

# Broadband Equity Access and Deployment (BEAD) Grant Program



## INITIAL PROPOSAL VOLUME 1

## Initial Proposal Volume I: (Requirements 3, 5, 6, & 7)

This document is a draft of Volume I of the Broadband Equity, Access, and Deployment (BEAD) Initial Proposal and is being released for public comment in advance of its submission by the Governor's Office of Planning and Budget (OPB), the Eligible Entity for the State of Georgia, to the National Telecommunications and Information Administration (NTIA). The Georgia Technology Authority (GTA) has been designated by OPB to assist with BEAD planning efforts, including creating the Initial Proposal and conducting the state challenge process detailed within this document.

All are welcome to submit comments regarding this draft document. After submitted comments are received and considered, OPB will submit the final version of Volume I to NTIA for formal approval.

Comments regarding the draft should be submitted via GTA's website at <https://gta.georgia.gov/broadband> by 11:59 PM on Wednesday, October 18, 2023.

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# 1. Introduction

On behalf of the Governor’s Office of Planning and Budget (OPB), the Eligible Entity for the State of Georgia, the Georgia Technology Authority (GTA) is pleased to present this first volume of the BEAD Initial Proposal in alignment with NTIA’s BEAD challenge guidance to propose how the State of Georgia will meet all requirements of Volume I of the Initial Proposal.

This document represents one of four separate reports GTA is preparing for NTIA in compliance with the BEAD Notice of Funding Opportunity (NOFO). The other documents include Georgia’s Five-Year Action Plan, Initial Proposal Volume 2, and Final Proposal. (For more details, please see NTIA’s BEAD Program timeline, <https://broadbandusa.ntia.doc.gov/funding-programs/broadband-equity-access-and-deployment-bead-program/timeline>).

This document includes the following requirements outlined in the BEAD NOFO:

1. The document identifies existing efforts funded by the federal government or the State of Georgia within the jurisdiction of the State of Georgia to deploy broadband and close the digital divide (Initial Proposal Requirement 3).
2. The document identifies each unserved location and underserved location within Georgia, using the most recently published National Broadband Map as of the date of submission of the Initial Proposal, and identifies the date of publication of the National Broadband Map used for such identification (Initial Proposal Requirement 5).
3. The document describes how GTA has applied the statutory definition of the term “community anchor institution” (CAI), identified all eligible CAIs in Georgia, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if GTA proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which GTA determined that such category of CAI facilitates greater use of broadband service by vulnerable populations (Initial Proposal Requirement 6).
4. The document proposes a detailed plan as to how GTA will conduct a challenge process as required by NTIA and consistent with the draft challenge process guidance released by NTIA on June 28, 2023 (Initial Proposal Requirement 7).

GTA intends to run its challenge process after (1) NTIA approves this first volume of the Initial Proposal, and (2) GTA submits the second volume of its Initial Proposal, addressing all remaining

requirements of the Initial Proposal as described in NTIA's BEAD NOFO. This will enable GTA to maintain the timeline required by NTIA for the BEAD program.

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## 2. Existing broadband funding (Requirement 3)

This first volume of the State of Georgia BEAD Initial Proposal includes, consistent with NTIA requirements, descriptions of existing funding for broadband in Georgia.

Attached as Appendix 1 is a file that identifies:

1. Sources of funding.
2. A brief description of the broadband deployment and other broadband-related activities.
3. Total funding.
4. Funding amount expended.
5. Remaining funding amount available.

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### 3. Unserved and underserved locations (Requirement 5)

This first volume of the State of Georgia BEAD Initial Proposal includes, consistent with NTIA requirements, a list of all unserved and underserved locations in Georgia. Given the FCC's regular data updates, GTA anticipates that these lists will change again before it runs Georgia's Challenge Process for BEAD.

#### 3.2 Locations IDs of all unserved and underserved locations

Attached as Appendices 2 and 3 are two CSV files with the location IDs of all unserved and underserved locations, respectively.

#### 3.3 Publication date of the National Broadband Map used to identify unserved and underserved locations

The unserved and underserved locations identified in this document and its attachments are based on the August 29, 2023, publication date of the National Broadband Map. Consistent with NTIA guidance, that publication date of the National Broadband Map does not predate the submission of the Initial Proposal by more than 59 days.

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## 4. Community anchor institutions (Requirement 6)

This first volume of the State of Georgia BEAD Initial Proposal includes, consistent with NTIA requirements, a definition of “community anchor institution,” a list of community anchor institutions, and an analysis of the connectivity needs of the institution.

