



*office of the chief technology officer*

**District of Columbia  
Office of the Chief Technology Officer  
Broadband Equity, Access, and Deployment Program  
Initial Proposal Volume I  
(Requirements 3, 5 – 7)**



**Table of Contents**

Introduction..... 3  
Existing Broadband Funding and Resources (Requirement 3)..... 4  
Unserved and Underserved Locations (Requirement 5)..... 6  
Community Anchor Institutions (Requirement 6) ..... 7  
Challenge Process (Requirement 7)..... 14  
Volume I Public Comment ..... 28  
Appendices..... 35

## Introduction

In May 2022, the District of Columbia (D.C.) Mayor Muriel Bowser created within the Office of the Chief Technology Officer (OCTO) the State Broadband and Digital Equity Office (“SBDEO”). This diverse and interdisciplinary team includes digital equity experts, community outreach specialists, and data scientists, and draws on the broad technology expertise of OCTO. Among SBDEO’s core responsibilities is management of D.C.’s obligations under the federal Broadband Equity, Access, and Deployment (“BEAD”) program.

The BEAD program was created when President Biden signed the Infrastructure Investment and Jobs Act (popularly known as the Bipartisan Infrastructure Law or “BIL”), Pub. L. 117-58, 135 Stat. 429, and is being administered by the United States Department of Commerce’s National Telecommunications and Information Administration (“NTIA”). This program makes available to D.C. \$100,694,786.93<sup>1</sup>, to fund competitive subgrants for the deployment of broadband infrastructure.

In satisfaction of BEAD’s program requirements, and in accord with guidance developed by NTIA, the SBDEO prepared this draft BEAD Initial Proposal Volume I for public notice and comment, to satisfy BEAD Initial Proposal Requirements 3, 5, 6, and 7. NTIA’s requirements for each section are noted in **blue** text. Please note D.C. does not consider rural populations, populations in Federally Designated Tribal lands, or units of local government since these populations or units are not located within D.C. According to guidance provided by NTIA, the remaining BEAD Initial Proposal Requirements will be satisfied by a separate document, the forthcoming BEAD Initial Proposal Volume II, which will also be made available for public notice and comment.

Pursuant to 47 U.S.C. § 1702(e)(3), this BEAD Initial Proposal Volume I was published in the D.C. Register and made publicly available at [techtogether.dc.gov](https://techtogether.dc.gov) for thirty days (November 16<sup>th</sup> – December 19<sup>th</sup>, 2023) before submission to NTIA. D.C. added the “Volume I Public Comment” section to document the public comment process and integrated feedback from public comments throughout the document.

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<sup>1</sup> NTIA BEAD Allocation Press Release, June 28<sup>th</sup>, 2023. <https://www.ntia.gov/press-release/2023/biden-harris-administration-announces-state-allocations-4245-billion-high-speed>.

### Existing Broadband Funding and Resources (Requirement 3)

NTIA’s BEAD Notice of Funding Opportunity (“NOFO”) requires D.C. to identify existing efforts funded by the federal government, or by the D.C. government, to deploy broadband and close the digital divide. In keeping with NTIA guidance, and to better facilitate public review of the relevant data, the SBDEO satisfied this requirement by compiling such data in a standardized, machine-readable CSV format, attached hereto as Appendix 1. An excerpted version of this Existing Broadband Funding and Resources table is provided below.

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

To better facilitate public review, D.C. OCTO will publish Table I online (as Appendix 1) at TechTogether.DC.gov until the period of public notice and comment ends.

Table I – Direct Broadband Funds

Source	Purpose	Federal or Local	Total	Expended	Available	Agency / Entity Awarded
NTIA “Internet for All” Planning Grants – <i>funds allocated to OCTO, Bipartisan Infrastructure Law</i>	Fund activities related to broadband and digital equity planning.	Federal	Total of \$5,463,126 <sup>2</sup>  OCTO has received \$5,000,000 to-date <sup>3</sup>  The remaining \$463,126 have not yet been made available to D.C.	\$0	\$5,000,000	OCTO
U.S. Dept. of Treasury American Rescue Plan’s Local Relief Funds – <i>funds allocated to OCTO</i>	COVID-19 Response to maintain vital public services.	Federal	OCTO has received \$3,779,844.31 <sup>4</sup>	\$ 585,728.73	\$3,194,115.58	D.C. Government

<sup>2</sup> [Biden-Harris Administration Awards More Than \\$5.4 Million to Washington, D.C in ‘Internet for All’ Planning Grants](#), December 2022.

<sup>3</sup> As of December 8<sup>th</sup>, 2023.

<sup>4</sup> [Recovery Plan Performance Report: District of Columbia](#), 2021.

