
INTERNET FOR ALL

Initial Proposal – Volume 1 Template



U.S. Department of Commerce
National Telecommunications and Information Administration



BROADBAND OFFICE

Note: *This document is intended solely to assist recipients in better understanding BEAD Initial Proposal and the requirements set forth in the Notice of Funding Opportunity (NOFO) for this program. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific application requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.*

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Introduction

The South Carolina Office of Broadband Coordinator, more commonly referred to as the South Carolina Broadband Office (SCBBO), within the Office of Regulatory Staff (ORS), is pleased to provide for public comment, Volume 1 of the Broadband, Equity, Access, and Deployment (BEAD) Initial Proposal which is a requirement toward obtaining an additional \$551.5 million for investment in broadband-related projects throughout the State from the National Telecommunications and Information Administration (NTIA) as part of the Infrastructure Investment and Jobs Act (IIJA). Requirements pertaining to the BEAD program are outlined in the Notice of Funding Opportunity (NOFO).

The SCBBO has developed a BEAD 5-Year Action Plan which served as the foundation for the development of this Initial Proposal. Volume 1 of the Initial Proposal focuses on:

- 1) Identification of existing broadband deployment efforts,
- 2) Establishing a baseline of remaining unserved and underserved locations in the State,
- 3) Documenting Community Anchor Institutions (CAIs),
- 4) Providing a detailed plan for a Challenge Process that minimizes risk associated with duplication of facilities where high-speed Internet access may already exist or have been previously funded.

This document follows a template provided by the NTIA for compilation of Volume 1 of the Initial Proposal. For ease of use and overall readability of this document, template questions and guidance from the NTIA are italicized, blue and bold text represents SCBBO draft responses.

As part of the State's formal vetting process, a 30-day comment period has been initiated. It begins on October 30, 2023 and ends on November 30, 2023. Citizens, businesses, stakeholders, elected officials, non-profit organizations, and Internet Service Providers (ISPs) are all encouraged to review and comment on this document by visiting the SCBBO ORS website and filling out the comment form located at: <https://ors.sc.gov/broadband/investments/state/bead>.

Properly submitted comments will be reviewed, aggregated, and may be used to further refine the draft Initial Proposal prior to final submission. The BEAD Initial Proposal is due to NTIA by Dec. 27, 2023.

Volume I Initial Proposal Requirements

1.1 Existing Broadband Funding (Requirement 3)

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

The table below was referenced from the SCBBO 5-year action plan and provides a breakdown of Broadband funding for South Carolina including a description of the fund source, how the funds are being allocated, amounts expended, and funds that remain available for future investment at the time of this publication.

Source	Purpose	Total	Expended	Available
Federally Funded Programs Administered by the State				
US Department of Treasury: CARES Act, including CRF (Administered via State Broadband Act 142)	2020: Helped expand broadband access by initiating mapping, providing hot spots to students and through projects providing access to reliable high-speed broadband internet to enhance distance learning, telehealth, and other needs during the COVID-19 pandemic.	\$50,000,000	\$38,369,124	0 - \$11,630,867 in remaining funds were reallocated to other state agencies.
US Department of the Treasury: ARPA – <u>State and Local Fiscal Recovery Fund (SLFRF)</u> <u>Capital Projects Fund (CPF)</u>	2022: ARPA broadband funds shall be used to expand broadband infrastructure to households, businesses and communities in the state that are unserved or underserved and must be awarded through competitive grants.	\$400,000,000 SLFRF: \$214,234,345 CPF: \$185,765,655	\$154,574,520 SLFRF Misc: \$24,122 SLFRF ADGP: \$25,193,087 CPF: \$143,994	SLFRF: \$34,442,616 CPF: \$185,621,661
State-Funded Program				

<p>SC Department of Commerce: <u>Rural Broadband Grant Program (RBGP)</u></p>	<p>2021: South Carolina Joint Bond Review Committee approved \$30m to be allocated by a competitive grant program to expand broadband availability in rural areas of need.</p>	<p>\$30,000,000</p>	<p>\$27,689,863 (includes internal ORS expenses)</p>	<p>\$2,310,137</p>
<p>State Fiscal Year 21–22 Appropriations Act: CARES II</p>	<p>2021: Funding created the SCBBO, expanded mapping efforts and extended funding opportunities to companies that deployed broadband in specific areas of need, with priority given to unserved homes, businesses, schools, healthcare facilities and other institutions in rural communities and communities across SC with a lack of access to broadband. Some of these funds were also used towards the Starlink Pilot Program which introduced 20 devices in rural areas across the state in collaboration with the SCDE.</p>	<p>\$8,794,869</p>	<p>\$8,629,961 (includes internal ORS expenses)</p>	<p>\$164,908</p>
<p>State Fiscal Year 21–22 Appropriations Act: CARES II, LMGP</p>	<p>2021: A pilot project, for residential homes with students, that focused on reaching consumers in areas that are generally considered served but are still without access due to the cost of delivering service to the home.</p>	<p>\$1,205,131</p>	<p>\$1,205,131</p>	<p>\$0</p>
<p>Federally Funded Programs Administered by Federal Agencies</p>				

