



BEAD Initial Proposal Volume 1

MESSAGE from the Director:

Governor Tate Reeves signed the BEAM Act into law on April 13, 2022, creating the first state broadband office in Mississippi. The BEAM office is charged with administering federal broadband funding, mapping all unserved and underserved locations, and serves as a single point of contact for broadband policy for the State. Miss. Code Ann. §77-19-7.

The Broadband Equity, Access, and Deployment program (BEAD) program was established by the Infrastructure Investment and Jobs Act of 2021 and allocated over \$42 billion for the construction of broadband networks and other activities designed to close the digital divide in each state. In June of 2023, Mississippi was allocated \$1.2 billion of the total BEAD funding. BEAM now releases its draft of Volume 1 of Mississippi's Initial Proposal as required by the BEAD program.

BEAM received feedback from numerous stakeholders during a 30-day public comment period on Volume 1. The contents of Volume 1 were largely defined by the National Telecommunications Information Administration (NTIA), the federal agency overseeing the BEAD funding and can be found at BroadbandUSA.gov. As required, Volume 1 contains listings of existing broadband funding, unserved and underserved locations, community anchor institutions, and an explanation of a challenge process for non-profits, units of local and Tribal government, and internet service providers.

The listing of all unserved and underserved locations in Mississippi is included in a rather technical appendix to Volume 1. Recognizing the difficulty in accessing this information, BEAM is simultaneously publishing an online, searchable map that reflects all locations and their service status. The BEAD Map also shows locations with existing federal funding attached. BEAM will update this map to include Capital Projects Fund Awards and other modifications after the challenge process as described in this document. BEAM invites all stakeholders to visit this map at either Beam.ms.gov or Broadbandms.com/beammap.

Community Anchor Institutions such as hospitals, schools, universities, and governmental entities are the backbone of our communities. Under NTIA rules, service to community anchor institutions (CAI) may be funded through BEAD if the State proves that funding is available for unserved and underserved residential locations first and foremost. BEAM will use the listing of CAIs required by Volume 1 to determine if any remain unserved or underserved and if funding is appropriate.

For the required challenge process, BEAM closely followed the recommendations of NTIA. BEAM has designed a fair and transparent challenge process to determine service availability. Participation by all stakeholders in the challenge process will be key in

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finalizing the listing of unserved and underserved locations prior to awarding funding under BEAD. The challenge process will be undertaken after NTIA approval of Volume 1.

Providing broadband service to all Mississippians is a vast undertaking that is vital to the future of our State. The BEAM office respectfully submits Volume I for approval as the next step in reaching the goal of universal service.



**Sally Doty, Director
Broadband Expansion and Accessibility of Mississippi**

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● **Section 1 – Introduction**

Broadband Expansion and Accessibility of Mississippi (BEAM) Office drafted the following sections to meet the requirements for the Broadband Equity Access and Deployment (BEAD) Initial Proposal Volume 1:

- Identification of existing broadband efforts
- Identification of existing unserved and underserved locations
- Identification and application of community anchor institutions
- Detailed challenge process plan

BEAD Initial Proposal Volume 2 will include the remaining sections to complete the Initial Proposal requirements.

● **Section 1.1 – Existing Broadband Funding**

Requirement 3

As documented in the Five-Year Action Plan, the following efforts have been administered by the federal, state, and local government to deploy broadband and close the digital divide within Mississippi, including on Tribal Lands.

In addition to the publicly available data available on awards granted through various federal funding opportunities, BEAM worked directly with broadband providers and local governments to develop a comprehensive documentation on status of existing federal and state broadband funding programs.

An overview of existing broadband funding programs is provided in Table 1.1. A comprehensive breakdown is available in Attachment A: Existing Broadband Funding Sources Template.xlsx

Table 1 - Existing Broadband Funding By Program¹

Broadband Funding Sources Total for Mississippi				
Source	Purpose	Total	Expended	Available

¹ The Existing Broadband Funding By Program table was populated utilizing publicly available information from USASpending.gov as well as the High-Cost Disbursements made available by the Universal Service Administrative Company

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American Rescue Plan State and Local Fiscal Recovery Funds (ARPA-SLFRF)	Access	\$4,892,496	\$0.00	4,892,496
American Rescue Plan Capital Projects Fund (ARPA-CPF)	Access	\$151,478,883.45	\$0.00	\$151,478,883.45
FCC A-CAM	Access	\$204,530,504.29	\$119,367,377.87	\$85,163,126.42
FCC A-CAM II	Access	\$7,150,497.90	\$3,356,751.62	\$3,793,746.28
FCC Broadband Loop Support	Access	\$3,685,033.00	\$8,031,075.00	\$0.00
FCC Connect America Fund (CAF II)	Access	\$369,568,595.79	\$369,953,366.00	\$0.00
FCC Rural Digital Opportunity Fund (RDOF) ²	Access	\$530,157,830.40	\$84,506,060.00	\$445,651,770.88
NTIA Broadband Infrastructure Program (BIP)	Planning, Access	\$32,700,000.00	\$10,732,302	\$21,967,698
NTIA Tribal Broadband Connectivity Program (TBCP)	Access	\$8,433,633.26	\$8,433,633.26	\$0.00
USDA Reconnect	Access	\$75,687,833	\$7,158,058	\$68,529,775

