

Initial Proposal, Volume I

(REQUIREMENTS 3, 5-7)

Broadband Equity, Access, and Deployment (BEAD) Program

DRAFT Submitted for NTIA Review



ConnectALL Office
Empire State Development



State of New York

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Acronym Guide

Acronyms referenced more than once in this Proposal are defined below.

BEAD: NTIA’s Broadband Equity, Access, and Deployment Program, which will provide \$42.45B nationally for broadband infrastructure planning and implementation.

BSL: Broadband Serviceable Location, defined by the FCC as “a business or residential location...at which mass-market fixed broadband Internet access service is, or can be, installed.”

CAF: The Connect America Fund, administered by the FCC, which provides funds to subsidize the delivery of voice and broadband service across rural America.

CAI: Community Anchor Institution, defined by NTIA in the BEAD NOFO as “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.” See Section 3 for details on how CAO has applied this definition for New York State.

CAO: The ConnectALL Office, a division of Empire State Development, and New York State’s designated entity for receiving and administering BEAD Program funds.

DSL: Digital Subscriber Line, a family of technologies used to transmit data over telephone lines.

FCC: The Federal Communications Commission, responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable across the United States; administrator of the ACP and developer of the National Broadband Map.

GIS: Geographic Information System, a system that creates, manages, analyzes, and maps different types of data.

HFC: Hybrid Fiber Coaxial, a broadband transmission technology combining optical fiber and coaxial cable.

IP address: A unique numerical label used to identify devices using Internet Protocol (IP) to communicate over a network.

ISP: Internet Service Provider.

MDU: Multi-dwelling Unit, multiple separate residential units within a single or several buildings.

NCES: The National Center for Education Statistics, part of the U.S. Department of Education’s Institute of Education Sciences, that collects, analyzes, and publishes statistics on education in the U.S.

NOFO: Notice of Funding Opportunity; specifically, NTIA's Notice of Funding Opportunity for the BEAD Program.

NTIA: The National Telecommunications and Information Administration, administrator of the BEAD Program.

OPWDD: The New York State Office for People with Developmental Disabilities.

PII: Personally identifiable information, data that, when used alone or with other relevant data, can identify an individual.

PPPL: New York's Personal Privacy Protection Law (Public Officers Law, Article 6-A, §§91-99).

PSAP: Public Safety Answering Point, an entity responsible for receiving and processing emergency (9-1-1) calls.

Introduction

Introduction

The State of New York’s ConnectALL Office (CAO) hereby submits to the National Telecommunications and Information Administration (NTIA) the first volume of its Broadband, Equity, Access, and Deployment (BEAD) Initial Proposal.

This document represents one of four separate reports that CAO is preparing for NTIA in compliance with the BEAD Notice of Funding Opportunity (NOFO). The other documents include New York’s Five-Year Action Plan (submitted to NTIA on August 28, 2023), Initial Proposal Volume II, and Final Proposal.

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

1. The document identifies existing efforts funded by the federal government or the State of New York within the jurisdiction of the State of New York to deploy broadband and close the digital divide, including in Tribal Lands (Initial Proposal Requirement 3).
2. The document identifies each unserved location and underserved location within New York, including unserved and underserved locations in applicable Tribal Lands, using the most recently published National Broadband Map¹ 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 CAO has applied the statutory definition of the term “Community Anchor Institution” (CAI), identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, 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 CAO 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 CAO 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 CAO will conduct a Challenge Process as described in Section IV.B.6 of the BEAD NOFO (Initial Proposal Requirement 7).

¹ The National Broadband Map, referred to as the Broadband DATA Map in the BEAD NOFO, is the fixed broadband availability map created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).

CAO intends to run its Challenge Process after (1) NTIA approves this first volume of the Initial Proposal, and (2) CAO submits the second volume of its Initial Proposal, addressing all remaining requirements for the Initial Proposal as described in NTIA's BEAD NOFO. This will enable CAO to maintain the timeline required by NTIA for the BEAD Program—including the development of a Final Proposal. (For more details, see NTIA's BEAD Program timeline at their site: <https://broadbandusa.ntia.doc.gov/funding-programs/broadband-equity-access-and-deployment-bead-program/timeline>.)