<p>FCC – Affordable Connectivity Program and Outreach Program</p>	<p>Provides a discount of up to \$30 per month toward internet service for eligible households and up to \$75 per month for households on qualifying tribal lands. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer or tablet. As of August 7, 2023, South Carolina has 370,042 subscribed households.</p>	<p>\$400,000 for ACP outreach and enrollment activities to the SCBBO</p> <p>\$374,947 to Palmetto Care Connections</p>	<p>\$0</p>	<p>\$400,000 – SCBBO;</p> <p>\$374,947 – Palmetto Care Connections</p>
<p>FCC – Rural Digital Opportunity Fund Phase I</p>	<p>Fund supports FCC efforts in bridging the digital divide. On August 1, 2019, the FCC adopted an NPRM proposing to establish the \$20.4b Rural Digital Opportunity Fund to bring high-speed fixed broadband service to rural homes and small businesses that lack it.</p>	<p>\$121,245,987 (over 10 years)</p>	<p>Unknown</p>	<p>Unknown</p>
<p>FCC USF – E-Rate Universal Service Program for Schools and Libraries</p>	<p>Makes telecommunications and information services more affordable for schools and libraries. E-Rate provides discounts for telecommunications, internet access and internal connections to eligible schools and libraries.</p>	<p>Varies</p>	<p>Varies</p>	<p>Varies</p>

<p>FCC USF – Healthcare Connect Fund Program</p>	<p>The Healthcare Connect Fund Program provides subsidy reimbursements for up to 65% of eligible broadband expenses for eligible healthcare providers. In January 2021, <u>Palmetto Care Connections (PCC)</u> received more than \$17m in broadband subsidies for the period of 2019 through 2022.</p>	<p>\$23,327,368</p>	<p>\$23,327,368</p>	<p>\$0</p>
<p>FCC – Emergency Connectivity Fund (ECF)</p>	<p>The FCC's Emergency Connectivity Fund (ECF) is an over \$7 billion program aimed at helping schools and libraries provide services to their communities to support remote learning and costs of devices and services. reasonable costs of devices including laptops, tablets, Wi-Fi hotspots, modems, and routers. In South Carolina, the School District of Pickens County (SDPC) was awarded almost \$4m in equipment and \$2.8m in services.</p>	<p>\$6,774,653 to Pickens County School District \$3,988,550 (Equipment) \$2,786,103 (Services)</p>	<p>Unknown</p>	<p>Unknown</p>

USDA – ReConnect Loan and Grant Program	Furnishes loans and grants to provide funds for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas.	\$24,000,000 (\$12,000,000 each for Bamberg and Orangeburg Counties).	\$0	\$24,000,000
NTIA – Connecting Minority Communities	Announced February 27, 2023, more than \$175m in Internet for All Grants have been awarded to 61 minority-serving colleges and universities across the US.	\$5,892,907 Benedict College has been awarded \$2,893,457. Clafin University has been awarded \$2,999,450	N/A	N/A
NTIA – TBC	South Carolina’s Catawba Indian Nation was awarded \$900,578 on June 23, 2022, for a broadband use and adoption project that will provide free or reduced-cost broadband service to 1,790 Native American tribal households in Rock Hill, SC.	\$900,578	\$900,578	\$0
IJA – Internet for All Planning Grant	Preparing BEAD and DEA plans for the deployment and adoption of affordable, equitable, and reliable high-speed internet service throughout the state.	\$5,953,479 BEAD: \$5,000,000 DEA: \$953,479	Fully committed to contractors and ORS internal staff	\$0
Enhanced ACAM (E-ACAM)	Announced August 30, 2023, the program extended the A-CAM program by 10 years to promote the widespread deployment of 100/20 Mbps broadband across areas served by A-CAM recipients and rate-of-return carriers eligible to receive legacy support.	Unknown	Unknown	Unknown

1.2 Unserved and Underserved Locations (Requirement 5)

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

Instructions:

The Eligible Entity is required to identify each unserved location under the jurisdiction of the Eligible Entity (including unserved locations in applicable Tribal Lands) using the Most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file must contain the location IDs of unserved locations (named “unserved.csv”) and must be a single-column file.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

The SCBBO will upload in CSV format location IDs for all unserved Broadband Serviceable Locations (BSLs) using the FCC National Broadband Map Data.

