

CONNECTING INDIANA

INITIAL PROPOSAL VOL 1



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1. Existing Broadband Funding (Requirement 3)

As part of Indiana’s Broadband, Equity, Access, and Deployment (BEAD) Five-Year Action Plan, the Indiana Broadband Office compiled and submitted data describing the many rounds of state and federal investment that have been used to deploy broadband and close the digital divide across the state. These many investments demonstrate the ongoing efforts to improve broadband access for every resident of Indiana.

Up-to-date information about these investments is provided below and in the attachment, titled “BEAD Initial Proposal_Volume I_Broadband Funding Sources.xlsx.”

1.1.1 Funding Sources

| Source | Purpose | Total | Expended | Available |
|--|--|---|------------------------------|--|
| Indiana Next Level Connections (NLC) Grant | NLC is a grant program designed to promote access to broadband service for all Hoosiers. NLC has awarded three rounds and is awarding a fourth round in early 2024. The first three rounds were funded by the American Rescue Plan Act (ARPA), while the fourth round will be funded by the Capital Projects Fund (CPF). | \$350 million | \$270 million | \$80 million |
| Rural Digital Opportunity Fund (RDOF) | RDOF Fund was a reverse auction aimed at bringing service to home and business within Census blocks where both voice and broadband speeds were below the threshold of 25/3 Mbps. | \$169,379,965 | \$169,379,965 | N/A – Federally administered |
| United States Department of Agriculture (USDA) ReConnect Loan and Grant Program | ReConnect is both a loan and grant program that provides funds for the construction, improvement, or acquisition of facilities and equipment to provide broadband service in rural areas. | \$5,956,600, based on approved applications | N/A – Federally administered | N/A – Federally administered |
| Federal Communications Commission (FCC) Connect America Fund (CAF) Phase II | The CAF provides funding to eligible telecommunications carriers to ensure that everyone in the United States has access to communications services comparable to those available in urban areas. | \$29.1 million | N/A – Federally administered | N/A – Federally administered |
| Department of Treasury Capital Projects Fund (CPF) | CPF funds are allocated to tackle challenges exposed by the pandemic with a particular emphasis on addressing the needs of rural America, tribal communities, and low- and moderate-income communities. The primary focus of these efforts revolves around enhancing broadband infrastructure. | \$203 million (including the \$80 million to be spent on NLC Round 4) | \$123 million | \$80 million (the funding for NLC Round 4) |

| Source | Purpose | Total | Expended | Available |
|--|---|-----------------|-----------------|------------------------------|
| Alternative Connect America Cost Model (ACAM) | ACAM provides funding to rate-of-return carriers that voluntarily elected to transition to a new model for calculating High-Cost support in exchange for meeting defined broadband buildout obligations. | \$78,675,196.66 | \$78,675,196.66 | N/A – Federally administered |
| FCC Rural Broadband Experiments (RBE) | The RBE awarded funding in price-cap areas to bring high-quality, scalable broadband to residential and small business location in rural areas. | \$37,695.60 | \$37,695.60 | \$0 |
| NTIA Enabling Middle Mile Broadband Infrastructure Program | The Enabling Middle Mile Broadband Infrastructure Program is a grant program enabling communities to build new backbone infrastructure. Indiana has received one award to Indiana Michigan Power Company, Inc. | \$11.68 million | \$11.68 million | \$0 |
| Indiana Governor’s Emergency Education Relief Fund (GEER) Grant | The GEER Grant, funded through the CARES Act, provided assistance to local educational agencies and institutions of higher education to enhance distance/remote learning capability. Some grant funds were used to increase connectivity. | \$62 million | \$62 million | \$0 |
| USDA Rural Utility Service Telecommunications Infrastructure Loan Program | The Telecommunications Infrastructure Loan Program offers financial assistance to eligible service providers that will construct, improve, or expand telecommunication and broadband networks in rural areas. | \$37,991,000.00 | \$37,991,000.00 | \$0 |
| CAF Broadband Loop Support | CAF BLS provides support for voice and broadband service, including stand-alone broadband. The fund helps carriers recover the difference between loop costs associated with providing voice and/or broadband service and consumer loop revenues. | \$65,672,000.00 | \$65,672,000.00 | \$0 |

2. Unserved and Underserved Locations (Requirement 5)

In accordance with the BEAD Notice of Funding Opportunity (NOFO), Indiana has identified each unserved and underserved location in its jurisdiction by consulting the Federal Communication Commission (FCC)'s National Broadband Map, available at broadbandmap.fcc.gov.