1

Existing Broadband Funding (REQUIREMENT 3)

1 Existing Broadband Funding (Requirement 3)

This first volume of New York State’s BEAD Initial Proposal includes, consistent with NTIA requirements, descriptions of existing funding available for broadband in New York.

Attached as Appendix 1 is a file that identifies:

1. Sources of funding
2. For each source:
 - a. A brief description of the broadband deployment and other broadband-related activities
 - b. Total funding
 - c. Funding amount expended
 - d. Remaining funding amount available

Unserved and Underserved Locations (REQUIREMENT 5)

2 Unserved and Underserved Locations (Requirement 5)

This first volume of New York State’s BEAD Initial Proposal includes, consistent with NTIA requirements, a list of all unserved and underserved locations in New York, including in applicable Tribal lands.

2.1 Location IDs of All Unserved and Underserved Locations

CAO has used the data provided by the Federal Communications Commission (FCC), as required by NTIA, to identify initial lists of all unserved and underserved locations. The lists show 104,941 unserved locations and 13,033 underserved locations. The lists of the FCC Location IDs for unserved and underserved locations are included as Appendices 2 and 3, respectively.

2.2 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 December 12, 2023 publication of the National Broadband Map. Consistent with NTIA guidance, New York’s actual Challenge Process will use the most current available version of the National Broadband Map as of the time of initiation of the Challenge Process.

Community Anchor Institutions

(REQUIREMENT 6)

3 Community Anchor Institutions (Requirement 6)

CAO has defined “Community Anchor Institution” (CAI) for its Initial Proposal in a manner consistent with the requirements of the BEAD Program, the conditions in New York State, and the State’s vision and goals.

3.1 Definition of “Community Anchor Institution”

Blue text indicates deviations from NTIA model language.

Based on the statutory definition of “Community Anchor Institution” as defined in 47 USC 1702 (a)(2)(E), CAO 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 criterion was 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 use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, individuals with disabilities, and aged individuals.*

The following definitions and sources were used to identify the types of CAIs:

1. **Schools:** K-12 schools include 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.” *This category also includes State-Supported Schools, listed in §4201 of the New York State Education Law, for children with deafness, visual impairment, emotional disturbance, or multiple disabilities.*
2. **Libraries:** Including all *libraries identified by the New York State Library*; libraries participating in the FCC E-Rate Program; and all member libraries, and their branches, of the American Library Association (ALA).
3. **Health clinic, health center, hospital, or other medical providers:** Health clinics, health centers, hospitals and other medical providers include all institutions that have a Centers for Medicare and Medicaid Services (CMS) certification number (CCN). *CAO also included emergency cooling centers (as identified by the New York State Department of Health) in this category.*

4. **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, [evacuation centers](#), police stations, and public safety answering points (PSAPs), based on records maintained by the State of New York and units of local government. The list of PSAPs includes all PSAPs in the FCC PSAP registry.
5. **Institutions of higher education:** Institutions of higher education include all [institutions that are part of NYSERNet \(a nonprofit network service provider in New York offering advanced network and technology services to nonprofit, education, and research institutions²\)](#) and institutions that have an NCES ID in the category “college,” including junior colleges, community colleges, minority serving institutions, historically Black colleges and universities, other universities, or other educational institutions.
6. **Public and supportive housing and State residential facilities:** Public housing organizations were identified by [reviewing](#) the Public Housing Agencies in New York State enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD), [which CAO also consulted. Supportive housing locations are identified by the Supportive Housing Network of New York and the New York State Department of Health.³ Data on State residential facilities, which include all state-owned residential facilities under the jurisdiction of the Office for People with Developmental Disabilities \(OPWDD\) and the Office of Mental Health, was provided by OPWDD.](#)
7. **Community support organizations:** CAO included any organizations that facilitate greater use of broadband services by vulnerable populations, including low-income individuals, unemployed individuals, [individuals with disabilities](#), and aged individuals. CAO included [the following types of locations in this category:](#)
 - a. Senior centers
 - b. Job training centers

² For more information, see <https://www.nysernet.org>.

³ Supportive housing in New York State refers to nonprofit-operated, partially or wholly publicly-funded affordable housing properties with onsite services targeted toward vulnerable populations at risk of homelessness. Supportive housing programming varies but can include case management; educational, vocational, or other recovery-oriented services; medication management and counseling; assistance in accessing government benefits; medical or mental health care referrals, care, or treatment; and/or recommendations for other needed services. See <https://www.nyc.gov/site/doh/health/health-topics/housing-services-supportive-housing.page> for more information.