FCC Emergency Connectivity Fund (ECF)	Funds to help schools and libraries during the COVID-19 emergency period.	Federal	\$36,658,298 <sup>5</sup>	\$18,426,885	\$18,231,413	D.C. Public Libraries (D.C.PL)  D.C. Public Schools (D.C.PS)
FCC Universal Service Support Program for Schools and Libraries	Commonly known as E-rate, helps schools and libraries obtain affordable broadband.	Federal	\$56,273,549.78 <sup>6</sup>	N/A – funds are not awarded to OCTO	N/A – funds are not awarded to OCTO	Elementary schools, secondary schools, private schools, and religious schools

**Table II - Components of Funds that can be used for Broadband**

Source	Purpose	Federal or Local	Total	Expended	Available	Agency / Entity Awarded
U.S. Dept. of Treasury American Rescue Plan’s Capital Projects Fund (CPF)	COVID-19 response funds to improve infrastructure and enabling investments in capital assets.	Federal	\$14,233,490 of application planned for use for broadband <sup>7</sup>  Funding has not been received to-date <sup>8</sup>	\$0	\$14,233,490	D.C. Government
U.S. Dept. of Education Governor’s Emergency Education Relief (GEER) Fund I – <i>funds allocated to OCTO</i>	The CARES Act provides funds to prevent, prepare for, and respond to COVID-19.	Federal	OCTO’s allocation from the Office of the State Superintendent of Education (OSSE) was \$2,445,101.88 <sup>9</sup>	\$2,445,101.88	\$0	OSSE
U.S. Dept. of Education GEER Fund II	Same purpose as GEER Fund I.	Federal	\$2,415,567 <sup>10</sup>	\$1,890,760	\$524,807	OSSE

<sup>5</sup> [Emergency Connectivity Fund Invoice Deadline Tool](#), as of August 2023.

<sup>6</sup> [E-Rate Invoice Disbursements Data Lookup Tool, USAC](#).

<sup>7</sup> OCTO budget allocation data.

<sup>8</sup> As of December 14<sup>th</sup>, 2023.

<sup>9</sup> [Office of the State Superintendent of Education: Recovery Funding](#); OCTO budget allocation data.

<sup>10</sup> [Office of the State Superintendent of Education: Recovery Funding](#); ARPA funding; OCTO budget allocation data.

U.S. Dept. of Education Emergency Assistance to Non-Public Schools (EANS)	COVID-19 response and part of GEER funding specifically to non-public schools.	Federal	\$9,846,595 <sup>11</sup>	N/A – funds are not awarded to OCTO	N/A – funds are not awarded to OCTO	D.C. non-public schools
U.S. Dept. of Education Higher Education Emergency Relief Fund (HEERF)	CARES Act program to support colleges and universities in COVID-19 related costs (e.g., covering payroll, switching to online classes).	Federal	\$255,553,890 <sup>12</sup>	N/A – funds are not awarded to OCTO	N/A – funds are not awarded to OCTO	D.C. Institutions of Higher Education
U.S. Dept. of Education Elementary and Secondary School Emergency Relief (ESSER) Fund	COVID-19 response awarded to state educational agencies	Federal	\$600,496,527 <sup>13</sup>	\$131,807,760	\$468,688,767	OSSE

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

<sup>11</sup> [Office of Elementary and Secondary Education \(OESE\): CRRSA EANS Awards](#), February 2021.

<sup>12</sup> [District of Columbia, Education Stabilization Fund](#), August 2023.

<sup>13</sup> [District of Columbia, Education Stabilization Fund](#), August 2023.

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

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

The BEAD NOFO requires D.C. to identify each unserved location and underserved location in D.C., according to BIL’s technical statutory definitions of *unserved*<sup>14</sup> and *underserved*,<sup>15</sup> using the most recently published Federal Communications Commission Broadband DATA Maps<sup>16</sup> as of the date of submission of this BEAD Initial Proposal Volume I, and to identify the date of publication of the Broadband DATA Maps used for such identification.

In keeping with NTIA guidance, and to better facilitate public review of the relevant data, the SBDEO satisfied this requirement by compiling such data in a standardized, machine-readable CSV format, attached hereto as Appendices 2 & 3.

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

The data in these files was drawn from the FCC Broadband DATA Maps released on November 28th, 2023. An excerpted version of this unserved and underserved location data is provided below.

To better facilitate public review, Appendices 2 & 3 will be available online at TechTogether.DC.gov until the period of public notice and comment ends.

Total number of unserved Broadband Serviceable Locations in D.C.: 104  
Total number of underserved Broadband Serviceable Locations in D.C.: 5

The SBDEO identified 104 unserved broadband serviceable locations (“BSL”) that are Served with speeds less than 25/3 Mbps. These unserved BSLs are concentrated in Wards 3, 5, and 8. We have also identified 5 underserved BSLs that only have speeds between 25/3 Mbps and 100/20 Mbps available. These underserved BSLs are in Wards 1, 6, and 8.

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

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<sup>14</sup> The term *unserved location* means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that has no access to broadband service, or lacks access to reliable broadband service offered with a speed of not less than 25 megabits per second for downloads, and 3 megabits per second for uploads, and a latency sufficient to support real-time, interactive applications. 47 U.S.C. § 1702(a)(1)(A).

<sup>15</sup> The term *underserved location* means a location that is not an unserved location, and as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with a speed of not less than 100 megabits per second for downloads, and 20 megabits per second for uploads, and a latency sufficient to support real-time, interactive applications. 47 U.S.C. § 1702(a)(1)(C).

<sup>16</sup> The FCC Broadband DATA Maps are publicly available at: <https://www.fcc.gov/BroadbandData>.

**1.3.1 Text Box:** 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.

The BEAD NOFO requires D.C. to include within this Initial Proposal Volume I:

- A description of how D.C. applied the statutory definition of the term community anchor institution (“CAI”);<sup>17</sup>
- An explanation of any categories of institutions that fall within the broad categories of CAIs which SBDEO considered but declined to classify as CAIs;
- An explanation of any categories of institutions not specifically within the broad categories of CAIs enumerated in BIL, but which SBDEO proposes to classify as CAIs;
- A description of how D.C. identified eligible CAIs;<sup>18</sup> and
- A description of how D.C. assessed the needs of eligible CAIs, including what types of CAIs it intends to serve with BEAD funds.