● Section 1.2 – Unserved and Underserved Locations

■ Requirement 5

○ 1.2.1 – Identifying Unserved and Underserved Locations

The State of Mississippi defines broadband service as mass-market retail service by wire, cable, fiber, or radio provided to customers in the State of Mississippi that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, at speeds of at least one hundred (100) megabits per second downstream and twenty (20) megabits per second upstream, and including, but not limited to, any capabilities that are incidental to and enable the operation of communications service, but excluding dial-up Internet access service.²

For the purposes of the BEAD program, BEAM will use the following definition as required by the NTIA:

²[Mississippi Code § 77-19-3](#)

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- **Unserved Locations:** a broadband-serviceable location that the Broadband DATA Maps show as (a) having no access to broadband service, or (b) lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 25 Mbps for downloads; and (ii) a speed of not less than 3 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.
- **Underserved Location:** a broadband-serviceable location that is (a) not an unserved location, and (b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with—(i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds.
- **Reliable Broadband Service:** broadband service that the Broadband DATA Maps show is accessible to a location via: (i) fiber-optic technology; (ii) Cable Modem/Hybrid fiber-coaxial technology; (iii) digital subscriber line (DSL) technology; or (iv) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

The unserved and underserved location IDs were identified by applying the definitions outlined in the BEAD Program to the data from the National Broadband Map as of the version downloaded from the NTIA’s Eligible Entity Toolkit and identified in Section 1.2.2. The list of locations is available in the following attachments:

- Attachment B: [unserved.csv](#)
- Attachment C: [underserved.csv](#)

- **1.2.2 – Publication date of the National Broadband Map**

BEAM is required to select the publication date of the National Broadband Map version used to identify the unserved and underserved locations. The publication date of the National Broadband Map cannot predate the submission of the Initial Proposal by more than 59 days.

BEAM will use the November 28, 2023, version of the National Broadband Map

● 1.3 – Community Anchor Institutions

Requirement 6

- **1.3.1 – Identifying BEAD Eligible Community Anchor Institutions**

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), BEAM applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

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

- **Schools:** K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”.

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- **Libraries:** Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
- **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals, urgent care centers, VA facilities, and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
- **Public safety entities:** The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government.
- **Institutions of higher education:** Institutions of higher education include all institutions that have an NCES ID in the category “college”, including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.
- **Public housing organizations:** Public housing organizations, including any public housing agency, HUD-assisted housing organization, Tribal housing organization and/or low-income community housing (of four units or greater) were identified by contacting the Public Housing Agencies (PHAs) for Mississippi enumerated by the U.S. Department of Housing and Urban Development.³ The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of multi-tenant dwelling units and public housing units at the National Housing Preservation Database (NHPD). Per guidance from NTIA, “the CAI category of ‘public housing organization’ refers specifically to public housing agencies (i.e., entities that run public housing), not individual residential units or groups of units,” owned or operated by such organizations. The latter are referred to in this document as “public housing residential units” and are not included as CAI unless they qualify for some other reason.
- **Community support organizations:** The State of Mississippi included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals, including job training centers, senior centers, early childhood education centers, daycares, preschools, summer camps, YMCAs, and Tribal anchor institutions.
 - i. **Job Training Centers:** Both staff and patrons of Job Training Centers need broadband access for a myriad of reasons, from online job applications, to record searching, and online job training resources. Staff require a connection to supply patrons with materials to be successful.
 - ii. **Senior Centers:** In addition to enabling standard communications through connectivity, broadband is crucial to combating social isolation through virtual connections with loved ones and communities, promoting mental and physical well-being via online fitness classes and health resources, and empowering seniors with access to information and services like telehealth appointments and government benefits.
 - iii. **Early Childhood Education Centers, Daycares, Preschools:** Childcare centers play a key role in the development and education of children and many modern education opportunities are facilitated by Internet access. Locations lacking this access are unable to serve this

³ PHA Contact Information - HUD | [HUD.gov](https://www.hud.gov) / U.S. Department of Housing and Urban Development (HUD)

function for those in their care. Childcare centers frequently require ongoing certifications and training for staff often delivered online further contributing to the digital literacy of staff and caretakers. Additionally, many of the areas that require broadband assistance also have a lack of cellular coverage, therefore a reliable broadband connection is sometimes the only way to facilitate communication for both emergency and non-emergency events.