- c. Homeless shelters and other locations providing services for homeless individuals: Shelters and homeless service facilities are a critical resource for providing digital access to individuals who do not have reliable access to a home broadband subscription.
- d. Community organizations offering programming for individuals with disabilities (e.g., disability-specific community centers or Independent Living Centers): Such organizations have a unique understanding of the specific barriers to broadband access and use that are faced by the disability community and can offer support and training that is customized to these needs.
- e. Nonprofit-run organizations providing youth after-school programming: These are key locations for children and teens to access connectivity to complete schoolwork, especially for those without reliable broadband access at home.
- f. Nonprofit public computing centers: The primary purpose of these facilities is to facilitate free access to devices and connectivity for members of the public, as well as digital skills training and other resources.

The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. This database was accessed via the American Job Center Finder. The National Council on Aging helped identify senior centers. Other community support organizations were identified through the Office of Temporary and Disability Assistance and Office of Children and Family Services.

8. **Other sources of data:** In each case, CAO also drew on State, Tribal, county, and municipal resources to identify additional eligible CAIs that were not contained in the data sources listed above. In addition, CAO used the Initial Proposal public comment process to further refine its CAI definition. CAO received comments suggesting that homeless service facilities, disability service facilities, and after-school facilities be added to CAO’s CAI definition. CAO accepted these suggestions and incorporated these entities into its definition above. CAO additionally received comments suggesting that recreational facilities (such as gyms and playing fields), cultural institutions (such as museums and theaters), and solid waste authority facilities be added to CAO’s CAI definition. CAO determined that, although important community facilities, these locations do not play a significant role in facilitating greater use of broadband service, and so declined to add them to the State’s definition. CAO finally received a comment suggesting adding publicly- or nonprofit-funded affordable MDU housing properties to CAO’s CAI definition; CAO declined to add this category to its

CAI definition as CAO has recently launched a separate Affordable Housing Connectivity Program to address broadband needs in such locations.⁴

3.2 Connectivity Needs of Defined Community Anchor Institutions

Blue text indicates deviations from NTIA model language.

To assess the network connectivity needs of the types of eligible CAIs listed in Section 3.1 above, CAO:

1. **Engaged government agencies.** CAO reached out to State agencies to understand what records they have available regarding relevant CAIs' 1 Gbps broadband service availability. *Specifically, CAO contacted the following agencies:*
 - a. **Education:** CAO contacted the Education Department to determine which schools and libraries do not currently have access to 1 Gbps symmetrical broadband service or the minimum recommended by the State Educational Technology Directors Association in their Broadband Imperative III document: For districts with 1,000 or fewer students, 2.8 Mbps per user (student, teachers and educational staff); *2 Mbps per user* for districts with between 1,000 and 10,000 students; *and* for larger districts, 1.4 Mbps per user. CAO also reviewed NYSERNet data to determine the broadband availability for institutions of higher education. CAO has determined that many of these CAIs lack the symmetrical 1 Gbps broadband speeds required by the BEAD NOFO. CAO preliminarily presumes that this is the case for any CAI in this category located in a census block that does not have access to 1 Gbps (or greater) symmetrical service as based on the National Broadband Map; CAO conducted geographic information system (GIS) analysis to identify such locations.
 - b. **Healthcare:** CAO reached out to the Department of Health to determine which CAIs (e.g., State-run health clinics) lack 1 Gbps symmetrical broadband service. CAO has determined that many of these CAIs lack the symmetrical 1 Gbps broadband speeds required by the BEAD NOFO. CAO preliminarily presumes that this is the case for any CAI in this category located in a census block that does not have access to 1 Gbps (or greater) symmetrical service as based on the National Broadband Map; CAO

⁴ For more information, see <https://broadband.ny.gov/affordable-housing-connectivity-program>.

conducted geographic information system (GIS) analysis to identify such locations.