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the SBDEO 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.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

1. Whether the community support organization 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:

- The category *Schools* was defined to include all K-12 schools participating in the FCC E-Rate program, or that have a National Center for Education Statistics (“NCES”) identifier in the categories *public schools* or *private schools*;

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<sup>17</sup> The term *community anchor institution* means an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. 47 U.S.C. § 1702(a)(2)(E).

<sup>18</sup> The term *eligible community anchor institution* means a community anchor institution that lacks access to gigabit-level broadband service. 47 U.S.C. § 1702(a)(1)(E).



- The category *Libraries* was defined to include all libraries that participate in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (“ALA”);
- The category *Health Clinic, Health Center, Hospital, or other Medical Providers* was defined to include all institutions that have a Centers for Medicare and Medicaid Services (“CMS”) identifier;
- The category *Public Safety Entities* was defined to include federal, WMATA, and D.C. public safety locations identified by the Office of the Deputy Mayor for Public Safety and Justice;
- The category *Institutions of Higher Education* was defined to include all institutions that have an NCES ID in the category *college*, including junior colleges, community colleges, universities, or other educational institutions;
- The category *Public Housing Organizations* was defined to include locations identified by the District of Columbia Housing Authority;

Public Housing Organizations that were identified were not included in the eligible CAI locations as all Public Housing Organizations were found to be residential only public housing units.

- The category *Community Support Organizations* was defined to include job training centers identified by the D.C. Department of Employment Services and senior centers identified by the D.C. Department of Aging and Community Living. The SBDEO will also consider other community support organizations as detailed below.

The SBDEO used the Initial Proposal public comment process to ensure that all relevant institutions that meet the CAI criteria are included.

The SBDEO does not propose adding any new categories of institutions not falling within the broad categories of CAIs, so it is not required to provide an explanation of such consideration and proposed inclusion in this Initial Proposal Volume I. In preparing its Five-Year Action Plan, the SBDEO did consider proposing the addition of churches and places of worship as a new category of CAI and performed an initial review of potentially eligible BSLs as churches and places of worship.

The SBDEO ultimately declined to propose this new category of CAI in this Initial Proposal Volume I, however, because there exists no fair, objective, and legally appropriate means by which the SBDEO might make determinations concerning the appropriateness of a given broadband serviceable location’s classification as a church or place of worship. Churches and places of worship are not affirmatively excluded from any existing category of CAI, however. As elaborated upon more fully in the following section, *Challenge Process Requirement 7*, challenges may be brought by nonprofit organizations or broadband service providers concerning any broadband serviceable location which the challenger feels qualifies as a CAI, according to the existing categories of CAIs identified in the statutory definition.

The SBDEO has proposed additional CAI categories within Community Support Organizations (Category C), including job training centers, senior centers, and child development centers, to facilitate greater use of broadband by vulnerable populations by supporting and providing services to low-income individuals, unemployed individuals, children, and aged individuals. The SBDEO will use the challenge process to further refine the list of eligible CAIs.

**Employment centers** are included in NTIA's model challenge process and provide resources and support for all residents – especially those who are unemployed and/or low-income. Employment centers require quality internet, as they provide residents with access to employment coaches, classes to support the job search, and support for building resumes and cover letters. Internet service is required for accessing software for resume building, finding job opportunities, and attending virtual upskilling and reskilling trainings. Many employment centers also provide opportunities for digital skill building and training programs which provide residents with certifications upon completion.

**Senior centers** are included in NTIA's model challenge process and provide resources and support the aging population. They offer internet access and digital skill building opportunities, including equipping the aging population with skills on communicating and building digital social networks. This aids the SBDEO's digital equity goal of reducing the digital divide for Covered Populations and enables the aging population to interact better with family and friends, access healthcare and educational opportunities, and generally increase their quality of life.

### *Additional Categories*

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**D.C. Department of Human Services Service Centers** provide support to all D.C. residents. Featured services include eviction prevention, emergency rental assistance, support for enrollment and recertification for benefits like food stamps (SNAP) and financial assistance (TANF), medical assistance and several other programs<sup>19</sup>. These programs provide vital support for low-income residents especially to those who consider government centers like the DHS centers as a first point of contact for aid in conducting such activities which require internet access. These centers are critical points for accessing the internet and essential public services, and require reliable, high-speed internet access in order to provide these crucial services to residents.

**Child development centers** provide greater access to internet and devices, especially to low-income parents and their children. These centers facilitate digital skill building among children and parents by providing digital educational and recreational activities for children, and through outreach efforts aimed at parents. Furthermore, quality internet service is a high priority for these centers as it is necessary to conduct tasks such as accessing e-learning curriculums, managing communications and customer service online, and conducting the logistics of running the centers. Given the shift to virtual learning models for children, particularly since the start of COVID-19, the need for quality, high-speed internet is especially pertinent.

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<sup>19</sup> DC Department of Human Services, <https://dhs.dc.gov/services>

The SBDEO did not consider excluding any categories of institutions that fall within the broad categories of CAIs, so it is not required to provide an explanation of such consideration and exclusion in this Initial Proposal Volume I.