- iv. **Summer Camps:** Summer camps in Mississippi operate during the off-season offering technical summer programs, such as math and science camps, that require connectivity to properly facilitate the programs offered. In addition to the need for reliable connectivity for summer programs, cellular connections cannot be relied, making reliable broadband connectivity essential for safety/emergency related communications.
- v. **YMCAs:** These organizations facilitate greater use of broadband service among low-income and vulnerable individuals by often providing access to computer labs and internet connectivity, allowing these populations to access online resources and educational materials. YMCAs offer after-school programs and mentorship that teach digital skills, fostering digital literacy among youth.
- vi. **Tribal Anchor Institutions:** Broadband connectivity for Tribal Anchor Institutions plays a vital role in strengthening the community's core and fuels economic development by enabling Tribal business owners access resources needed to compete online, attracting new industries, and facilitating remote work opportunities. Education flourishes as Tribal Colleges tap into online resources, deliver distance learning programs, and connect students with mentors across the globe. Healthcare is transformed with telemedicine, allowing Tribal Health Centers to serve geographically dispersed populations and offer specialized consultations remotely. Culturally, broadband preserves tradition by sharing languages and stories online, while connecting Tribal youth to their heritage through digital storytelling and virtual gatherings.

In addition, BEAM plans to use the Initial Proposal Volume 1 public comment process and the BEAD challenge process to ensure that all relevant institutions meeting the CAI criteria are included.

○ **1.3.2 – Assessing CAI Connectivity Needs**

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, BEAM relied:

- **Engaged government agencies.** The broadband office reached out to all Mississippi state agencies to understand what records they have available regarding relevant community anchor institutions 1 Gbps symmetrical broadband service availability. BEAM engaged with the following agencies:
 - Central MS Planning & Development District
 - Hope Credit Union
 - Lt. Governor's Office
 - Magcor/MDOC Works
 - Mississippi Association of Realtors
 - Mississippi Automated Resource Information System

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- MS Alliance of Nonprofits and Philanthropy
 - MS Army National Guard
 - MS Department of Mental Health
 - MS Dept of Information Technology Services
 - MS Dept. of Archives and History
 - MS Dept. of Child Protective Services
 - MS Dept. of Corrections
 - MS Dept. of Employment Security
 - MS Dept. of Employment Security
 - MS Dept. of Mental Health
 - MS Dept. of Transportation
 - MS Library Commission
 - MS Municipal League
 - MS Office of Homeland Security
 - MS Office of Homeland Security
 - MS Public Utilities Staff
 - MS State Treasury
 - MS Veterans Affairs
 - University of MS Medical Center
 - Wireless Communication Commission
- **Engaged relevant umbrella organizations and nonprofits.** The broadband office engaged with umbrella and nonprofit organizations that work with community anchor institutions to coordinate and obtain 1 Gbps symmetrical broadband service availability data. Specifically, the broadband office requested information related to availability needs from the following entities:
 - AARP Mississippi
 - Community Foundation of Northwest Mississippi
 - General Missionary Baptist State Committee of Mississippi
 - Hope Credit Union - Hope Policy Institute
 - Mississippi Minority Business Development Agency
 - Mississippi Community College Board
 - Mississippi Institutions of Higher Learning
 - Mississippi Farm Bureau

In addition, BEAM used the Initial Proposal Volume 1 public comment process and the BEAD challenge process to ensure that all relevant institutions meeting the CAI criteria are included. Using the responses received through direct engagement and participation in the comment and challenge process, BEAM will compile the list of those CAIs that do not have adequate broadband service.

The BEAM office has held several consultations, including a consultation with the BEAM office and the Governor of Mississippi in May of 2023, with the Mississippi Band of Choctaw Indians. As of January 12th, 2024, MBCI has been awarded the Tribal Broadband Connectivity Program round 1 in the amount of \$8,433,633. The project proposes to install fiber to directly connect 2,190 unserved Native American households, 86 businesses, and 60 community anchor institutions with fiber-to-the-home 105 Mbps/105 Mbps service. The project constructs a 12.3 mile- middle mile fiber network, a 524 last-mile network, and a new Tribal Utility Department building. MBCI has not requested additional funding or assistance at this time, but the BEAM office will continue consultations in the event MBCI requires additional resources.

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For CAIs where connectivity needs were not identified through stakeholder engagement, the following methodology was used: A proxy BSL was used to identify whether the CAI is likely to be considered "served" under the definition of 1 Gbps symmetrical speeds as defined in the BEAD NOFO. Based on the location of the CAI, the closest BSL was identified and the best available service for that BSL was used as a proxy for service at the CAI.

- **1.3.2 Assessing CAI Connectivity Needs**

For CAIs, which are not included in the FCC's Fabric Dataset, BEAM will assign an alternative unique location identifier for the purposes of the challenge process and subgrant implementation, as applicable.

The draft list of CAIs is included in Attachment D: cai.csv.