- c. Libraries:** CAO coordinated with New York State Library (part of the Education Department) to determine which libraries lack 1 Gbps symmetrical broadband service. CAO has determined that many of these CAIs lack the symmetrical 1 Gbps broadband speeds required by the BEAD NOFO. CAO preliminarily presumes that this is the case for any CAI in this category located in a census block that does not have access to 1 Gbps (or greater) symmetrical service as based on the National Broadband Map; CAO conducted geographic information system (GIS) analysis to identify such locations.
 - d. Public safety:** CAO reviewed all primary and secondary PSAPs based on the FCC 911 Master PSAP Registry to obtain 1 Gbps broadband service availability data. CAO has determined that these CAIs have the requisite symmetrical Gigabit broadband speeds as identified by the BEAD NOFO. CAO also reviewed information from the Department of Homeland Security and Emergency Services regarding evacuation shelters and determined that many lack the symmetrical 1 Gbps broadband speeds required by the BEAD NOFO. CAO preliminarily presumes that this is the case for any CAI in this category located in a census block that does not have access to 1 Gbps (or greater) symmetrical service as based on the National Broadband Map; CAO conducted geographic information system (GIS) analysis to identify such locations.
 - e. Other agencies:** CAO additionally contacted the Department of Civil Service, Department of Financial Assistance, Department of Financial Services, Department of Labor, Department of Public Service, Department of State, Council on Children and Families, Office for the Aging, Office of Child and Family Services, Office for People with Developmental Disabilities, Office of Mental Health, Office of Temporary and Disability Assistance, and Homes and Community Renewal for input when developing its CAI list.
- 2. Engaged Tribal Nations.** CAO engaged with representatives of the Cayuga Nation, Oneida Indian Nation, Onondaga Nation, Saint Regis Mohawk Tribe, Seneca Nation of Indians, Shinnecock Indian Nation, Tonawanda Band of Seneca, Tuscarora Nation, and Unkechaug Nation to coordinate and obtain symmetrical 1Gbps broadband service availability data. CAO has determined that many of these Tribal CAIs lack the symmetrical 1 Gbps broadband speeds required by the BEAD NOFO. CAO preliminarily presumes that this is the case for any CAI in this category located in a census block that does not have access to 1 Gbps (or greater) symmetrical service as based on the National Broadband Map; CAO conducted geographic information system (GIS) analysis to identify such locations.

- 3. Engaged relevant umbrella organizations and State agencies contracting with nonprofits.** CAO engaged with the NYS Community Action Association, Older Adults Technology Services from AARP, NYSErNet, the Supportive Housing Network of New York, and State agency members of the State’s Digital Equity Task Force to coordinate and obtain 1 Gbps broadband service availability data. These entities represent organizations across the state, many of them CAIs, that serve vulnerable populations.
- 4. Compiled list of CAIs that do not have adequate broadband service.** Using the responses received through the activities described above, CAO then compiled the list of those CAIs that do not have adequate broadband service, attached as Appendix 4.
- 5. Refined CAI list through public comment.** Some participants in CAO’s Initial Proposal public comment period (see Section 5) submitted information on entities to be added to the CAI list. CAO reviewed these entities to determine alignment with CAO’s CAI definition and added entities that fit the State’s definitions to the list in Appendix 4.

Challenge Process

(REQUIREMENT 7)

4 Challenge Process (Requirement 7)

This first volume of New York State’s BEAD Initial Proposal includes, consistent with NTIA requirements, a proposed Challenge Process for development of the map under which BEAD grants will be evaluated and awarded by CAO. The proposed Challenge Process, including all required elements, is described in detail below.

4.1 Adoption of NTIA Challenge Model

Yes

No

CAO plans to adopt the NTIA BEAD Model Challenge Process with modifications. CAO has designed the process to satisfy Requirement 7—as informed by NTIA’s Model Challenge Process and other NTIA guidance and with input from a wide range of stakeholders. New York will also adopt the NTIA BEAD Eligible Entity Planning Toolkit (“NTIA Toolkit”). The NTIA Toolkit contains information and data to inform CAO’s BEAD plans. CAO is using the NTIA Toolkit’s list of unserved and underserved locations, as well as the list of federal funding programs with enforceable commitments.

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

CAO plans to make the following modifications to the National Broadband Map to arrive at the final set of locations for New York State’s BEAD Challenge Process and CAO’s BEAD grantmaking.