To identify eligible CAIs, a list of CAIs was compiled using the definitions and sources listed above. For each CAI, data from the geographic information system (GIS) was generated using the Open Data DC platform. CAIs with duplicate addresses were filtered out to ensure that each location corresponded to only one CAI. The CAI list was then refined to avoid repetition. Next, the list of CAIs was associated with the appropriate speed information. A spatial join between the raw CAI locations and the location fabric using the building layer was performed. This process considered CAIs and location fabrics within the same building polygon as equivalent, allowing CAIs to be assigned speed data from the location fabric. Duplications were removed from overlapping building polygons. BSLs' fabric speed data was then assessed for submission based on whether their speeds met the 1G symmetrical requirements. Results of this CAI fabric speed assessment are provided on the [Open Data DC platform](#).

For those CAIs without BSL fabric location speed data, speed information was deduced based on block-level data. If the maximum speed within a block housing a CAI was below 1G symmetrical, the CAI speed was deemed eligible. Results of this CAI check are provided on the [Open Data DC platform](#), and are incorporated in the `cai.csv` file and in the table below.

To assess the network connectivity needs of the eligible community anchor institutions listed above, the SBDEO conducted extensive outreach to stakeholders to seek public comment on the initial proposal documents. The documents posted for public comment included the `cai.csv` file, which contains the list of CAIs that were deemed eligible and their associated need. Stakeholders were invited to provide comments on all aspects of the plan, including connectivity needs. Please see Section 1.5.1 for a description of the extensive outreach performed by the SBDEO during the public comment period.

**1.3.2 Attachment:** As a required attachment, submit the CSV file (named “`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.

In keeping with NTIA guidance, and to better facilitate public review of the relevant data, the SBDEO satisfied its requirement to identify eligible CAIs currently known to the SBDEO by compiling such data in a standardized, machine-readable CSV format, attached hereto as Appendix 4. The data in this file, including the assessment of speeds available to CAIs, was drawn from the FCC Broadband DATA Maps on October 10, 2023, and will be refreshed prior to final submission of this BEAD Initial Proposal Volume I to NTIA.

To better facilitate public review, Appendix 4 will be available online at [TechTogether.DC.gov](https://TechTogether.DC.gov) until the period of public notice and comment ends.

**Table III - SBDEO estimates that the total number of eligible D.C. CAIs is 1,066 out of 1,206 CAI entries.**

NTIA CAI Category	Type of CAI	CAI Entries	Estimate of eligible CAIs
Community Support Organizations (C)	D.C. Department of Human Services Service Centers	5	3
	Job Center	4	2
	Child Development Centers	382	340
Education (S)	Colleges and Universities	34	28
	Charter Schools	110	91
	Public Schools	117	105
	Independent Schools	50	40
Library (L)	Libraries	26	26
Health (H)	Aging Services	62	60
	Ambulatory Surgical Centers	4	2
	Community-Based Dementia Care	7	6
	Community Based Service Providers (e.g., community wellness, mental health clinics)	9	8
	Dialysis Clinics	14	8
	HIV AIDS Clinic	44	39
	Hospitals	13	11
	Intermediate Care Facilities	111	111
	Nursing Homes	9	8
	Opioid Dependence Treatment Facilities	20	20
	Primary Care Facility	28	21
	Residential Long Term Memory Care	10	8
	SUD and MHRS Provider Contact List	92	83
	Safety (F)	Fire Stations	40
Police Stations		15	14
<b>Total</b>		<b>1,206</b>	<b>1,066</b>



## Challenge Process (Requirement 7)

The BEAD NOFO requires D.C. to provide a detailed plan to conduct a transparent, evidence-based, fair, and expeditious challenge process under which a unit of a nonprofit organization or broadband service provider can challenge a determination made by D.C. in the Initial Proposal as to whether a particular broadband serviceable location or CAI falls within BILs definitions of *unserved*, *underserved*, or *eligible community anchor institution*.

NTIA released to States its Model Challenge Process, along with several optional challenge modules. D.C. plans to adopt in amended form the NTIA Model Challenge Process. The term *Eligible Entity* means the D.C. Government. The term *broadband office* means OCTO's SBDEO.

### Challenge Process Description

#### NTIA BEAD Model Challenge Process Adoption

**1.4.1 Yes/No Box:** Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes.

As required by NTIA, D.C. OCTO directly copied the response below from NTIA's Model Challenge Process guidance.

In the framework of NTIA's Model Challenge Process, D.C. opted to modify the timeline of the Challenge Process in Section 1.4.6 and incorporated additional guidelines pertaining to the submission of Personal Identifiable Information (PII).

#### Modifications to Reflect Data Not Present in the National Broadband Map

**1.4.2 Text Box:** 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.

##### Optional Module 2: DSL Modifications

The SBDEO will treat locations that the FCC National Broadband Map shows as having available qualifying broadband service (i.e., a location that is "served") delivered via DSL as "underserved." This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of "future-proof" broadband service. This designation cannot be challenged or rebutted by the provider.

##### Optional Module 3: Speed Test Modifications

The SBDEO will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies (i.e., methodologies aligned to the BEAD Model Challenge Process Speed Test Module) demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream. This modification better reflects the locations eligible for BEAD funding because it considers the actual speeds of locations. As described below, such speed tests can be rebutted by the provider during the rebuttal period.

