

BEAD Challenge Types

1 Availability

2 Speed

3 Latency

4 Data cap

5 Technology

6 Business Service Only

7 Enforceable Commitment

8 Not Enforceable Commitment

9 Planned Service

10 Location is a CAI

11 Location is not a CAI

Challenge Type:

Availability



Description

The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU) AKA apartment.

Challenge Evidence Examples

- Screenshot of provider webpage.
- A service request was refused within the last 180 days (e.g., an email or letter from a provider).
- Lack of suitable infrastructure (e.g., no fiber on pole).
- A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.
- A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a provider quoted an amount in excess of the provider's standard installation charge in order to connect service at the location.

Permissible Rebuttals

- Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill.
- If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.
- The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.

Challenge Type:

Speed



Description

The actual speed of the service tier falls below the unserved (25 Mbps download / 3 Mbps upload) or underserved (100 Mbps download / 20 Mbps upload) thresholds.

Challenge Evidence Examples

Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.

Important: see “Speed Test Requirements” for more information on what information is needed

Permissible Rebuttals

Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.

Challenge Type:

Latency



Description

The round-trip latency of the broadband service exceeds 100 milliseconds (ms)

Challenge Evidence Examples

Speed test by subscriber, showing the excessive latency over 100 milliseconds.

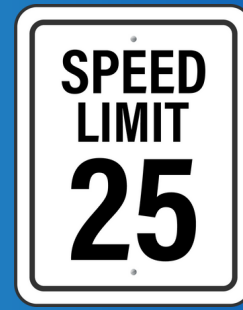
Important: see “Speed Test Requirements” for more information on what information is needed

Permissible Rebuttals

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.

Challenge Type:

Data Cap



Description

The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.

Challenge Evidence Examples

- Screenshot of provider webpage.
- Terms of service description provided to the consumer.

Permissible Rebuttals

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.

Challenge Type:

Technology



Description

The technology indicated for this location is incorrect.

Challenge Evidence Examples

Manufacturer and model number of residential gateway (e.g. modem and/or router) that demonstrates the service is delivered via a specific technology.

Permissible Rebuttals

Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.

Challenge Type:

Business Service Only



Description

The location is residential, but the service offered is marketed or available only to businesses.

Challenge Evidence Examples

Screenshot of provider webpage, email, or letter from a provider showing the address can subscribe to business service, but cannot subscribe to residential service.

Note the location being challenged must be a residential location for this challenge to apply.

Permissible Rebuttals

Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.

Challenge Type: Enforceable Commitment



Description

The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.

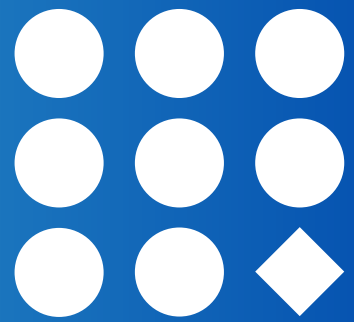
Challenge Evidence Examples

Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).

Permissible Rebuttals

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).

Challenge Type: Not Part of Enforceable Commitment



Description

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.)

Challenge Evidence Examples

Declaration by service provider subject to the enforceable commitment.

Permissible Rebuttals

Challenge Type:

Planned Service



Description

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.

Challenge Evidence Examples

- Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.
- Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (i.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.

Permissible Rebuttals

Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.

Challenge Type:



Location is a CAI



Description

The location should be classified as a Community Anchor Institution (CAI).

Challenge Evidence Examples

Evidence that the location falls within the CAI definition in Hawaii's Initial Proposal Volume 1.

Permissible Rebuttals

Evidence that the location does not fall within the CAI definition in Hawaii's Initial Proposal Volume 1 or is no longer in operation.

CAI Definition

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, or community support organization that facilitates greater use of broadband service (e.g., telehealth, workforce development, online learning, digital literacy, etc.) by vulnerable populations, including, but not limited to, Native Hawaiians, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

Challenge Type:

Location is not a CAI



Description

The location is currently labeled as a Community Anchor Institution (CAI) but is a residence, a non-CAI business, or is no longer in operation.

Challenge Evidence Examples

Evidence that the location does **not** fall within the CAI definition in Hawaii's Initial Proposal Volume 1.

Permissible Rebuttals

Evidence that the location falls within the CAI definition in Hawaii's Initial Proposal Volume 1.

CAI Definition

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, or community support organization that facilitates greater use of broadband service (e.g., telehealth, workforce development, online learning, digital literacy, etc.) by vulnerable populations, including, but not limited to, Native Hawaiians, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.