4.2.1 DSL Modification

CAO will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via digital subscriber line (DSL) technology 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.

4.3 Deduplication of Funding: Use of BEAD Planning Toolkit for Identifying Enforceable Commitments

Yes

No

CAO will use the NTIA Toolkit to identify existing federal enforceable commitments.

4.4 Deduplication Process

CAO will enumerate locations subject to enforceable commitments by using the NTIA Toolkit, and consult at least the following data sets:

- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105;⁵
- Datasets 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. Department of the Treasury; and
- New York State and local data collections of existing enforceable commitments.

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

CAO 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 speed requirements, or when there was reason to believe a provider deployed higher broadband speeds than required, CAO will reach out to the provider to verify the deployment speeds of the binding commitment. CAO will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

4.5 List of Programs That Will Be Analyzed for Enforceable Commitments

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

⁵ The broadband funding map published by FCC pursuant to IIJA § 60105 is referred to as the "FCC Broadband Funding Map."

4.6 Challenge Process Design

This CAO plan is largely based on the NTIA BEAD Challenge Process Policy Notice and CAO'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.

4.6.1 Permissible Challenges

Blue text indicates deviations from NTIA model language.

CAO will only allow challenges on the following grounds:

- The identification of **new** eligible CAIs, as defined by CAO;
- **Challenges to CAO's** CAI BEAD eligibility determinations;
- BEAD eligibility determinations (i.e., whether a BSL is served, unserved, or underserved) for existing BSLs **included in the FCC's National Broadband Map**;
- **Existing** enforceable commitments **that will change a location's service status**;
- Planned service **deployments, not as part of an enforceable commitment, that will change a location's service status**; or
- **Speed test data, subject to the conditions specified in Section 4.6.7**

4.6.2 Permissible Challengers

During the BEAD Challenge Process, CAO will only allow challenges from nonprofit organizations, units of local and Tribal governments, and broadband service providers.

4.6.3 Challenge Process Overview

Blue text indicates deviations from NTIA model language.

Informal Challenge/Public Comment Phase: Prior to beginning the formal challenge process, CAO will make its online challenge submission portal available to eligible challengers and members of the public. Eligible challengers will be able to register in the portal and familiarize themselves with the system. Members of the public will be able to answer a series of questions about broadband service available at a given location, upload evidence to support a potential challenge, take and submit the results of a speed test, and/or submit a free text comment about the quality of their broadband service. This information submitted by the public will be made available to eligible challengers within the portal to review and potentially incorporate into formal challenges during the Challenge Phase (described below). CAO tentatively plans to launch this informal challenge/public comment phase by January 22, 2024.

The [formal](#) challenge process conducted by CAO will include four phases, spanning [95](#) calendar days:

1. **Publication of Eligible Locations:** Prior to beginning the [formal](#) Challenge Phase, CAO 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). CAO will also publish locations considered served, as they may be challenged. [CAO tentatively plans to publish its updated list of eligible locations by February 22, 2024.](#)
2. **Challenge Phase:** During the Challenge Phase, [challengers](#) will submit [challenges](#) through CAO’s challenge portal. [All challenges](#) will be visible to the service [providers](#) 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 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:
 - i. The address provided in the challenge can be found in the Fabric and is a BSL;
 - ii. The challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service;
 - iii. The email address [associated with the challenge](#) is [valid and reachable](#) by sending a confirmation message to the listed contact email; and
 - iv. For scanned images, whether the quality is sufficient to enable optical character recognition (OCR).
 - b. For availability challenges, CAO [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, CAIs, and existing enforceable commitments are posted. [Based on a tentative publication date of February 22, 2024, challenges will be due by March 23, 2024.](#) CAO will then require an additional five calendar days after the final challenge submission deadline to review all challenges against the “minimum level of evidence” standards described above before beginning the next phase.

