as a central hub for collecting necessary speed test data. Speed test data collected through the WSBO speed test portal will be made available to challenging entities for use in challenges. Use of the portal is not required, and challenging entities may utilize their data collection methods provided they align with program requirements.

A service provider may rebut an area speed test challenge by providing speed tests, as 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, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold.³⁸ For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between 7:00 p.m. and 11:00 p.m. local time will be considered evidence for a challenge rebuttal. The hours between 7:00 p.m. and 11:00 p.m. local

³⁸ 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.

time are generally considered “peak usage periods” during which more people are attempting to use their internet connections.

The WSBO will provide guidelines to permissible challengers around handling personally identifiable information (PII). All permissible challengers must adhere to the same standards as the WSBO when dealing with PII.

TRANSPARENCY PLAN

The WSBO is developing an outreach plan for potential applicants and will begin broadly communicating the forthcoming challenge process as early as the release of Volume I (this document). This will encourage the public and potential challengers to consider this opportunity as early as possible. To support a Challenge Process that is transparent and open to public and stakeholder scrutiny, the WSBO will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and dispute a challenge. This documentation will be posted publicly for at least two months before opening the challenge submission window. The WSBO also plans to actively inform all units of local and tribal government of its challenge process and set up regular touchpoints and webinars to address any comments, questions, or concerns from local and tribal governments, non-profit organizations, and internet service providers. The WSBO will use multiple strategies to increase public and potential challenger awareness of the timing and specific methods of submitting a challenge to support transparency. These strategies include, but are not limited to:

- **Monthly WSBO public webinars.** These webinars will be held online and broadcast on TVW on the fourth Wednesday of every month through the end of 2024. Registration is available on the [WSBO’s website](#).
- **Regularly scheduled WSBO Tribal Office Hours.** These events are held on the last Thursday of every month at 11:00 a.m. For registration information, leaders and members of federally recognized tribes can contact the WSBO directly at internetforall@commerce.wa.gov.
- **Communications to the public and potential challengers.** Contact methods may include, but are not limited to, email, social media, and press releases.
- **Communications to telecommunication companies.** The WSBO will work with the Washington Utilities and Transportation Commission (UTC) to obtain and update contact information from the [UTC directory of telecommunication companies](#) so that providers can be notified of challenges. The WSBO will also review contact information from previously awarded federal and state grants.
- **Focused outreach for local governments, including counties, cities, ports, and public utility districts.** Focused outreach may include presenting at local government associations, including the Washington Public Utility District Association, Washington State Association of Counties, Association of Washington Cities, and others. The WSBO will also continue to set up calls with broadband and network infrastructure leaders across government entities.
- **Engagement with non-profit partners through a focused communications campaign and speaking opportunities at regional meetings or forums.** For example, the WSBO will engage with Digital Navigators to disseminate information on the Challenge Process to their communities.
- **Engagement at regional conferences or meetings.** These will include, but are not limited to, those hosted by Affiliated Tribes of Northwest Indians (ATNI), Washington Independent

Telecommunications Association, Infrastructure Assistance Coordinating Council (IACC), Washington Association of Counties, and Association of Washington Cities.

- IACC: October 24, 2023 – October 26, 2023
- ATNI: January 28, 2024 – February 1, 2024
- Other conference dates are to be determined.
- **Regional outreach through Broadband Action Teams (BATs).** The WSBO will collaborate with BATs to promote Challenge Process engagement and awareness.

The public and potential challengers may sign up on the WSBO [Internet for All in Washington - Washington State Department of Commerce](https://www.commerce.wa.gov/building-infrastructure/washington-statewide-broadband-act/internet-for-all-wa/) website (<https://www.commerce.wa.gov/building-infrastructure/washington-statewide-broadband-act/internet-for-all-wa/>) for challenge process updates and newsletters. Once the Challenge Process begins, the website will publicly post all Challenge Process information, including the link to the Challenge Process portal. The public can also engage with the WSBO by a designated email address: InternetforAll@Commerce.wa.gov. Providers will be notified by an automatic email when a challenge has been received.

Beyond actively engaging stakeholders, including those listed above, the WSBO will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- The provider, non-profit, or unit of local government or tribal government that submitted the challenge,
- The census block group containing the challenged broadband serviceable location (BSL),
- 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.