● 1.4 – Challenge Process

Requirement 7

○ 1.4.1 – NTIA BEAD Model Challenge Process Adoption

BEAM will adopt the framework of the NTIA BEAD Model Challenge Process (‘Model Process’), including the adoption of the “Optional Modules” provided in the Model. In addition, BEAM has provided modifications and amendments to the Model Process that the Office believes are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

The challenge process is expected to take 90 calendar days.

- 15 Day Publication of Eligible Locations
- 30 Day Challenge Phase
- 15 Day Rebuttal Phase
- 30 Day Final Determination Phase

○ 1.4.2 – Modifications to Reflect Data Not Present in the National Broadband Map

The modifications described in this section will be implemented to modify the classification of reported broadband service offered at applicable locations. In cases where there are multiple service offerings qualifying a location as “served” or “underserved,” these modifications may not result in a modification of a location’s designation to “unserved” or “underserved.” In these cases, BEAM will modify the reported service available at relevant locations to ensure that a location’s final designation is determined based on the totality of all modifications and challenge outcomes.⁴

For example, a location that reported service available from a DSL provider (100/20 Mbps) and a cable provider (1000/35 Mbps) will be subject to the DSL Modification described below. The DSL Modification itself would not result in a change in designation for that location. However, if during the challenge process, there is a successful challenge to the cable provider not being able to provide service within 10 business days, the totality of the modification and the challenge would result in the location being designated as “underserved.”

■ NTIA BEAD Model Challenge Process Modifications

The following modifications are included with the intent of reflecting data that is not included in the National Broadband Map, but are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

The proposed modifications include the DSL Modification, as included in the Model Process, as well as additional modifications proposed by BEAM.

⁴ For example, if Location Y is considered served by DSL provider A and Licensed Fixed Wireless Provider B, there are two separate reported services that need to be modified or challenged before Location Y can be considered eligible for BEAD funds.

- **DSL Modifications**

BEAM will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.”⁵ 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.

When a location is shown to have qualifying broadband, service reported for multiple providers and/or technologies, the service delivered via DSL will be reclassified, but the classification of location itself will remain served, unless the remaining qualifying broadband service(s) are successfully challenged, or reclassified through another modification.

- **Additional Modifications**

In addition to the Modifications included in the Model Challenge Process, BEAM believes the following modifications are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

- **Fully Deployed Service Modification**

- BEAM will treat build outs that were completed by April 1, 2024, but are not yet reflected in the FCC National Broadband Map as served BSLs. Documentation of deployments must be submitted to BEAM by 15 days after Volume 1 has been published by BEAM.
 - Fully Deployed Service Modifications will be limited to deployments that can provide adequate documentation to demonstrate a full deployment.
 - Documentation must be in line with the evidentiary requirements of the availability challenge.
- If a BSL has been reported to BEAM as fully deployed, an eligible challenging entity may rebut the service status of the location through the same methods as the availability challenge type.
- Documentation for rebuttals must be in line with the evidentiary requirements of the availability challenge type.

Cellular Fixed Wireless

The broadband office will treat as “underserved” locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) due solely to the availability of Cellular Fixed Wireless Access (CFWA) as “underserved.” The broadband office has determined that this modification, and the corresponding rebuttal opportunity, will assist the office in determining the availability of networks with sufficient capacity to meet the expected consumer demand for qualifying broadband in the relevant area. The broadband office has initially determined that 8,157 BSLs are affected by this modification (these are locations outside of funded commitment areas where the only provider using an eligible technology at or above 100/20 Mbps is a cellular fixed wireless provider). The affected CFWA provider will have

⁵ Mississippi Code § 77-19-3

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an opportunity to rebut this modification. To successfully rebut this modification, the cellular fixed wireless provider must demonstrate that it:

- Is providing 100/20 Mbps or better service at the relevant locations (e.g., by using the rebuttal approach for the speed test area challenge); and
- Has sufficient network capacity to simultaneously serve (i.e., as concurrently active subscribers) at least 80% of locations in the claimed coverage area reported as served only by cellular fixed wireless. As one option for making such a showing, a provider may describe how many fixed locations it serves from each cell tower and the amount of per-user averaged bandwidth it uses for capacity planning. A capacity of 5 Mbps for each claimed location is considered sufficient.

- **Data Cap Modifications**

BEAM will treat as “unserved” locations that the National Broadband Map shows to be “underserved” or “served” if there is evidence that demonstrates that the service is only available over plans that impose an unreasonable capacity allowance, or “data cap” (less than 660 GB/month⁶), on the consumer.

When the Data Cap Modification is used to reclassify reported service at a location with multiple providers and/or technologies, the service(s) affected by the modification will be reclassified and the classification of location itself will be reprocessed with the updated entry.

The challenge can be rebutted with evidence that the provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.

This modification and rebuttal opportunity will adopt the evidentiary requirements of the Data Cap challenge type in Section 1.4.6, Table 2.