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 (E) challenges. **Rebuttals must be provided with evidence, causing the location or locations to enter into the “disputed” state.** If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained **and will be transitioned to the “sustained” state.** A provider may also agree with the challenge and thus transition the location to the “sustained” state.
 - a. **Timeline:** Providers will be notified of their challenges within five calendar days of the end of the Challenge Phase, following CAO’s review and confirmation that each challenge meets the “minimum level of evidence” standards described above. Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to CAO. **Based on a tentative challenge submission deadline of March 23, 2024, rebuttals will be due by April 27, 2024.**
4. **Final Determination Phase:** During the Final Determination phase, CAO will make the final determination of the classification of the location(s) **that remain in the disputed state**, either declaring the challenges “sustained” or “rejected.”
 - a. **Timeline:** Following intake of challenge rebuttals, CAO 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. **Based on a tentative rebuttal due date of April 27, 2024, final determinations will be made by May 27, 2024.**

4.6.4 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, CAO will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. CAO 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. CAO plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. CAO will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

4.6.5 Table of Challenge Types, Evidence Examples, and Permissible Rebuttals

Blue text indicates deviations from NTIA model language.

Unless otherwise noted, “days” refers to calendar days.

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). <i>For CAI locations, Gigabit-level symmetrical service is not offered at the location.</i>	<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 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the past 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).

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
			<p>business days of a request.⁶</p> <ul style="list-style-type: none"> • 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. 	
S	Speed	The actual speed of the service tier falls below the	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

⁶ 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
		unserved or underserved thresholds. ⁷		network management system). ⁸
L	Latency	The round-trip latency of the broadband service exceeds 100 ms. ⁹	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 Connect America Fund (CAF) performance measurements). ¹⁰

⁷ The challenge portal will 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 subscribed-to service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location will 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.

⁸ As described in the NOFO, a provider’s countervailing speed test should show that 80% of a provider’s download and upload measurements are at or above 80% 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.

⁹ Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

¹⁰ Id.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ¹¹	<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 its network management system showing an appropriate residential gateway that matches the provided service.

¹¹ 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 or correspondence with provider indicating availability of business service only.	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). 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.	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by December 31, 2024 , without an enforceable commitment, or a provider is building out broadband offering performance beyond the	<ul style="list-style-type: none"> Construction contracts or similar evidence of ongoing deployment, along with evidence that all necessary permits have been applied for or obtained. If permits have been applied for but not yet obtained, provide a 	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

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
		requirements of an enforceable commitment.	<p>letter from county or municipal government or pole owner indicating that such permits are under review and noting the timeline for construction.</p> <ul style="list-style-type: none"> Affidavit or equivalent supporting the provider’s plan to build, including details of deployment progress to date and a confirmation that the provider is not seeking BEAD funds to complete the already-planned build. Contracts or a similar binding agreement between the State 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 	the required technology or performance requirements.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
			<p>federal grant program), including the expected date deployment will be completed, which must be on or before December 31, 2024. If such an agreement is not already in place at the time of the submitted challenge, the provider will be required to submit along with its challenge a statement indicating its willingness to enter into a binding agreement with CAO committing to complete the planned service deployment by this date.</p> <ul style="list-style-type: none"> • Letter from county or local government office confirming that construction has begun. 	
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to	Declaration by service provider subject to the enforceable commitment.	

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
		less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)		
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 CAO. ¹²	Evidence that the location does not fall within the definitions of CAIs set by CAO 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 CAO or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by CAO or is still operational.
G	CAI has access to	The location is a CAI and is currently shown by CAO to be lacking access to	<ul style="list-style-type: none"> • Screenshot of provider webpage showing availability 	<ul style="list-style-type: none"> • If the evidence was a screenshot and believed to be in

¹² 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 State may rely on other reliable evidence that is verifiable by a third party.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
	Gigabit service.	Gigabit-level symmetrical service, but does not have access to or subscribe to such service.	<p>of Gigabit-level symmetrical service.</p> <ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the past 12 months to Gigabit-level symmetrical service (e.g., with a copy of a customer bill). • 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). 	<p>error, a screenshot that shows no service availability.</p> <ul style="list-style-type: none"> • 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. • A letter or email dated within the last 365 days indicating that a provider requested more than the standard

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
				<p>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.</p>

4.6.6 Area and Multiple Dwelling Unit (MDU) Challenges

Blue text indicates deviations from NTIA model language.

CAO will administer area and MDU challenge 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 or MDU challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirements, respectively, for all locations it serves within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed in [Section 4.6.5](#) above.