The WSBO will not publicly post personally identifiable information (PII) or proprietary information, including subscriber names, street addresses, or customer IP addresses. To ensure all PII is protected, the WSBO will review the basis and summary of all challenges and rebuttals to remove PII before posting them on the website. It will also adhere to any applicable state data and privacy legislation about protecting PII. Additionally, guidance will be provided to all challengers regarding which information they submit may be posted publicly.

The WSBO 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 to the extent allowed pursuant to Washington Public Records Act RCW 42.56. Otherwise, the responses will be made publicly available.

5. PUBLIC COMMENT

Text Box 1.5.1: 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.³⁹

The public comment period was open for 30 days and closed on November 10, 2023. Washingtonians were encouraged to comment on any section of this volume of Washington’s BEAD Initial Proposal through a survey on Qualtrics. The link to the survey was provided in the first draft of this document, which was sent out to over 3,200 Washingtonians subscribed to the Internet for All in Washington email list.

In addition, the Washington State Broadband Office (WSBO) attended or conducted the following activities to increase awareness of the Initial Proposal Volume I and to solicit public comment feedback:

- Webinar (monthly Internet for All in Washington webinar held on October 25, 2023)
- Infrastructure Assistance Coordinating Council (October 24–26, 2023)
- Centennial Accord Meeting (October 30– 31, 2023)
- Digital Equity Forum (November 2, 2023, Special Meeting)
- Regional Broadband Action Team meetings

The WSBO takes all public comments seriously and intends to follow federal guidelines to conduct a fair, transparent, and effective Challenge Process. In addition to the public comments received via survey, public comments were also sent to the internetforall@commerce.wa.gov inbox and directly to WSBO staff members. Based on the comments received, the WSBO distilled the following recurring themes, as outlined in **Table 2**:

Table 2: Public Comment Themes and Actions

Public Comment Theme	Initial Proposal Volume I Action
Some public commenters noted confusion between changes to the list of Community Anchor Institutions for the public comment period versus the Challenge Process period.	To reduce confusion, language was added in Chapter 4 to clarify the difference between the Challenge Process and the public comment period related to Community Anchor Institutions.
Some public commenters noted confusion around who the permissible challengers are that can submit challenges during the Challenge Period.	To reduce confusion, language was added in Chapter 4 to clarify that permissible challengers are non-profit organizations, tribal and local government units, and broadband service providers. This is <i>distinct</i> from the public comment period, which solicited public feedback on

³⁹ NTIA (2023), NTIA Grants Application Portal: BEAD Initial Proposal Submission Guidance. Accessed at: [BEAD Initial Proposal NTIA Grants Portal Clickpath \(doc.gov\)](#)

Public Comment Theme	Initial Proposal Volume I Action
	the definition of Community Anchor Institutions <i>prior</i> to the start of the Challenge Process.
Some public commenters expressed concern around the prescribed requirements to rebut a challenge based on planned service.	The WSBO is aligned with the NTIA’s Model Challenge Process requirements to rebut a challenge based on planned service and will not be making changes to the document.
Some public commenters expressed concern around how permissible challengers (e.g., local governments) will collect challenges from community members, collate those, and submit to the WSBO.	The WSBO will be sending out more information on the Challenge Process prior to the start of the period, including technical assistance documentation, and will also hold webinars to answer questions. This is forthcoming.
Some public commenters expressed concern around the affordability of broadband service and access to broadband service.	Please see the Initial Proposal Volume II for more information on Washington’s plan to tackle affordability for broadband service funded by BEAD and for information on how the state will deploy BEAD funding to unserved and underserved locations.
Some public commenters expressed a desire to change the definition of a Community Anchor Institution.	Please see Chapter 3 for justification of the WSBO’s inclusion or non-inclusion for proposed Community Anchor Institution categories.
Some public commenters expressed dissatisfaction with the inclusion of the MDU and area challenge modification and the Speed Test modification.	The WSBO has considered this public comment theme and has decided to keep both the MDU and area challenge modification and the Speed Test modification to support an accurate understanding of unserved and underserved locations.
Some public commenters expressed concern about the reliability of M-Lab for the use of speed tests.	The NTIA has designated M-Lab as an approved speed test application. The WSBO will not be making a change to its choice of speed test application.
Some public commenters expressed concern about the awareness campaign required to support full participation in the BEAD Challenge Process.	The WSBO will be sending out more information on the Challenge Process prior to the start of the period, including technical assistance documentation, and will also hold webinars to answer questions. This is forthcoming.
Some public commenters noted copy-editing inconsistencies.	The WSBO addressed all copy-editing concerns noted by public commenters.
Some public commenters expressed concern around how permissible challengers would handle personally identifiable information (PII) safely.	The WSBO added language in Chapter 4 that noted all permissible challengers will be held to the same standard as the WSBO for handling PII and that guidelines would be created.