- **Rationale for State Modification to Model Process**

Data caps pose a special challenge in the implementation of the state challenge process because the FCC did not attempt to collect this data through the Broadband Data Collection or validate data caps through their challenge process. Provider network management strategies are not custom-built for each customer, and a determination that one location is subject to a data cap likely indicates that other locations in the state are similarly situated. Service with different speeds is treated separately for the purposes of this challenge because in many cases these speed tiers represent the availability of different subscription options possibly associated with different terms of service, including different capacity allowances. Treating these different tiers of service separately reduces the risk that Data Cap challenges will incorrectly result in overturning service not subject to a cap.

⁶ An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 660 GB listed in the FCC 2024 Urban Rate Survey (FCC Public Notice DA 23-1172, December 15, 2023). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations.

• FCC Challenge Area Modifications

The broadband office will treat locations within a census block group that the National Broadband Map shows to be served as unserved or underserved if (1)(a) six or more broadband serviceable locations using a particular technology from the same provider within a census block group or (b) 30 or more broadband serviceable locations using a particular technology from the same provider within a census tract and at least one within each census block group within that census tract were subject to successful availability challenges through the Federal Communications Commission's challenge process and (2) the location would be unserved or underserved if not for the challenged service. The location's status would change to the status that would have been assigned to the location without the challenged service. For locations that do not meet condition 2 (e.g. because there are other reported options that are "served" by BEAD definitions), service meeting condition 1 will be removed for the purposes of considering challenges during the state challenge process. Challenge records will be taken from broadbandmap.fcc.gov/data-download/challenge-data. This process will only consider the FCC postings of resolved fixed challenges for the most recent 12 months before BEAM begins making modifications to the National Broadband Map under this section.

The following entries in the outcome field will be treated as a successful challenge:

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

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

Explanation for broadband office amendment:

This modification applies the logic of the area challenge module to challenges already filed through the FCC challenge process. FCC challenges reflect relatively recent cases in which providers and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC). Cases in which six FCC challengers were successful in a single census block likely reflect more extensive mapping inaccuracies (just as six successful challenges through the state challenge process justify changes under the area challenge module). This modification is therefore evidence based in the same sense that the area challenge module is: while it does not reflect specific information about every one of the affected locations, it does reflect patterns of evidence about the service available in areas in general in cases in which those patterns are sufficiently clear. In some areas in Mississippi, an active community engagement process resulted in successful challenges to a substantial number of locations through the FCC challenge process. Without these modifications, these communities would be at a disadvantage in terms of correcting more widespread errors in the state challenge process, as FCC challengers whose challenges had

been upheld would no longer have the challenged service listed and could not file a state challenge that would count towards an area challenge.

- ***Deduplication of Funding***

- ***1.4.3 – BEAD Eligible Entity Planning Toolkit***

BEAM will adopt the BEAD Eligible Entity Planning Toolkit for the deduplication of funding programs.⁷

- ***1.4.4 – Deduplication Process***

BEAM will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IJJA § 60105.
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. Mississippi and local data collections of existing enforceable commitments or obligations.

BEAM will make a best effort to create a list of BSLs subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the broadband office will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The broadband office will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.⁸

For existing federal, state, or local funding for broadband deployment on Tribal Lands, only those awards accompanied by a Tribal a legally binding agreement, which includes a Tribal Government Resolution. It is the responsibility of any recipients of an Enforceable Commitment to build-out on Tribal lands to produce the necessary documentation during the public comment period for Initial Proposal Volume 1, or during the Challenge Process itself.

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

In situations in which the state or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required the broadband office will reach out to the provider to verify the deployment speeds. For service that was already deployed. The broadband office will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

⁷ Use of the NTIA Eligible Entity Planning Toolkit for deduplication of funding as described in 1.4.3 is subject to the availability of the Deduplication tool prior to the initiation of the Challenge Process. If the Toolkit is not available with sufficient lead time, BEAM will pull the data directly from the Broadband Funding Map and from state and local programs, including those administered by U.S. Treasury.

⁸ Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC.

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

○ **1.4.5 – Deduplication Programs**

The list of the federal, state, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding, see Table 1 in Section 1.1.

○ **1.4.6 – Challenge Process Design**

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

■ **Permissible Challenges**

The broadband office will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by BEAM⁹,
- Community anchor institution BEAD eligibility determinations¹⁰,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service¹¹

■ **Permissible Challengers**

During the BEAD Challenge Process, the broadband office 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 the broadband office will include four phases, spanning 90 calendar days.

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the broadband office 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.