## **Deduplication of Funding**

### **1.4.3 Yes/No Box:** Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

- Yes,** D.C. OCTO plans to use the Eligible Entity Planning Toolkit to identify existing federal, state, and local enforceable commitments.

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

The SBDEO 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 BIL § 60105;<sup>20</sup>
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; and
3. D.C. data collections of existing enforceable commitments.

The SBDEO will create a list of Broadband Serviceable Locations (“BSLs”) subject to enforceable commitments based on D.C. grants or loans. If necessary, the SBDEO will translate polygons or other geographic designations (e.g., D.C. Wards) describing the area to a list of Fabric locations. The SBDEO may submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.<sup>21</sup>

The SBDEO 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 SBDEO will reach out to the provider to verify the deployment speeds of the binding commitment. The SBDEO will document

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<sup>20</sup> The broadband funding map published by FCC pursuant to BIL § 60105 is referred to as the “FCC Broadband Funding Map.”

<sup>21</sup> 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.

this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

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

*See Appendix 1 for the attachment Existing Broadband Funding and Resources.*

## **Challenge Process Design**

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

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

### **Permissible Challenges**

The SBDEO will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the Eligible Entity;
- Community anchor institution BEAD eligibility determinations;
- BEAD eligibility determinations for existing broadband serviceable locations (“BSLs”);
- Enforceable commitments; or
- Planned Service.

### **Permissible Challengers**

During the BEAD Challenge Process, the SBDEO 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 SBDEO will include four phases, spanning up to 72 calendar days. All dates are tentative and contingent on NTIA's timeline for approving D.C.'s Initial Proposal Volume I.

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the SBDEO 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. D.C. OCTO's plans to publish the list of locations no later than March 1<sup>st</sup>, 2024.
2. **Challenge Phase:** During the Challenge Phase, the challenger shall submit the challenge through the SBDEO challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
  - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the SBDEO 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 21 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. This period will occur for 21 days from the time when OCTO publishes the list of eligible locations (tentatively March 1<sup>st</sup>, 2024, through March 22<sup>nd</sup>, 2024).
3. **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 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 (C) 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:** Providers will have 21 calendar days from notification of a challenge to provide rebuttal information to the SBDEO. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. This period will tentatively start on March 21<sup>st</sup>, 2024, and run through April 11<sup>th</sup>, 2024.
4. **Final Determination Phase:** During the Final Determination phase, the SBDEO will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
- a. **Timeline:** Following intake of challenge of challenge rebuttals, the SBDEO 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. This period will tentatively run from April 12<sup>th</sup>, 2024, through May 12<sup>th</sup>, 2024.

**D.C.’s tentative challenge process timeline:**

<b>Phase</b>	<b>Duration</b>	<b>Tentative start date</b>	<b>Tentative end date</b>
Challenge	21 calendar days	Friday, March 1 <sup>st</sup> , 2024	Friday, March 22 <sup>nd</sup> , 2024
Rebuttal	21 calendar days	Friday, March 22 <sup>nd</sup> , 2024	Thursday, April 11 <sup>th</sup> , 2024
Final Determination	30 calendar days	Friday, April 12 <sup>th</sup> 2024	Sunday, May 12 <sup>th</sup> , 2024

More information on the challenge process will be posted publicly on the on the SBDEO website (<https://www.techtogetherdc.com/>).

**Evidence & Review Approach**

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the SBDEO will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The SBDEO will document the standards of reviewers to document their justification for each determination. The SBDEO plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The SBDEO will also require that all reviewers maintain compliance with the D.C. Board of Ethics and Government Accountability’s comprehensive Code of Conduct.

To ensure that the challenge process standards of review are applied uniformly to all challenges submitted, the SBDEO staff and/or contractors responsible for intake,

processing, and adjudication of challenges will maintain operational autonomy from staff and/or contractors who may be submitting challenges on behalf of the District of Columbia acting in its role as the local governing body. Only SBDEO staff and contractors will support final determinations during the challenge process. No members of this team will submit challenges during the challenge process.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• A service request was refused within the last 180 days (<i>e.g.</i>, an email or letter from provider).</li> <li>• Lack of suitable infrastructure (<i>e.g.</i>, no fiber, no in-building wiring, no pole).</li> <li>• A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.<sup>22</sup></li> <li>• A letter or email dated within the last 365 days indicating that a provider requested more than the standard</li> </ul>	<ul style="list-style-type: none"> <li>• Provider shows that the location subscribes or has subscribed within the last 12 months (<i>e.g.</i>, with a copy of a customer bill).</li> <li>• If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</li> <li>• The provider submits evidence that service is now available as a standard installation (<i>e.g.</i>, via a copy of an offer sent to the location).</li> </ul>

<sup>22</sup> A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

			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.	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. <sup>23</sup>	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed (e.g., from their own network management system). <sup>24</sup>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms <sup>25</sup>	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms (e.g., from their own network management system or the CAF performance measurements). <sup>26</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• Service description provided to consumer.</li> </ul>	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without

<sup>23</sup> The challenge portal gathers information on the subscription tier of the household submitting the challenge. Speed challenges that do not change the status of a location must not be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.