### 4.2 Definition of “community anchor institution”

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), GTA defines “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 and HUD-assisted housing organization), or community support organization that facilitates greater public 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): Whether the community support organization facilitates greater public 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 community anchor institutions:

1. **Schools:** This category includes all K-12 schools participating in the FCC E-Rate program or that have a National Center for Education Statistics (NCES) ID in the categories “public schools” or “private schools.”
2. **Libraries:** The list of libraries includes all those participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
3. **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals, and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
4. **Public safety entities:** The list of public safety entities includes fire houses, emergency medical service stations, and police stations, based on records maintained by the State of Georgia, and units of local government. Included in the list of public safety entities is also the list of public safety answering points (PSAP) in the FCC PSAP registry.

5. **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, Tribal colleges and universities, other universities, and other educational institutions.
6. **Public housing organizations:** Public housing organizations were identified by contacting the Public Housing Agencies (PHAs) for Georgia enumerated by the U.S. Department of Housing and Urban Development, as well as by contacting nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition, which maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).
7. **Community support organizations:** The list includes primarily non-profit organizations identified by the GTA, in the context of its multi-year broadband engagement work, that facilitate greater public use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.
8. **Other sources of data:** GTA also drew on state agency, county, and municipal resources to identify additional eligible community anchor institutions that were not contained in the data sources listed above. In addition, GTA will use the Initial Proposal Volume I public comment process to ensure that all relevant institutions meeting the CAI criteria are included.

### 4.3 Connectivity needs of defined CAIs

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, GTA undertook the following activities:

1. **Engaged government agencies:** GTA communicated with relevant state agencies to understand what records they have available regarding relevant community anchor institutions 1 Gbps broadband service availability. Specifically, GTA contacted the following agencies:
  - a. **Education:** GTA communicated with the Georgia Department of Education to confirm K-12 school locations and to understand which locations lack access to 1 Gbps symmetrical broadband service. GTA has determined that most of these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO; however, *preliminarily presumes as unserved* any CAI in this category that has a classroom high-speed internet percentage of less than 50 percent or is in a census block where the

highest speed available in that block per BDC data is less than 1000 Mbps (gig download speed).

- b. **Healthcare:** GTA communicated with the Georgia Department of Public Health and the Georgia Department of Community Health to confirm public health locations and to understand which public health facilities lack access to 1 Gbps symmetrical broadband service. GTA has determined that some of these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO and *preliminarily presumes as unserved* any CAI in this category that is in a census block where the highest speed available in that block per BDC data is less than 1000 Mbps (gig download speed).
  - c. **Libraries:** GTA communicated with the Georgia Public Library Service to confirm public library locations and to understand which libraries lack access to 1 Gbps symmetrical broadband service. GTA has determined that some of these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO and *preliminarily presumes as unserved* any CAI in this category that is in a census block where the highest speed available in that block per BDC data is less than 1000 Mbps (gig download speed).
  - d. **Public safety:** GTA communicated with the Georgia Department of Corrections, the Georgia Emergency Management Agency, and the Georgia Department of Public Safety to confirm public safety locations and understand which locations public safety facilities lack access to 1 Gbps symmetrical broadband service availability. GTA has determined that some of these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO and *preliminarily presumes as unserved* any CAI in this category that is in a census block where the highest speed available in that block per BDC data is less than 1000 Mbps (gig download speed).
2. **Engaged relevant umbrella organizations and nonprofits:** GTA engaged with umbrella and nonprofit organizations that work with community anchor institutions to determine CAI locations and to understand which locations lack access to 1 Gbps broadband service availability data. Specifically, GTA requested information related to availability needs from the member organizations across all geographic regions, including the following organizations: the Georgia Municipal Association (for municipal government locations), the Association of County Commissioners of Georgia (for county government locations), and the Georgia Association of Chiefs of Police (for local police locations).
  3. **Compile a list of CAIs that do not have adequate broadband service:** Using the responses received, GTA compiled the list of those CAIs that do not have adequate broadband service.

Attached as Appendix 4 is a CSV file with the relevant list of eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of GTA's knowledge. GTA notes that this current list is a draft and will use this public comment period along with the state challenge to include any additional CAIs that meet the eligibility requirements listed above.

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## 5. Challenge process (Requirement 7)

This first volume of the State of Georgia BEAD Initial Proposal includes, consistent with NTIA requirements, a detailed and rigorous proposed challenge process for development of the map under which BEAD grants will be evaluated and awarded by the State. The proposed challenge process, including all required elements, is described in detail below.

Adoption of NTIA Challenge Model

Yes

No

GTA plans to adopt the NTIA BEAD Model Challenge Process to satisfy Requirement 7 and to ensure that the State has a fair process following federal guidelines. Georgia will also adopt the BEAD Eligible Entity Planning Toolkit.<sup>1</sup>

### 5.1 Modifications to reflect data not present in the National Broadband Map: Types of modifications

GTA proposes the following modifications to the National Broadband Map as a basis for the Georgia State BEAD Challenge Process and the State's BEAD grant process.