For the BEAD program, an **unserved** location is defined as a broadband-serviceable location (BSL) that either has no access to broadband service or only has access to reliable broadband service at speeds less than 25 Mbps download and 3 Mbps upload.

An **underserved** location is defined as a broadband-serviceable location that is not unserved but only has access to reliable broadband service at speeds less than 100 Mbps download and 20 Mbps upload.

In this list of unserved and underserved locations, Indiana is only considering broadband service provided through the following technologies:

- Fiber-optic technology
- Cable/modem hybrid fiber-coaxial technology
- Digital subscriber line (DSL) technology
- Terrestrial fixed wireless technology that utilizes a licensed spectrum

Broadband serviceable locations without access to these technologies will be considered unserved. For example, a location that is exclusively served by satellite will be considered unserved because satellite technology does not meet the criteria for reliability.

As of October 24, 2023, Indiana has identified 202,094 unserved broadband serviceable locations and 106,608 underserved broadband serviceable locations across the state.

1.2.1 Unserved Locations

A full list of location IDs for unserved BSLs is available in the attachment titled "unserved.csv."

1.2.2 Underserved Locations

A full list of location IDs for underserved BSLs is available in the attachment titled "underserved.csv."

1.2.3 Date Selection

Indiana utilized the FCC map as of October 24, 2023, which built on FCC Broadband Data Collection as of December 31, 2022.

3. Community Anchor Institutions (Requirement 6)

1.3.1 Community Anchor Institution Overview

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

The Indiana Broadband Office established criteria for inclusion in each group of community anchor institutions (CAIs) to ensure consistency, fairness, and the identification of as many eligible CAIs as possible. The following definitions and sources were used to identify the types of community anchor institutions:

Schools

The school group includes all public and private K-12 schools in Indiana. School data was compiled based on datasets created by the National Center for Education Statistics (NCES).

Libraries

The library group includes all public libraries and public library branches in Indiana and was provided by the Indiana State Library.

Health clinics, health centers, hospitals, or other medical providers

The healthcare group was identified through the Center for Medicare and Medicaid Services (CMS) Provider of Services file. This data is updated frequently as part of the CMS provider certification process and includes both hospital and non-hospital facilities. The Indiana Broadband Office included the following facility types in its CAI list:

- Hospitals,
- Federally qualified health centers,
- Nursing facilities,
- Skilled nursing facilities,
- Intermediate care facilities for individuals with intellectual disabilities,
- Rural health clinics,
- Hospices,
- Psychiatric hospitals,
- Comprehensive outpatient rehabilitation facilities and
- Urgent cares.

Public safety entities

The public safety group includes firehouses, emergency medical services stations, local law enforcement stations, and county seats of government. The Indiana Broadband Office did not include public safety answering points (PSAPs) in this category based on the desire to keep these

locations secure and unpublicized. However, the Indiana Broadband Office is working alongside Indiana’s Integrated Public Safety Commission (IPSC) to ensure that all PSAPs without sufficient broadband service are addressed through Indiana’s project areas.

The Indiana Broadband Office also included county seats of government in this category. County seats of government are the administrative headquarters for the county and may be a courthouse or another building, depending on the county. County seats consistently house county-level emergency response and management workers. The IBO chose to include county seats of government as public safety entities after conversations with the Indiana Department of Homeland Security confirming that significant public safety and emergency management activities occur at county seats. Further, the IBO heard this fact confirmed throughout its 5-Year Action Plan listening sessions. Indiana Code 10-14-3 emphasizes the state’s recognition of emergency response workers as a critical part of public safety. The public safety entity group was compiled using datasets from the Homeland Infrastructure Foundation-Level Data (HIFLD) database.

Institutions of higher education

The higher education group was compiled from the Integrated Post-Secondary Education System (IPEDS) in the HIFLD database. This dataset includes Doctoral/Research Universities, Masters Colleges and Universities, Baccalaureate Colleges, Associates Colleges, Theological seminaries, Medical Schools and other healthcare professions, Schools of engineering and technology, business and management, art, music, design, Law schools, Teachers colleges, Tribal colleges, and other specialized institutions.

Public housing organizations

The public housing organization group includes all public housing authorities in the state of Indiana, identified through the United States Department of Housing and Urban Development. As a point of clarification, only public housing authorities are considered community anchor institutions. However, all units of public housing that do not currently have adequate, reliable service will be identified and addressed as with all other unserved and underserved locations.