<sup>24</sup> As described in the NOFO, a provider's countervailing speed test should show that 80 percent of a provider's download and upload measurements are at or above 80 percent of the required speed. *See Performance Measures Order*, 33 FCC Rcd at 6528, para. 51. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

<sup>25</sup> *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

<sup>26</sup> *Ibid.*

		("data cap") on the consumer. <sup>27</sup>		an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
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 (BDC) is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter).	Documentation that the provider 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 building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> <li>• Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.</li> <li>• Contracts or a similar binding</li> </ul>	Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.

<sup>27</sup>An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

			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>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.	
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. ( <i>See</i> 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. <sup>28</sup>	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI	Evidence that the location does not fall within the definitions of	Evidence that the location falls within the definitions of

<sup>28</sup> The resolution of a challenge cannot create new categories of CAI not reflected in Appendix 4, nor can it expand the objective standard by which D.C. identifies CAIs (*e.g.*, a challenge cannot find an entity to belong to the category *Health Clinic, Health Center, Hospital, or other Medical Providers* in the absence of a CMS Identifier).

		business, or is no longer in operation.	CAIs set by the Eligible Entity or is no longer in operation.	CAIs set by the Eligible Entity or is still operational.
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### Area and MDU Challenge

The SBDEO 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 within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.<sup>29</sup>

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, or 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.<sup>30</sup> 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 Hybrid-Fiber Coax (“HFC”) infrastructure or by subscriber information. For fixed wireless service, the challenge system will offer 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).<sup>31</sup> 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.

<sup>29</sup> 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.

<sup>30</sup> For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

<sup>31</sup> 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.

## Speed Test Requirements

The SBDEO must 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 following forms:

1. A reading of the physical line speed provided by the residential gateway (*i.e.*, Digital Subscriber Line (DSL) modem, cable modem for hybrid fiber-coax (HFC));
2. Optical Network Terminal (ONT) for fiber-to-the-home (FTTH), or fixed wireless subscriber module;
3. A reading of the speed test available from within the residential gateway web interface;
4. A reading of the speed test found on the service provider's web page; or,
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using [www.speedtest.net](http://www.speedtest.net).

Each speed test measurement must include:

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

Each group of three speed tests must include:

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

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

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (*i.e.*, the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a



location claims a broadband speed of 100 Mbps/25Mbps and the three speed tests result in download speed measurements of 105, 102, and 98 Mbps, and three upload speed measurements of 18, 26, and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

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

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. 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 is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule<sup>32</sup>, *i.e.*, 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to 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.

## **Transparency Plan**

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the SBDEO 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 on the SBDEO website, prior to opening the challenge submission window. The SBDEO also plans to actively inform all units of D.C. government of its challenge process and to set up regular touchpoints to address any comments, questions, or concerns from the D.C. government, nonprofit organizations, and Internet service providers. Through the TechTogether DC program, the SBDEO already maintains a robust list of broadband stakeholders that includes government, institutions of higher education, internet service providers, and the non-profit community. The SBDEO plans to use this list to proactively share information about the challenge process. Stakeholders who are not

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<sup>32</sup> The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

yet part of the TechTogether program can enter their information in the feedback form on the TechTogether DC website (<https://www.techtogetherdc.com/>). Stakeholders who submit the form may receive emails from the SBDEO on challenge process updates. Members of the public can engage with the SBDEO through a designated email address: [techtogether@dc.gov](mailto:techtogether@dc.gov). Further, the SBDEO plans to leverage the D.C. Register and social media to inform all relevant entities about the challenge process.

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

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

The challenge process information above will be posted on the TechTogetherDC website: <https://www.techtogetherdc.com/>.

All persons submitting information to the challenge process in any form must review their submission and clearly mark all personally identifiable information (“PII”) and all non-public proprietary information. Duplicates of the same document(s) with all PII removed should be submitted concurrently. The SBDEO will not knowingly publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses, and customer IP addresses. To ensure that all PII is protected, the SBDEO will make a reasonable effort to review the basis and summary of all challenges and rebuttals to ensure that 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 SBDEO will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistently with applicable federal law. If any of these responses 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 that is protected under applicable state privacy laws (*i.e.*, D.C. Freedom of Information Act, or FOIA), that information should be identified as privileged or confidential. It is the submitter’s responsibility to ensure that information has been identified as FOIA-exempt. Otherwise, the responses will be made publicly available.

**1.4.7 If the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outlined the proposed sources and requirements that will be considered acceptable evidence.**

N/A.



## Volume I Public Comment

**1.5.1 Text Box:** Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- a. The public comment period was no less than 30 days; and
- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

**1.5.1.a** D.C.'s public comment period for BEAD IP Volume I & II was held from November 16<sup>th</sup>, 2023, to December 19<sup>th</sup>, 2023. SBDEO experienced robust engagement from the public during this. For Volume 1, in aggregate, public comment submissions from a total of 8 organizations/individuals were received that represent a diverse array of stakeholders, including broadband service providers, non-profit organizations, and members of the general public. Comments encompassed all sections of the Initial Proposal. SBDEO thoughtfully reviewed relevant inputs, refining its Initial Proposal where applicable. To ensure transparency and accountability, a comprehensive tracker was prepared and attached hereto per NTIA guidance, detailing SBDEO's responses to each comment received.

A summary table is included below.