GTA 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." 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.

### 5.2 Deduplication of funding: Use of BEAD Planning Toolkit for identifying enforceable commitments

Yes

No

GTA will use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

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<sup>1</sup> See [https://www.internetforall.gov/sites/default/files/2023-04/BEAD\\_Model\\_Challenge\\_Process\\_-\\_Public\\_Comment\\_Draft\\_04.24.2023.pdf](https://www.internetforall.gov/sites/default/files/2023-04/BEAD_Model_Challenge_Process_-_Public_Comment_Draft_04.24.2023.pdf).

### 5.3 Process description

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

- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
- Datasets from the State of Georgia broadband deployment programs that rely on funds from the American Rescue Plan Act (Capital Projects Fund and State and Local Fiscal Recovery Fund) administered by the U.S. Treasury.
- Datasets from Georgia local governments regarding any broadband deployments they have funded.

GTA will make its best effort to develop a list of broadband serviceable locations (BSLs) subject to enforceable commitments based on State and local grants or loans. If necessary, GTA will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. GTA will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

GTA will review its repository of existing state grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband infrastructure. In situations in which the program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, GTA will reach out to the provider to verify the deployment speeds of the binding commitment. GTA will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

GTA will draw on these provider agreements, along with its existing database on State of Georgia broadband funding programs' binding agreements, to determine the set of State of Georgia enforceable commitments.

### 5.4 List of programs analyzed

Attached as Appendix 5 is a CSV file with the relevant list of the federal and state programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

### 5.5 Challenge process design: Process description

This GTA plan is largely based on the NTIA BEAD Challenge Process Policy Notice and GTA's understanding of the goals of the BEAD program. The full process is designed to ensure a transparent, fair, expeditious, and evidence-based challenge process.

## Permissible challenges

GTA will allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by GTA in the Initial Proposal Volume I.
- Community anchor institution BEAD eligibility determinations.
- BEAD eligibility determinations for existing BSLs included in the FCC's National Broadband Map.
- Enforceable commitments.
- Planned service.

## Permissible challengers

During the BEAD Challenge Process, GTA will allow challenges from nonprofit organizations, units of local governments, Tribal Nations, and broadband service providers. [Note: The BEAD Notice of Funding Opportunity (NOFO) states that only nonprofit organizations, units of local and tribal governments, and broadband service providers may challenge the service availability during the Challenge Process. Citizens may work directly with any of these entities to submit their challenge data during this process].

## Challenge process overview

The challenge process conducted by GTA will include four phases, spanning up to 90 days, per the schedule of the NTIA model challenge process:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, GTA 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). GTA will also publish locations considered served, as they can be challenged. GTA tentatively plans to publish the locations on or before December 31, 2023, depending on the date of the November 2023 map release by the FCC.
2. **Challenge Phase:** During the Challenge Phase, challengers will submit the challenge through the State's challenge portal. All challenges will be made 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. At this time, the location will enter the "challenged" state.

- a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify the following:
    - i. That the address provided in the challenge can be found in the Fabric and is a BSL.
    - ii. That the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service.
    - iii. That the email address from which the challenge was sent is verifiable and reachable by sending a confirmation message to the listed contact email.
  - b. GTA will 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.
  - c. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial lists of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. The 30-day challenge submission period will tentatively run from January 2, 2024, to January 31, 2024.
3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area. Providers must regularly check the challenge portal notification method for notifications of submitted challenges.
- a. **Provider Options:** Challenged service providers will have the following options for action at this time.
    - i. **Rebut:** Rebuttals must be provided with evidence; at which time the challenged location or locations will enter the "disputed" state.
    - ii. **Leave Unrebutted:** If a challenge that meets the minimum level of evidence is not rebutted, the challenge will be considered conceded and sustained. This will result in transition of the challenged location(s) to the "sustained" state.



- iii. **Concede the Challenge:** In the event the challenged service provider signals agreement with the challenge, the challenge will be considered conceded and sustained. This will result in transition of the challenged location(s) to the “sustained” state.
  - b. **Timeline:** Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to GTA. The 30-day challenge rebuttal period will tentatively run from February 1, 2024, to March 1, 2024.
4. **Final Determination Phase:** During the Final Determination phase, GTA will make the final determination of the classification of the location(s) that remain in the disputed state, either declaring the challenge “sustained” or “rejected.”
  - a. **Timeline:** GTA will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. The 30-day final determination period will run from March 4, 2024, to April 2, 2024; however, this phase may end sooner if the state is able to finalize all determinations before this phase ends.