Community support organizations

The Indiana Broadband Office defines community support organizations as organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. Specifically, the IBO’s list of community support organizations includes job training centers, identified using the American Job Center Finder, and senior centers, identified using the resources from the National Council on Aging.

The Indiana Broadband Office acknowledges that a wide range of community anchor institutions exist and that the IBO is unlikely to have identified every CAI that meets the criteria established above. The Indiana Broadband Office encourages the public and permissible challenger groups to review the criteria provided here and the list of community anchor institutions published during the State Challenge Process to identify if any additional locations should be added.

To assess the network connectivity needs of the types of eligible community anchor institutions above, the Indiana Broadband Office:

- **Engaged government agencies** – The Indiana Broadband Office collaborated with several State of Indiana agencies to understand what records were available regarding relevant community anchor institutions and broadband service availability. This collaboration included

conversations with the Department of Workforce Development, the Department of Education, the Family and Social Services Administration, the Department of Homeland Security, the Indiana State Library, the Management Performance Hub, and the Indiana Office of Technology. Through these conversations, the Indiana Broadband Office collected information about community anchor institutions with known broadband connectivity needs.

- **Engaged relevant umbrella organizations and nonprofits** – The Indiana Broadband Office engaged with umbrella and nonprofit organizations that work with community anchor institutions to coordinate and obtain 1 Gbps broadband service availability data. Specifically, the IBO requested information about availability needs from the member organizations across all geographic regions. This engagement occurred throughout the 5-Year Action Plan process and the drafting of Volume 1. It included Indiana’s regional planning commissions, broadband task forces, broadband ready communities, local libraries, local school corporations, economic development commissions, and local non-profits throughout the state.
- **Facilitated early conversations around community anchor institutions during the 5-Year Action Plan process** – As part of the 5-Year Action Plan drafting process, the Indiana Broadband Office hosted 18 listening sessions across Indiana to hear about communities’ experiences with broadband and learn about local wants and needs. These listening sessions targeted broadband task force members, school system personnel, county commissioners, clerks, council members, community foundations, business and economic development leaders, city and town leadership, public library officials, agriculture community leadership, and local healthcare officials. During these sessions, the IBO facilitated conversations around community anchor institutions and solicited feedback about relevant CAIs in each community and their broadband connectivity needs.

1.3.2 Full List of Community Anchor Institutions

A list of Community Anchor Institutions that do not have qualifying service is available in the attachment titled “CAI.csv”.

4. Challenge Process (Requirement 7)

1.4.1 NTIA BEAD Model Challenge Process Adoption

The Indiana Broadband Office plans to adopt the NTIA BEAD Model Challenge Process.

1.4.2 Modifications

To best serve the needs of Indiana residents and ensure sustainable broadband service in the state, Indiana plans to undertake the following modification to the NTIA BEAD Model Challenge Process:

Optional module 2: Digital Subscriber Line (DSL) modifications

The broadband office 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.

1.4.3 BEAD Eligible Entity Planning Toolkit for Federal Enforceable Commitments

The BEAD Eligible Entity Planning Toolkit is a collection of NTIA-developed technology tools that, among other things, overlay multiple data sources to capture federal, state, and local enforceable commitments. The Indiana Broadband Office will utilize the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

1.4.4 Enforceable Commitment Identification and Removal

The Indiana Broadband Office 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 IIJA § 60105.
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. State of Indiana and local data collections of existing enforceable commitments.

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

The Indiana Broadband Office will review its repository of existing state and local broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy

broadband infrastructure. In situations in which the State of Indiana or local program did not specify broadband speeds or when there was reason to believe a provider deployed higher broadband speeds than required, the Indiana Broadband Office will reach out to the provider to verify the deployment speeds of the binding commitment. The IBO will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

1.4.5 State and Local Programs to be Analyzed

The Indiana Broadband Office has opted to use the BEAD Eligible Entity Planning toolkit, which includes all federal enforceable commitments to be analyzed and removed from the set of locations eligible for BEAD funding. In addition to these federal commitments, the Indiana Broadband Office will analyze and remove state and local programs. A list of all federal, state, and local programs is available in the attachment titled "BEAD Initial Proposal_Volume I_Deduplication of Funding Programs.xlsx."

1.4.6 Challenge Process Design

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

Permissible Challenges

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

- The identification of eligible community anchor institutions, as defined by the Indiana Broadband Office,
- 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 Indiana Broadband Office will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

Challenge Process Overview

The challenge process conducted by the Indiana Broadband Office will include four phases spanning 90 days:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the Indiana Broadband Office will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD

Challenge Process Policy Notice (e.g., administering the deduplication of funding process). The office will also publish locations considered served, as they may be challenged. The Indiana Broadband Office expects the publication of eligible locations to occur around February 1, 2024 (tentative date).