Category	Summary of public comments	DC SBDEO response
<b>Requirement 5 – Unserved and Underserved Locations</b>		
<b>Identified BSLs</b>	<p>1. Increasing transparency with respect to the “unserved” and “underserved” locations identified as the Appendices list locations, contain unreadable data and the identification of many hundreds of unserved units seems inconsistent with Federal Communications Commission (FCC) National Broadband Map (<i>Greater Washington Partnership</i>)</p>	<p>1. SBDEO appreciates Greater Washington Partnership’s engagement on the Initial Proposal Volume I. SBDEO followed National Telecommunications and Information Administration’s (NTIA) guidance in identifying each unserved location and underserved location in D.C., according to BIL’s technical statutory definitions of <i>unserved</i> and <i>underserved</i>, using the FCC National Broadband Map and the definition of reliable service based on the Broadband Equity Access and Deployment Program (BEAD) Notice of Funding Opportunity (NOFO). SBDEO followed NTIA guidance to submit unserved and underserved locations based on location IDs. Through the challenge portal, challengers can submit challenges to the eligible locations to help finalize the list of underserved and unserved locations. The FCC National Broadband Map allows individuals to identify the location ID for specific addresses.</p>
<b>Requirement 6 – Community Anchor Institutions (CAIs)</b>		

<p><b>Identified CAIs</b></p>	<ol style="list-style-type: none"> <li>1. Add additional community anchor institutions (<i>i.e.</i>, four charter schools and one library specified) (<i>Individual</i>)</li> <li>2. Narrowing the list of over 1200 “Community Anchor Institutions” as the list appears to capture many facilities with existing fixed fiber service at ultrahigh speeds (<i>Greater Washington Partnership, D.C. Digital Equity Coalition</i>)</li> <li>3. Evaluate community needs prior to classifying a Community Anchor Institution (“CAI”) as BEAD-eligible (<i>Comcast</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. In the D.C. Initial Proposal (IP) Volume I draft, SBDEO identified CAIs without 1 Gbps broadband access. CAIs not reflected on the list, to the best of SBDEO’s knowledge, currently have access to qualifying broadband service and are ineligible.</li> <li>2. SBDEO appreciates your engagement on D.C.’s IP Volume I. D.C. SBDEO performed multiple analyses to determine service availability. Further refinement with specific evidence is welcomed during the challenge process.</li> <li>3. SBDEO appreciates your engagement on D.C.’s IP Volume I. D.C. SBDEO’s decision on CAI categories is based on NTIA guidance and an SBDEO assessment of community needs.</li> </ol>
<p><b>Public Housing organizations</b></p>	<ol style="list-style-type: none"> <li>1. Update the IP’s CAI definitions to reflect NTIA’s broad definition of Public Housing organizations, which includes “any Department of Housing and Urban Development (HUD) - assisted housing organization” (<i>Preservation of Affordable Housing, Inc.</i>)</li> <li>2. Expand its definition of CAI: to augment the current definition of public housing organization to include publicly-funded and non-profit funded housing as well (<i>EducationSuperHighway</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. In the District of Columbia’s classification, affordable housing is classified within broadband serviceable locations (BSL) and not within CAIs.</li> <li>2. <i>See</i> response to 1.</li> </ol>
<p><b>Requirement 7 – Challenge Process</b></p>		