Public Comment Theme	Initial Proposal Volume I Action
Some public commenters questioned why E-ACAM funding was not included in the “Existing Broadband Funding” list.	The WSBO has updated the Existing Broadband Funding list to include E-ACAM, as the funding decisions were recently released.

The WSBO has published the draft [Volume II of the Initial Proposal](#), which includes additional information about the planning process, the subgrantee selection process, and other requirements associated with using BEAD funding. The public comment period for the Initial Proposal Volume II was open until November 30, 2023. Please continue to monitor our website for the most up-to-date information on the BEAD process and [sign up for updates on the Internet for All in Washington mailing list](#).

6. APPENDIX

6.1 INITIAL PROPOSAL REQUIREMENTS BY DOCUMENT

Document	Contents
Initial Proposal – Volume I	Requirement 3: Existing Broadband Funding – <i>may be satisfied by completion of the Five-Year Action Plan</i>
	Requirement 5: Unserved and Underserved Locations
	Requirement 6: Community Anchor Institutions (CAIs)
	Requirement 7: Challenge Process
Initial Proposal – Volume II	Requirement 1: Objectives – may be satisfied by completion of the Five-Year Action Plan
	Requirement 2: Local, Tribal, and Regional Broadband Planning Coordination – may be satisfied by completion of the Five-Year Action Plan
	Requirement 4: Local Coordination
	Requirement 8: Deployment Subgrantee Selection
	Requirement 9: Non-deployment Subgrantee Selection
	Requirement 10: Eligible Entity Implementation Activities
	Requirement 11: Labor Standards and Protections
	Requirement 12: Workforce Readiness
	Requirement 13: Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Firms Inclusion
	Requirement 14: Cost and Barrier Reduction
	Requirement 15: Climate Assessment
	Requirement 16: Low-Cost Broadband Service Option
	Requirement 20: Middle Class Affordability ⁴⁰
	Requirement 17: Use of 20 Percent of Funding
Requirement 18: Eligible Entity Regulatory Approach	
Requirement 19: Certification of Compliance with BEAD Requirements	

⁴⁰ The information presented in this table follows the order by which the WSBO will submit information to the NTIA. According to the NTIA’s Guidance, Eligible Entities will submit information related to “Middle Class Affordability” after describing their “Low-Cost Broadband Service Option.”

6.2 *EXISTING BROADBAND FUNDING*

A table identifying existing broadband funding sources within the state, using the NTIA template, can be accessed using the link below.

[Existing Broadband Funding link](#)

6.3 UNSERVED AND UNDERSERVED LOCATIONS

The NTIA provided a template for all states to use for identifying all unserved and underserved locations within a state.

The CSV file containing all unserved locations in Washington state according to the National Broadband Map data published October 24, 2023, can be accessed using the link below.

["unserved.csv" - Washington State Unserved Locations link](#)

The CSV file containing all underserved locations in Washington state according to the National Broadband Map data published October 24, 2023, can be accessed using the link below.

["underserved.csv" - Washington State Underserved Locations link](#)

6.4 CAI DATA SOURCES

CAI Type	Description	Original Data Source
S: Schools and Educational Institutions, such as:	K-12 schools (Public and charter)	FCC e-rate
		National Center for Education Statistics
	K-12 schools (Private)	Washington State Board of Education
		National Center for Education Statistics
	Technical colleges	State Board for Community and Technical Colleges
		National Center for Education Statistics
Community colleges	State Board for Community and Technical Colleges	
	National Center for Education Statistics	
Universities	National Center for Education Statistics	
L: Libraries	Libraries	FCC E-Rate
		Washington Geospatial Open Data Portal
H: Health and Medical Providers, such as:	Clinics (Includes medical clinics, rural health clinics, in/outpatient treatment centers)	Washington Department of Health
		Centers of Medicare & Medicaid Services
	Hospitals (Includes hospitals, medical centers, ambulatory centers, VA hospitals, in/outpatient treatment centers)	Centers of Medicare & Medicaid Services
Mental health facilities	Centers of Medicare & Medicaid Services	
F: Public Safety Entities, such as:	Fire stations	Homeland Infrastructure Foundation-Level Data
	Emergency medical services stations (EMS)	Washington State Department of Health
	Police stations	Homeland Infrastructure Foundation-Level Data
	Public safety answering points (PSAP)	Emergency Management Division ⁴¹
P:		U.S. Department of Housing and Urban Development

⁴¹ The Emergency Management Division provided PSAP information directly to the WSBO.