## Evidence and review approach

To ensure that each challenge is reviewed and adjudicated in a way that is fair to all participants and relevant stakeholders, GTA will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. GTA will:

- Document the standards of review to be applied in a Standard Operating Procedure.
- Require reviewers to document their justification for each determination.
- Ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted.
- Require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Table of challenge types, evidence examples, and permissible rebuttals

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• A service request was refused within the last 180 days (e.g., an email or letter from provider).</li> <li>• Lack of suitable infrastructure (e.g., no fiber on pole).</li> <li>• A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.<sup>2</sup></li> <li>• A letter or email dated within the last 365 days indicating that a provider requested more than the</li> </ul>	<ul style="list-style-type: none"> <li>• Provider shows that the location subscribes or has subscribed within the past 12 months, e.g., with a copy of a customer bill.</li> <li>• If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</li> <li>• The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.</li> </ul>

<sup>2</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.”

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
			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.	
S	Speed (only for fixed wireless subscribers)	The actual speed of the service tier falls below the unserved or underserved thresholds. <sup>3</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>4</sup>
L	Latency (only for fixed wireless subscribers)	The round-trip latency of the broadband service exceeds 100 ms. <sup>5</sup>	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms,

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

<sup>4</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>5</sup> Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
				e.g., from their own network management system or the CAF performance measurements. <sup>6</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>7</sup>	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• Service description provided to consumer.</li> </ul>	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from its network management system showing an appropriate residential gateway that matches the provided service.

<sup>6</sup> *Ibid.*

<sup>7</sup> An unreasonable capacity allowance is defined as a data cap that falls below the capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider has documentation that the service listed in the 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 has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by July 16, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> <li>• Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.</li> <li>• Contracts or a similar binding agreement between the State or SBO 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 July 16, 2024.</li> </ul>	Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
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 out in section 1.3. <sup>8</sup>	Evidence that the location does not fall within the definitions of CAIs set out in section 1.3 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 out in section 1.3 or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by set out in section 1.3 or is still operational.

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<sup>8</sup> For example, eligibility for FCC E-rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but GTA may rely on other reliable evidence that is verifiable by a third party.

## Area and MDU challenges

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

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

An MDU challenge requires challenges by at least three units or 10 percent of the unit count listed in the Fabric within the same broadband serviceable location, whichever is larger.

Each type of challenge and each technology and provider will be considered separately, i.e., 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 will be treated separately because they are likely to have different availability and performance.

Area challenges must be rebutted 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 customer subscribers. For fixed wireless service, the challenge must be rebutted with representative, random, samples of the area in contention, but no fewer than 10 data points in which the provider demonstrates service availability and speed (e.g., with a mobile test unit).<sup>9</sup>

## Speed test requirements

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

Speed tests can take four forms:

- 1 A reading of the physical line speed provided by the residential gateway, (i.e., wireless subscriber module).

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<sup>9</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.



- 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 webpage.
- 4 A speed test performed on a laptop or desktop computer **in the same room as the residential gateway**, using <https://www.speedtest.net/> or other Ookla-powered front ends or M-Lab's speed test services.

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 to which the customer subscribes (e.g., a copy of the customer's last invoice).
- An agreement, using an online form provided by GTA, that grants access to these information elements to GTA, any contractors supporting the challenge process, and the service provider.

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

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

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

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. 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>10</sup>, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 p.m. and 11 p.m. 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, GTA 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. GTA also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and internet service providers. GTA will work through the State’s Broadband Advisory Board, which includes the Georgia Municipal

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<sup>10</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.

Association, Association of County Commissioners of Georgia, internet service providers, and industry associations, to ensure that all stakeholders are aware of the challenge process. Additionally, relevant stakeholders can sign up on GTA's website at <https://gta.georgia.gov/broadband-mailing-list> for challenge process updates and newsletters. They can also engage with GTA at [broadband@gta.ga.gov](mailto:broadband@gta.ga.gov). Providers will be notified of challenges via email. Because of the State's robust mapping effort, GTA already has contact information for almost, if not every, provider in Georgia. If there are any providers that receive a challenge that GTA does not have current contact information for, GTA will work with industry associations, confer with the FCC and other state broadband offices, and review all publicly available contact information to ensure that the provider is contacted in an expeditious manner.

Beyond actively engaging relevant stakeholders, GTA 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).
- A summary of the challenge, including whether a provider submitted a rebuttal.

GTA 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, GTA 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.

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

Appendix 1: Descriptions of existing funding for broadband in Georgia

Appendix 2: Location IDs of all unserved locations

Appendix 3: Location IDs of all underserved locations

Appendix 4: List of eligible CAIs that do not currently have qualifying broadband service (1/1 Gbps)

Appendix 5: List of federal and state programs analyzed to remove enforceable commitments from the locations eligible for BEAD funding

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