⁹ See Section 1.3.1

¹⁰ See Section 1.3.2

¹¹ The Planned Service category of challenge includes existing service that has already been deployed, but is not yet reflected in the FCC National Broadband Map

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- a. **Timeline:** BEAM tentatively plans to publish the locations on Feb 1, 2024.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the BEAM 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. Prior to submitting a challenge, the challenger will be required to register in the portal. The registration process will confirm that the email address is reachable by sending a confirmation message to the listed contact. For availability challenges, the broadband office 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.
3. The broadband office will manually verify that the evidence submitted falls within the categories stated in the Model Process and that document is unredacted and dated, as applicable.
 - a. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the initial list of served, unserved, and underserved locations, community anchor institutions, and existing enforceable commitments. The challenge phase is tentatively planned to run from February 1, 2024 - March 1, 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 challenge related to location eligibility meets the minimum level of evidence and 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. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI and other permissible challengers may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges.
 - a. **Minimum Level of Evidence Sufficient for Rebuttal:**

The challenge portal and reviewers will verify that:

 - i. the rebuttal data is related to the challenged location
 - ii. relevant affidavits are submitted, as applicable
 - iii. the quality of evidence is sufficient to enable optical character recognition (OCR)

The broadband office will manually verify that the evidence submitted meets the requirement within the categories stated in the Model Process and that documentation is dated and as unredacted as possible.

- b. **Timeline:** Providers will have 15 calendar days from notification of a challenge to provide rebuttal information to the broadband office. The rebuttal phase is tentatively planned to run from March 4, 2024 - March 18, 2024
5. **Final Determination Phase:** During the Final Determination phase, the broadband office will fully review the evidence submitted in each challenge and rebuttal. Based on the evidence, BEAM will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.” If necessary, BEAM may choose to request additional evidence from the challenger and rebuttal submitter. The goal of the challenge process is to ensure that funding is used efficiently to bring broadband Internet access to everyone. This is best accomplished if a thorough review process includes the ability to request additional information to make an informed decision.
- a. **Timeline:** Following intake of challenge rebuttals, the broadband office will make a final challenge determination no later than April 17, 2024.

BEAM will **provide public notice of the final determinations for each location and CAI** at least 60 days prior to allocating grant funds.

■ **Evidence & Review Approach**

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, BEAM will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. BEAM 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. This documentation will be captured directly through the review interface in the challenge portal.

BEAM plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. BEAM will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Table 2 – Challenge Types and Evidence

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email letter, or written account of a conversation with a provider). 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 180 days, e.g., with a copy of a customer bill and attest that there is no waitlist or delay

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			<ul style="list-style-type: none"> ● Lack of suitable infrastructure (e.g., no fiber on pole), including evidence such as demonstration that current spectrum holdings, nodes, backbone, and towers (including location and loading constraints) are insufficient to support all of the claimed locations. ● A letter, email, or written account of a conversation with a provider dated within the last 180 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.¹² ● A letter, email, or written account of a conversation with a provider dated within the last 180 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. ● Evidence that demonstrates that the service is only available via plans where the speeds of the broadband service are throttled in favor of another category of customer (e.g. LTE/5G networks where mobile connections are 	<p>greater than 10 days for connecting new, or returning customers.</p> <ul style="list-style-type: none"> ● 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. ● The provider submits network diagrams and/or propagation maps that show evidence of infrastructure and coverage ● Evidence of network capacity ● Evidence that the challenged provider of Cellular Fixed Wireless Access (FWA) does not throttle, or prioritize mobile customers over, home Internet customers. ● Evidence that demonstrates that the provider provides a plan that is not subject to usage-based throttling, below a threshold of 600 GB/month in line with the data cap challenge type.
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¹² 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.”

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			<p>prioritized over fixed wireless connections).</p> <ul style="list-style-type: none"> Evidence that demonstrates that the service is only available via plans with usage-based throttling, below a threshold of 60 GB/month in line with the data cap challenge type. 	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. ¹³	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests within the past 60 days, or 180 days for speed tests performed using broadbandms.com.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. ¹⁴
L	Latency	The round-trip latency of the broadband service exceeds 100 ms ¹⁵ .	Speed test by subscriber, showing the excessive latency within the past 60 days, or 180 days for speed tests performed using broadbandms.com	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. ¹⁶
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ¹⁷	<ul style="list-style-type: none"> Screenshot of provider webpage. Service description provided to the consumer. 	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.

¹³ 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.

¹⁴ 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.

¹⁵ *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

¹⁶ *Ibid.*

¹⁷ An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 660 GB listed in the FCC 2024 Urban Rate Survey (FCC Public Notice DA 23-1172, December 15, 2023). Alternative plans without unreasonable

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T	Technology ¹⁸	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 (CPE) that matches the reported service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	<ul style="list-style-type: none"> • Screenshot of provider webpage. • A letter, email, or written account of a conversation with a provider dated within the last 180 days indicating that a provider only offers business service at the location 	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers. Providers must sign an affidavit confirming residential service is available with no waitlist or delay greater than 10 days for connecting new customers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s).	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is	<ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for, or obtained.¹⁹ • Contracts or a similar binding agreement between the Eligible 	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

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.

¹⁸ Technology challenges will be recorded as an Availability challenge under reason code 5, as described in Table 2. This means that Technology challenges will be combined with Availability challenges for the purposes of triggering Area and MDU Challenges.