An area challenge is triggered if six or more BSLs 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, for 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.¹³ 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 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 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-coaxial (HFC) infrastructure or by subscriber information). *If an ISP serves only part of the census block group, it may submit a rebuttal explaining such and providing rebuttal evidence with respect to all of its locations in the challenged blocks. CAO will resolve each challenge on a location-by-location basis.* For fixed wireless service, the challenge system will offer a representative, random sample of *no fewer than 10 locations* in the area in contention, where the provider must demonstrate service availability and speed (e.g., with a mobile test unit).¹⁴ For MDU challenges, the

¹³ For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

¹⁴ 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.

rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service for each unit.

4.6.7 Speed Test Requirements

Blue text indicates deviations from NTIA model language.

CAO 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 calendar days.

Speed tests can take the following forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), optical network terminal (for fiber-to-the-home), or fixed wireless subscriber module;
2. A reading of the speed test available from within the residential gateway web interface;
3. A reading of the speed test found on the service provider's web page; or
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using [the speed test tool embedded in CAO's challenge portal](#) or an NTIA-approved speed test application (i.e., [Ookla](#), [M-Lab](#), [Cloudflare](#), or [Netflix](#)).

Each speed test measurement must include:

- The time and date the speed test was conducted; and
- 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 CAO, that grants access to these information elements to CAO, 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 [will not be](#) 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 median 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 the speed tests can only be used to change the state of locations from “served” to “underserved,” only speed tests of subscribers that subscribe to tiers of at least 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 rule¹⁵, 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 p.m. and 11 p.m. local time will be considered as evidence for a challenge rebuttal.

¹⁵ 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.

4.6.8 Transparency Plan

Blue text indicates deviations from NTIA model language.

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, CAO 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. CAO also plans to actively inform units of local government of its challenge process and set up [office hours sessions and other](#) regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and ISPs. [CAO will reach local governments through direct outreach to county planners, members of the New York State Association of Regional Councils, leadership of Tribal Nations, Empire State Development's Regional Directors, the New York State Association of Counties, Association of Towns of the State of New York, and New York Conference of Mayors, among other entities. CAO will reach nonprofit entities through outreach to State agencies, public and nonprofit members of the Digital Equity Task Force, Digital Equity Coalitions, and intermediaries such as the New York State Community Action Association. CAO will inform ISPs of the challenge process through outreach to CAO's dozens of existing ISP contacts, as well as promotion through industry groups such as the New York State Telecommunications Association. Relevant stakeholders can visit CAO's website for challenge process updates at <http://broadband.ny.gov>. They can engage with CAO through a designated email address: \[ConnectALL@broadband.ny.gov\]\(mailto:ConnectALL@broadband.ny.gov\). \[Representatives of service providers approved through the challenger registration process will be notified of challenges to their service via email.\]\(#\)](#)

Beyond actively engaging relevant stakeholders, CAO 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 BSL;
- 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.

CAO 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, CAO 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.

CAO 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.

CAO is subject to the provisions of New York's Personal Privacy Protection Law (Public Officers Law, Article 6-A, §§91-99).¹⁶ The Personal Privacy Protection Law (PPPL) requires CAO to take certain steps to protect the privacy rights of individuals to whom State agency records pertain and to provide individuals with an opportunity to review and correct such records.

Under the PPPL: a) CAO shall maintain in its records only such personal information that is relevant and necessary to accomplish a purpose of CAO that is required to be accomplished by statute or executive order, or to implement a program specifically authorized by law; b) personal information will be collected, whenever practicable, directly from the person to whom the information pertains; and c) CAO will seek to ensure that all records pertaining to or used with respect to individuals are accurate, relevant, timely and complete.

Furthermore, under the PPPL: a) subject to certain exceptions, CAO shall, within five business days of a written request from an individual for a reasonably described record pertaining to that individual, provide access to the record; deny access in writing, stating the reasons for denial; or acknowledge receipt of the request in writing, stating the approximate date when the request will be granted or denied; b) within 30 business days of a request from an individual for correction or amendment of a record or personal information that is reasonably described and that pertains to the data subject, CAO shall either make the amendment or correction in whole or in part or inform the data subject in writing of the refusal to amend or correct the information, including the reason for refusing to make the amendment or correction; and c) no record containing personal information will be disclosed to third parties without the consent of the data subject unless the disclosure is made to individuals or entities as specified in the "Disclosure of Records" in the Procedures section of the PPPL or pursuant to a subpoena or other compulsory legal process.