<p><b>Planned services</b></p>	<ol style="list-style-type: none"> <li>1. Require that planned service challenges be supported by either a binding commitment to build or evidence of substantial progress toward completing construction (<i>Verizon</i>)</li> <li>2. Adopt the final guidance’s evidentiary examples that allow planned service to be considered (<i>WISPA</i>)</li> <li>3. Modify the proposed evidentiary requirements for planned service challenges to clarify that submission of evidence of a construction contract, pole attachment license, or similar evidence of deployment (<i>Comcast</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. The SBDEO plans to use the acceptable evidence requirements provided in the NTIA BEAD Challenge Process Policy Notice. Examples of evidence include construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained and 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>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.</li> <li>2. <i>See</i> response to 1.</li> <li>3. <i>See</i> response to 1.</li> </ol>
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<p><b>Challenge Module</b></p>	<ol style="list-style-type: none"> <li>1. Recommend states' inclusion of NTIA's Area and Multiple Dwelling Unit (MDU) Challenge Module <i>(EducationSuperHighway)</i></li> <li>2. Exclude the proposed optional area and MDU challenges, which are insufficiently defined by the BEAD <i>(Comcast)</i></li> <li>3. Endorses Optional Module 2 as detailed in NTIA's BEAD Model Challenge Process, and encourages SBDEO to adopt Optional Module 2 and classify locations on DSL as "unserved" <i>(EducationSuperHighway)</i></li> <li>4. Recommends that all states' Volume Is to classify all cellular licensed fixed wireless as unserved <i>(EducationSuperHighway)</i></li> <li>5. Use the most current version of the National Broadband Map at the start of each challenge process <i>(WISPA)</i></li> <li>6. Support the NTIA's model 120-day challenge <i>(WISPA)</i></li> <li>7. Provide 45 days for challenge submissions followed by 45 days for rebuttals and requiring local governments/nonprofits to conduct a pre-screening process <i>(Comcast)</i></li> <li>8. Modify the proposed evidentiary requirements for challenges that a location is unserved by limiting evidence to that which has been collected within the last six months <i>(Comcast)</i></li> <li>9. Maintain flexibility about how confidential evidence and information is provided <i>(Comcast)</i></li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.'s IP Volume I. D.C. adopted the NTIA BEAD Model Challenge Process. SBDEO plans to administer area and MDU challenges for Challenge Types A, S, L, D, and T. <i>See</i> D.C. Initial Proposal Volume I for additional details.</li> <li>2. <i>See</i> response to 1.</li> <li>3. SBDEO appreciates your engagement on D.C.'s IP Volume I. At this time, SBDEO plans to adopt Optional Module 2 from the NTIA BEAD Model Challenge Process.</li> <li>4. SBDEO appreciates your engagement on D.C.'s IP Volume I. The BEAD NOFO's definition of "Reliable Broadband Service" includes terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum. SBDEO is bound by the NOFO's definition of reliable broadband. In the event that a location or group of locations served by Fixed Wireless fails to meet the speed and latency requirements for "served locations," qualified participants may contest the service availability of such locations through the challenge process.</li> <li>5. SBDEO appreciates your engagement on D.C.'s IP Volume I. SBDEO will follow the NTIA guidance on the specific map to use in the challenge process.</li> <li>6. SBDEO appreciates your engagement on D.C.'s IP Volume I. SBDEO's challenge process timeline follows NTIA guidance and will be contingent upon NTIA's approval of Initial Proposal Volume I. Approval timelines from the NTIA have not yet been specified.</li> <li>7. <i>See</i> response to 6.</li> <li>8. <i>See</i> response to 6.</li> <li>9. SBDEO appreciates your engagement on D.C.'s IP Volume I. SBDEO will ensure proprietary</li> </ol>
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		information remains confidential and encourages applicants to submit a For Public Inspection copy of any materials that contain proprietary information.
<b>Types of evidence</b>	<ol style="list-style-type: none"> <li>1. Concern about the types of evidence that will be considered acceptable for Code P rebuttals demonstrating planned service (<i>WISPA</i>)</li> <li>2. Recommends that Washington specify a single “preponderance of the evidence” standard (<i>WISPA</i>)</li> <li>3. Modify the proposed evidentiary requirements for availability challenge rebuttals to clarify that providers are able to provide additional, satisfactory forms of rebuttal evidence that service is available as a standard installation at a certain location (<i>Comcast</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. The SBDEO plans to use the evidentiary requirements provided in the NTIA Model Challenge Process.</li> <li>2. <i>See</i> response to 1.</li> <li>3. <i>See</i> response to 1.</li> </ol>
<b>Speed testing</b>	<ol style="list-style-type: none"> <li>1. Subject speed tests performed by Ookla to prior verification of the ISP’s then-current network topology (<i>WISPA</i>)</li> <li>2. Exclude the proposed optional speed tests from the challenge process (<i>Comcast</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. SBDEO plans to provide a list of acceptable sources of speed tests, as recommended by NTIA, and consistent with the NTIA’s BEAD Model Challenge Process.</li> <li>2. <i>See</i> response to 1.</li> </ol>
<b>Deduplication of funding</b>	<ol style="list-style-type: none"> <li>1. Support a robust deduplication process to eliminate waste (<i>WISPA</i>)</li> <li>2. Support SBDEO utilizing the final guidance’s two-phased process to deduplicate locations (<i>WISPA</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. SBDEO appreciates your engagement on D.C.’s IP Volume I. SBDEO plans to use the NTIA’s Eligible Entity Planning Toolkit to identify existing federal, state, and local enforceable commitments to deduplicate funding.</li> <li>2. SBDEO appreciates your engagement on D.C.’s IP Volume I. SBDEO plans to implement the NTIA’s final guidance’s two-phased process to deduplicate locations.</li> </ol>

**1.5.1.b** Outreach and engagement activities included the following:

- **Publication of Initial Proposal Volume I and II on D.C.’s broadband and digital equity websites.** SBDEO published the complete draft of IP Volume I & II on the Office

of the Chief Technology Officer (OCTO) website (<https://octo.dc.gov/>) and the TechTogether D.C. website (<https://www.techtogetherDC.com/bead-de-publiccomment>).

- **Publication of Initial Proposal Volume I and II in the D.C. Register.** The D.C. Register is the official weekly legal publication for the D.C. government and is regularly monitored by public companies, non-profits, and lobbyists. The Register includes D.C. laws, administrative rulemakings, notices, orders, and other items from the Council of the District of Columbia, the Mayor's executive agencies and independent agencies, charter schools, ANCs, and other official entities of the D.C. Government.
- **Press release on OCTO's website** announcing the opening of the public comment period (<https://octo.D.C.gov/release/D.C.-state-broadband-and-digital-equity-officer-sbdeo-opens-public-comment-bead-and-digital>).
- **Social media campaigns to promote the public comment period** through OCTO's LinkedIn, OCTO's X (Twitter), and Mayor Muriel Bowser's X (Twitter) accounts.

## **Appendices**

Appendix 1: BEAD Initial Proposal, Volume I, Existing Broadband Funding Sources Template.xlsx Existing Broadband Funding and Resources (XSLX file, BEAD Initial Proposal, Volume I, Existing Broadband Funding Sources Template.xlsx)  
Appendix 2: Unserved Broadband-Serviceable Locations (CSV file, unserved.csv)  
Appendix 3: Underserved Broadband-Serviceable Locations (CSV file, underserved.csv)  
Appendix 4: Community Anchor Institutions (CSV file, cai.csv)  
Appendix 5: De-duplication of Funding Programs (XSLX file, BEAD Initial Proposal, Volume I, De-duplication of Funding Programs Template.xlsx)