¹⁹ Necessary permits include any permits that are needed to deploy qualifying broadband to the degree of completion that broadband service will be available no later June 30, 2024

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		building out broadband offering performance beyond the requirements of an enforceable commitment.	Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i> , a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.	performance requirements.
N	Not part of enforceable commitment	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by service provider subject to the enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. ²⁰	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.
G	CAI: Qualifying broadband	The CAI cannot obtain qualifying broadband.	Evidence that the CAI has tried to acquire qualifying broadband but has been unsuccessful.	Evidence that qualifying broadband is available to the CAI.

²⁰ 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.

	unavailable. ²¹			
Q	CAI: Qualifying broadband available.	The CAI can obtain qualifying broadband	Evidence that the CAI can acquire symmetric gigabit service.	Evidence that qualifying broadband is not available to the CAI.

■ **Area and MDU Challenge**

The broadband office will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all locations it serves within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.²²

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 15 or fewer units,
- two units for MDUs of between 16 and 24 units,
- and at least three units for larger MDUs. Here, the MDU is defined as one broadband serviceable location listed in the Fabric.²³ An MDU challenge counts towards an area challenge (*i.e.*, six successful MDU challenges in a census block group may trigger an area challenge).

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. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to be rebutted 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 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

²¹ “Qualifying broadband” to a CAI is Reliable Broadband Service with (i) a speed of not less than 1 Gbps for downloads and uploads alike and (ii) latency less than or equal to 100 milliseconds.” NOFO, p. 37.

²² 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.

²³ For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

availability and speed (e.g., with a mobile test unit).²⁴ BEAM may, in its discretion, require a greater percentage of locations, not to exceed 25%, when necessary for the sample to be representative. The rebuttal to a fixed wireless area challenge does not replace the need to provide a rebuttal to the originally challenged locations. Furthermore, the rebuttal of the original challenges does not count toward the required location count of the area challenge rebuttal.

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 Module Requirements

The SBO will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Over the past year, BEAM has provided a rigorous speed test survey tool for residents to conduct speed tests.

For speed tests performed independently, the speed test data 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), ONT (for FTTH), or fixed wireless subscriber module.
2. A reading of the speed test available from within the residential gateway web interface.
3. A reading of the speed test found on the service provider's web page.
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a commonly used speed test application or a speed test application approved by the BEAM, including:
 - i. BEAM Performance Test & Survey available at broadbandms.com²⁵
 - ii. Measurement Lab's Network Diagnostic Tool
 - iii. Ookla's Speed Test,
 - iv. Ready.net's Ready Strength Test
 - v. Cloudflare's Internet Speed Test
 - vi. Netflix's Fast.com

²⁴ 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.

²⁵ The survey at broadbandms.com performs tests using Measurement Lab's Network Diagnostic Tool, Ookla's Speed Test, and Cloudflare's Internet Speed Test. The performance tests (e.g., Ookla, Cloudflare) that are approved by NTIA, and not the individual speed tests that are collected through broadbandms.com. Broadbandms.com will provide the respondents with the results of each test and the median results across the tests. In addition to the NTIA approved performance tests, broadbandms.com also implements Ready.net's Ready Strength Test as an added layer of results in addition to the NTIA approved methodologies.

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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 address²⁶ 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 invoice or an attestation).
- An agreement, using an online form provided by BEAM, 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/20 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, tribal governments, 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 be used to change the status from underserved to unserved.²⁷

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 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

²⁶ When the fabric address associated with the challenged Location ID is not accurate, the broadband office maintains the discretion to utilize alternative datasets to join the actual address with the Location ID in order to proceed with the challenge.

²⁷ Locations that are classified as "underserved" are the most impacted by speeds that are not delivered. A connection of 100/20 Mbps that only experiences 75% of the advertised speed is still receiving 75/15 Mbps, while a 25/3 Mbps connection experiencing the same discrepancy, is receiving closer to 19/2 Mbps. These locations likely have difficulty using their connection, similar to the "unserved" locations. Since BEAD prioritizes the funding for unserved locations over underserved locations, it's important that those locations that cannot actually receive speeds of 25/3 Mbps are able to challenge to modify their priority, in the event that the BEAD funding does not reach every unserved and underserved location.

customers must be randomly selected. Providers must apply the 80/80 rule²⁸, 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 be 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.

Providers are required to provide a description of the measurement methodology used by their speed test. Descriptions should define how speed and latency are calculated as well as describe the vantage points used to generate the measurement.

In addition to the locations included in the randomized sample of customers included in the rebuttal to an area speed test challenge, the provider will be required to provide a direct rebuttal with evidence specific to the original challenges that triggered the area challenge. A successful rebuttal of an area challenge will overturn locations triggered by the area challenge, but the six, or more, original challenges can only be rebutted based on evidence specific to the location.