¹⁶ See Public Officers Law, Article 6-A, §§91-99, available at <https://www.nysenate.gov/legislation/laws/PBO/A6-A> (last accessed Nov. 16, 2023).

Public Comment

5 Public Comment

Public comment on CAO's Initial Proposal, Volume I was accepted for 30 days, from November 6 to December 6, 2023. In response to public comments received, CAO made revisions to its Initial Proposal, Volume I including:

- Adding individual entities to the CAI list included as Appendix 4 and adding categories of entities to CAO's CAI definition in Section 3.1.
- Adding additional detail to the acceptable evidence for "planned service" challenges in and revising the deadline for completion of the planned service described in such challenges (Section 4.6.5).

The full record of public comments received and actions taken by CAO in response appears in the Local Coordination Tracker submitted as Appendix 2 to CAO's Initial Proposal, Volume II.

CAO conducted outreach and engagement activities to encourage awareness, participation, and feedback during the public comment period. Throughout the public comment period, the Initial Proposal and public comment forms were featured on CAO's website and were formatted for accessibility by screen reader. CAO and Empire State Development published a press release on November 7 to raise awareness of the Initial Proposal documents and public comment opportunity. CAO also collaborated with Empire State Development to post the Initial Proposal and public comment forms to social media platforms including Twitter, LinkedIn, and Facebook.

CAO shared the Initial Proposal, public comment forms, and press release with over 4,000 contacts via direct email outreach. This contact list consisted of individuals who have attended or indicated interest in stakeholder engagement activities undertaken by CAO during development of the Initial Proposal and State Digital Equity Plan. CAO conducted email and telephone outreach to Tribal Nations sharing a geography with New York to encourage participation in the process and offer consultations to discuss the Initial Proposal.

Within this public comment outreach, CAO invited key stakeholder groups to events to engage more deeply on topics relevant to those group and encourage public comment submissions. These events included a Virtual Forum for Planners from New York's Large Municipalities, Counties, and Regions and a Virtual Forum for Internet Service Providers. In total, these events attracted more than 180 participants. CAO posted slides and recordings of these events on its website.

CAO presented the Initial Proposal and encouraged public comment at meetings of the North Country Broadband Alliance, New York State Association of County Planners, and Empire State Development Regional Directors. CAO sponsored the Southern Tier 8 Upstate Rural Broadband Conference, at which ConnectALL's keynote centered on the Initial Proposal and public comment opportunity. CAO also convened the Broadband

Deployment Advisory Committee to discuss the Broadband Deployment and Digital Equity plans. These targeted discussions were attended by approximately 200 participants.

CAO also took the opportunity to share information about the Initial Proposal at public comment events focused on the State Digital Equity Plan. These events included a presentation to Digital Equity Coalition leaders in the New York State Digital Equity Network, two virtual town halls sponsored by the New York State Digital Equity Task Force, and a hybrid (in-person and virtual) event sponsored by New York City's Department for Youth and Community Development. These events were attended by 436 participants.

CAO also prepared materials to support Digital Equity Coalitions in facilitating events to solicit public comment within their regions, which included information on the Initial Proposal. The Coalitions held six meetings engaging more than 90 total participants across the state.

Appendix 1: Descriptions of Existing Funding for Broadband in New York

This appendix is presented as a separate file.

Appendix 2: Location IDs of All Unserved Locations

This appendix is presented as a separate file.

Appendix 3: Location IDs of All Underserved Locations

This appendix is presented as a separate file.

Appendix 4: List of Eligible CAIs That Do Not Currently Have Qualifying Broadband Service (1/1 Gbps)

This appendix is presented as a separate file.

Appendix 5: List of Federal and State Programs to Be Analyzed for Enforceable Commitments

This appendix is presented as a separate file.

Document Change Log

Version	Date Published	Summary of Changes
1.0	November 6, 2023	Initial publication for public comment
1.1	November 10, 2023	Added hyperlinks for all section and appendix cross-references throughout the document
1.2	December 21, 2023	Revised publication of Proposal as submitted to NTIA. Changes after public comment include: <ul style="list-style-type: none"> • Additions to the CAI definition in Section 3.1 • Revisions to challenge/rebuttal evidence in Section 4.6.5