2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the Indiana Broadband Office challenge portal. This challenge will be visible to the service provider whose service availability and performance are being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about the timing of the provider’s response. After this stage, the location will enter the “challenged” state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge portal 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 Indiana Broadband Office will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
 - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. The Indiana Broadband Office expects the challenge phase to occur around the timeframe of March 1 to March 31, 2024 (tentative date).
3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. 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 at least 30 calendar days from the time a challenge is received to submit a rebuttal. However, the total possible rebuttal phase will last for 60 calendar days. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. The Indiana Broadband Office expects that the Rebuttal Phase will occur around the timeframe from March 1 to April 30, 2024 (tentative date). All provider rebuttals will be due by the end of the rebuttal phase.
4. **Final Determination Phase:** During the Final Determination phase, the Indiana Broadband Office will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
 - a. **Timeline:** Following the intake of challenge rebuttals, the IBO 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 Indiana Broadband Office expects that the Final Determination Phase will conclude around May 31, 2024 (tentative date).

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the broadband office will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The broadband office will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. The broadband office plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The broadband office will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations. Unless otherwise noted, “days” refers to calendar days.

| Code | Challenge Type | Description | Specific Examples | Permissible Rebuttals |
|------|----------------|--|--|---|
| A | Availability | The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU). | <ul style="list-style-type: none"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • Lack of suitable infrastructure (e.g., no fiber on pole). • A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.¹ • A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location. | <ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. • The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location. |

¹ 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.”

| | | | | |
|----------|-------------------------------|---|--|--|
| S | Speed | The actual speed of the service tier falls below the unserved or underserved thresholds. ² | 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. ³ |
| L | Latency | The round-trip latency of the broadband service exceeds 100 ms. ⁴ | 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. ⁵ |
| D | Data cap | The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ⁶ | <ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to consumer. | Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap. |
| 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 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). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above). | 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). |

² The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved.

³ 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.

⁴ Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

⁵ *Ibid.*

⁶ 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.

| | | | | |
|---|-------------------------------------|--|--|---|
| P | Planned service | The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment. | <ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. • Contracts or a similar binding agreement between the State of Indiana and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024. | Documentation 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. |
| N | Not part of enforceable commitment. | This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.) | Declaration by service provider subject to the enforceable commitment. | |
| C | Location is a CAI | The location should be classified as a CAI. | Evidence that the location falls within the definitions of CAIs set by the Indiana Broadband Office. ⁷ | Evidence that the location does not fall within the definitions of CAIs set by the Indiana Broadband Office or is no longer in operation. |
| R | Location is not a CAI | The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation. | Evidence that the location does not fall within the definitions of CAIs set by the Indiana Broadband Office or is no longer in operation. | Evidence that the location falls within the definitions of CAIs set by the Indiana Broadband Office or is still operational. |

Area and Multi-Dwelling Unit (MDU) Challenge

The Indiana Broadband Office will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, speed, latency, data cap

⁷ For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.

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 6 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 by at least 3 units or 10% 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 is 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 is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to 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 system will offer representative random, sample of the area in contention, but no fewer than 10, where the provider has to demonstrate service availability and speed (e.g., with a mobile test unit).

Speed Test Requirements

The Indiana Broadband Office will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
2. ONT (for 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.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway and using Indiana's speed test through Ready.net, available at ConnectingIndiana.com.

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).
- An agreement, using an online form provided by the State of Indiana, that grants access to these information elements to the State, 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. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed below 25/3 Mbps, this broadband service will not be considered to determine the status of the location. 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, 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 Indiana Broadband Office will, upon approval from NTIA, publicly post an overview of the challenge process phases, challenge timelines, and instructions on how to submit and rebut a challenge. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The Indiana Broadband Office 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. The IBO will identify permissible challengers by working with umbrella organizations, such as the Association of Indiana Counties, the Indiana Cable and Broadband Association, the Indiana Electric Cooperatives, the Indiana Rural Broadband Association, the

Wireless Internet Service Providers Association, and the Wireless Infrastructure Association. In its ongoing local coordination, the IBO has already compiled very significant contact lists for local government entities, nonprofit organizations involved in broadband and digital equity efforts, and internet service providers. Between its existing contacts and planned outreach through the Association of Indiana Counties and trade groups, the IBO is confident it will obtain appropriate and sufficient contact information across all permissible challenger groups.