- **Speed Test Modifications**

BEAM will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies 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. For speed tests provided through the Performance Test & Survey available at broadbandms.com, BEAM will accept speed tests performed within the 180 days preceding the challenge process.

When applicable speed test data is used to reclassify reported service at a location with multiple providers and/or technologies, the service relevant to the speed test will be reclassified and the classification of location itself will be reprocessed with the updated entry. In cases where the speed test modification is applied to six or more locations in a Census Block Group, an Area Challenge will be applied. This adopts the process of the Area Challenge Module, adopted by BEAM in the Initial Proposal. However, this will operate as a distinct process.

BEAM will not modify the National Broadband Map based on historical speed test data without a challenge from an Eligible Challenger. The Eligible Challenger will be given access to applicable pre-challenge speed test data that has been collected through broadbandms.com. Applicable pre-challenge data can be added to the total required number of speed tests taken on different days as long as at least one result falls within 60 days before or during the 30-day challenge window in section 1.4.6 of this volume.

- The cutoff date for allowable pre-challenge speed test data is no earlier than 180 days prior to the start of the challenge window.
- To be allowed as admissible evidence, the pre-challenge speed test data must be combined with at least one current result taken 60 days before or during the 30-day challenge phase.

²⁸ 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.

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- Historical Speed Data that does not qualify per the NTIA model speed test guidelines will not be considered applicable data to this process and will not be passed on to an Eligible Challenger.
- Eligible speed test data criteria:
 - Each test taken through broadbandms.com includes as many as 4 tests taken during the session, these tests may be averaged as a composite speed from one session to form a single speed test output. Because each of the 3 tests required to form a challenge must be taken on different days, the average of the multiple tests taken in a session can only be used to satisfy one of the 3 required tests.
 - Each speed test submitted by an eligible challenger that is used to form the basis of a cognizable challenge – including those speed tests taken through broadbandms.com that BEAM provides to challengers – must be performed on a laptop or desktop computer within immediate proximity of the residential gateway and must include the following information:
 - The time and date the test was conducted.
 - The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
 - The name and street address of the customer conducting the speed tests.
 - 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.
 - BEAM will provide this data for the historical broadbandms.com speed tests to challengers so that the challenger can assure that the data is consistent with the speed test(s) they are providing to form the challenge and can comply with the requirement to submit the same information for all speed tests submitted.
 - For example, if the name and speed tier attestation from a broadbandms.com challenge do not match the current test, then the historical and current speed test data cannot be bundled to form a challenge.

The challenged provider will have the opportunity to submit a rebuttal during the applicable phase of the challenge process.

○ **1.4.6 – Transparency Plan**

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the broadband office will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The broadband office also plans to actively inform all units of local and Tribal government, leveraging partnerships with MS Municipal League, Mississippi Supervisors Association, Stennis Institute of Government, MS state legislature, MS band of Choctaw Indians of its challenge process and set up

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regular touchpoints to address any comments, questions, or concerns from local and Tribal governments, nonprofit organizations, and Internet service providers.

BEAM will provide a challenge resource guide and conduct pre-challenge webinars. In addition to this, BEAM will host at least two virtual “office hours” sessions, during the challenge phase.

Relevant stakeholders can sign up on the broadband office website, at <https://www.broadbandms.com/>, for challenge process updates and newsletters. They can engage with the broadband office by sending an email to info@beam.ms.gov.

Challenged providers will be notified via email with related information about the timing for the provider’s response and a link to access challenge detail through user accounts in the portal designated by the provider to respond to challenges’.

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

- the provider, nonprofit, or unit of local and Tribal 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.

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

The broadband office will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws,²⁹ that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

○ **1.4.7 - Public Comment Period**

The BEAM office places a strong emphasis on fostering active engagement from the community, Internet Service Providers (ISPs), and Local Government entities during the conclusive stages of refining the BEAD Initial Proposal Volume and Volume 2. Following the publication of the Initial Proposal on the official BEAM website, an inclusive communication strategy was employed. Specifically, an email communication was

²⁹ [Mississippi Code § 77-19-15](#)

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distributed to the entirety of the BEAM email listing, extending an invitation for public commentary on the document. In addition to this, dedicated emails were dispatched to all ISP contacts within the state, thereby ensuring widespread awareness and participation in the consultation process.

Additionally, Director Doty attended several meetings with various stakeholders during the public comment period. This allowed her to give a personal reminder of the opportunity to provide public feedback to the Initial Proposal Public Comment Summary.

A comprehensive summary of the public comments received during the 30-day public comment window are included as a supplemental information document. These comments addressed various portions of Volume 1. A regular comment received was to reconsider the original Additional Modification 3 regarding fixed wireless service. This comment was received from several entities and was therefore removed from Volume 1. Public comments also requested clarification regarding which version of the National Broadband Map was to be adopted. BEAM clarified this in the revisions to Volume 1 as well. The full listing of summarized comments and BEAM's response was included in the submittal of Volume 1.