Public Housing Organizations	Public housing organizations	Public Housing Authority's websites
C: Community Support Organizations (facilitates greater use of broadband service by vulnerable populations), such as:	Centers for Independent Living	Washington State Independent Living Council
		Center for Independence
		Central Washington Disability Resources
		Disability Action Center NW
		Disability Empowerment Center
	Job training centers	Broadband Community Anchor Institution Listing (2015)
		Washington Office of Superintendent of Public Instruction
	Regional Service Centers for the Deaf	Regional Service Centers DSHS (wa.gov)
	Senior centers	Broadband Community Anchor Institution Listing (2015)
		Care Washington
Area Agency on Aging ⁴²		
WorkSource centers	WorkSource WA	
Youth centers	Broadband Community Anchor Institution Listing (2015)	
G: Government Buildings, such as:	City/town halls	Broadband Community Anchor Institution Listing (2015)
	Community corrections	Broadband Community Anchor Institution Listing (2015)
		Washington State Department of Children, Youth, and Families
		Washington State Department of Corrections (field offices)
		Washington State Department of Corrections (reentry centers)
	Correctional centers	Washington State Department of Corrections
	County courthouses	Washington State Courts
	Detention centers	Washington Defender Association
	Tribal administrative offices	Federally recognized tribes' websites (29)
	Washington State Department of Social and Health Services (DSHS) community services offices	DSHS

⁴² The Area Agency on Aging provided senior center information directly to the WSBO.

6.5 LIST OF CAIS THROUGHOUT WASHINGTON STATE

The list of CAIs the WSBO identified according to the definitions outlined in **Chapter 4** can be accessed using the link below.

[List of CAIs link](#)

6.6 LIST OF UNSERVED AND UNDERSERVED CAIS

The list of CAIs the WSBO identified as unserved or underserved according to its geospatial proximity analysis can be accessed using the links below.

["cai.csv" - Unserved and Underserved CAIs \(Public version\) link](#)

["cai.csv" - Unserved and Underserved CAIs \(NTIA submission version\) link](#)

6.7 LIST OF STATE AND LOCAL PROGRAMS

In accordance with NTIA guidance, the WSBO is including a list of state and local broadband programs that are not included in the NTIA's Eligible Entity Planning Toolkit. For reference, the toolkit will include information for all federally funded programs, except for broadband programs funded through ARPA. The list of state and local programs that the WSBO will use to identify and remove existing enforceable commitments from the set of locations eligible for BEAD funding is located below or can be accessed using the following link.

["Deduplication of Funding Programs" link](#)

Washington State - Initial Proposal Volume I: Deduplication of Funding Programs		
Program Name <i>Identify any state, territory, or local-level broadband funding programs within the jurisdiction of the Eligible Entity.</i>	Federal, State/Territory, or Local <i>Indicate whether the broadband funding program was federally, state/territory, or locally funded.</i>	Year Funded <i>List the year the state or local broadband program was funded.</i>
State BEAD Match Program	State: Washington State Broadband Office (WSBO)	2023-2025
State Match Program	State: WSBO	2022-2025
Rural Broadband Projects	State: Community Economic Revitalization Board (CERB)	2018-2021
Broadband Construction State Funded Grants	State: Public Works Board (PWB)	2019-2025
Washington Universal Communications Services Program	State: Washington Utilities and Transportation Commission (UTC)	2014-2025
Infrastructure Acceleration Grant	Federal: WSBO American Rescue Plan Act (ARPA) - State and Local Fiscal Recovery Fund (SLFRF)	2021-2025
Broadband Infrastructure Grant	Federal: WSBO ARPA - Capital Projects Fund	2021-2025
Broadband Construction Federal Funded Grants	Federal: PWB ARPA - Capital Projects Fund	2021-2025
Rural Broadband Projects	Federal: CERB ARPA - Capital Projects Fund	2021-2025