Relevant stakeholders can also sign up on the Indiana Broadband Office website, www.in.gov/indianabroadband, for challenge process updates and newsletters. They can engage with the Indiana Broadband Office by a designated email address, ibopubliccomment@iot.in.gov.

The Indiana Broadband Office will utilize the Ready.net platform to streamline its challenge process and ensure robust communication with both challengers and providers. Challengers and providers will each register on the Ready.net portal and will be able to add multiple users with active email addresses for each organization. When a challenge is submitted, providers will be immediately notified via email to all users who have been added to the organization. Provider users will then be able to view the challenge on the challenge portal. Immediate notification of all challenges ensures that communication between the Indiana Broadband Office and participants in the challenge process will be transparent, open, and timely.

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

The Indiana Broadband Office will treat information submitted by an existing broadband service provider designated as proprietary and confidential, consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available. After undergoing a legal review process, the Indiana Broadband Office has confirmed there are no additional relevant state laws pertaining to the protection of personally identifiable information.

Volume 1 Public Comment

1.5.1 Public Comment Period

The Indiana Broadband Office posted Volume 1 of its Initial Proposal on the IBO website on October 6, 2023, to begin its public comment period. The IBO accepted comments on Volume 1 at the ibopubliccomment@iot.in.gov email address through November 6, 2023. This constitutes a public comment period of 31 days, fulfilling the NTIA’s 30-day requirement.

To increase awareness of the public comment period, the IBO promoted Volume 1 through several channels, including its website, continual social media posts throughout the 31 days, multiple targeted email campaigns to internet service providers, county commissioners, local government contacts, Indiana House and Senate legislative assistants and media contacts, former listening sessions attendees, broadband strategy stakeholders, Broadband Ready Community and broadband task force members, and Indiana Broadband Office newsletter subscribers, and at all conference, in-person meetings, and other events leading up to and during the public comment period.

The IBO received substantial engagement during the public comment process, including from members of the public, internet service providers, unions and labor organizations, trade groups, and non-profit organizations. Because the IBO conducted significant coordination, interviews, and listening sessions during its Five-Year Action Plan that gathered proactive input about the Initial Proposal, a large portion of the feedback was positive and supported Indiana’s draft Volume 1. Comments that contained feedback and suggested small changes fell into a few categories. These general categories and the changes that were made to Indiana’s Volume 1 of the Initial Proposal are detailed in the table below.

| Comment Area | Impact on Volume 1 |
|--|---|
| Clarity on Community Anchor Institution definitions | The IBO further clarified several of its definitions for community anchor institutions, including the difference between a public housing organization as a community anchor institution and public housing units that will be addressed through the subgrantee selection process along with other unserved and underserved locations. The IBO also added additional details to its definition of a community support organization to show alignment with the covered populations in the Digital Equity Program. |
| Provision of additional mapping and resources for Community Anchor Institutions before the State Challenge Process | Though it did not have a direct impact on Volume 1, the IBO received several comments about the Community Anchor Institution attachment being difficult to use. Because of these comments, the IBO will further consider how it releases Community Anchor Institution information ahead of the |

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| | State Challenge Process to ensure that permissible challengers have the information they need to prepare challenges. |
| Concern about the timing of the Challenge Phase and ability of permissible challengers to gather sufficient evidence in the limited time frame | Because several commenters expressed concern about their ability to conduct outreach, educate data gatherers, compile sufficient evidence, and submit challenges within 30 days of receiving Indiana’s map and list of eligible locations, the IBO adjusted its State Challenge Process to include posting the eligible locations a month ahead of the State Challenge Process. This change will afford permissible challengers additional time to review existing classifications and target their efforts towards areas they believe should be challenged ahead of the Challenge Phase beginning. |
| Concern about the timing of the Rebuttal Phase and ability of internet service providers to gather sufficient evidence in the limited time frame | To ensure participating internet service providers have sufficient time to provide evidence during the Rebuttal Phase, the IBO adjusted the timing of the phase to allow ISPs at least 30 days to respond to challenges, and as many as 60 days, depending on when the challenge is submitted. |



The mission of the Indiana Broadband Office is to assist residents in need of affordable and reliable broadband connectivity. This mission of reaching Hoosiers where they live, work and play is accomplished by communicating with stakeholders, providing resources to a diverse audience and leveraging established relationships with elected officials, associations and providers.