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

Instructions:

The Eligible Entity is required to identify each underserved location under the jurisdiction of the Eligible Entity (including underserved locations in applicable Tribal Lands) using the most recently published National Broadband Map as of the date of submission of the Initial Proposal. The CSV file must contain the location IDs of underserved locations (named “underserved.csv”) and must be a single-column file.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

The SCBBO will upload in CSV format location IDs for all underserved Broadband Serviceable Locations (BSLs) using the FCC National Broadband Map Data.

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

Instructions:

Only the first edition of the National Broadband Map in each month can be selected. The publication date of the National Broadband Map cannot predate the submission of the Initial Proposal by more than 59 days.

To accommodate this requirement, the SCBBO will download from the Federal Communications Commission (FCC), Broadband Data Collection (BDC) information as of June 30, 2023, which is anticipated for release by November 2023. Utilizing FCC BDC June 30, 2023, ensures the SCBBO is utilizing the latest information representing broadband serviceable locations (BSLs, v3 Fabric) and availability in the State.

Upon approval of the Initial Proposal, the SCBBO intends to utilize FCC BDC December 31, 2023, for the BEAD Challenge which will include v4 of the FCC BSL fabric and is expected to be released in May 2024.

1.3 Community Anchor Institutions (CAIs) (Requirement 6)

1.3.1 **Text Box:** Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.

Instructions:

The Eligible Entity must include:

- a. A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution” and identified all eligible CAIs (i.e., “a community anchor institution that lacks access to Gigabit-level broadband service”) in its jurisdiction and in applicable Tribal Lands.

The SCBBO applied the statutory definition of the term “community anchor institution” to follow the series of categories as defined in the BEAD Model Challenge Process guidance document with the exception of facility locations identified in subsections of this narrative that do not directly facilitate greater use of broadband service by vulnerable populations.

Definition of a CAI:

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

The following categories and sources were further refined and used to identify the types of community anchor institutions:

- Schools - Public K-12 schools participating in the FCC E-Rate program or public that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”, or as designated by the SC Department of Education (SCDOE).
- Libraries - Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA) or as designated by the SC State Library system.
- Local, State, and Tribal government buildings - State or tribal government buildings were identified by consulting state, territorial,

or tribal records. Examples include public housing and county/municipal facilities that meet the definition outlined above.

- **Health clinic, health center, hospital, or other medical providers** - The list of Rural health clinics, Rural health centers, hospitals, and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
- **Public Safety Entity** - The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry.
- **Institutions of Higher Education** - Institutions of higher education include all institutions that have an NCES ID in the category “college”, including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.
- **Community Support Organizations** - The Eligible Entity includes facilities like senior centers, job training centers, after school programs, and non-profit centers that support vulnerable populations that is currently active, existed over the last 12 months, and would facilitate greater use of broadband service should an award be made. As prescribed in the NTIA template for upload of CAI’s and more specifically Community Support Organizations, facilities which are included as part of this category must provide justification for its inclusion and how they meet the definition of a CAI, which will be evaluated by the SCBBO before and during the challenge process. Some information was available for public download through the Internet, for example, 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. The database was accessed through the American Job Center Finder.

As part of the BEAD Five-Year planning process, the SCBBO launched a county/municipal government-focused broadband survey in which local jurisdictions self-reported connectivity at a facility level. The initiative was called “GetConnectedSC” and is available at <https://getconnectedsc.org>. In addition, the SCBBO also aggregated the best available GIS location data, by category, from numerous data sources. A secondary CAI form has been published on the ORS website under the BEAD program webpage to allow for the inclusion of any additional CAI facilities that may have been missed by any other outreach mechanism.

Where survey responses were limited, facility lists were disseminated as baseline “best available information” in Microsoft Excel format to a cross-section of stakeholders under each associated category to provide additional attribution on the status, need, and availability of Broadband service for a given location. The SCBBO also requested each CAI provide the name of their current provider, the type of Broadband technology currently deployed at their facility, and any back up technology/plan if available.

Stakeholders were encouraged to review and work with institutions to add any missing CAIs. The SCBBO held stakeholder meetings and attended non-profit conferences to provide an overview of the data being requested, the office described how the data would be used to support the BEAD Challenge Process and discussed the State’s approach for providing access to eligible CAIs that lack 1Gbps symmetric speed or higher through the BEAD program.

Upon receipt, data were reviewed and verified for completeness and attributed further with the FCC location ID for the corresponding structure within the Broadband Serviceable Location (BSL) fabric when available. One revelation that occurred through this process was that most community anchor institutions were not able to easily identify the level of service that was available beyond the information provided on their Internet bill.

In those instances where fiber or cable technology were listed, the SCBBO assumed the CAI had access to a minimum of 1 Gbps symmetric service. As an additional measure to verify the quality of data values input around availability for each CAI, the SCBBO provided a copy of the interim dataset file to all providers in the State to cross reference those facilities which were reported as being served by their respective organization, feedback from ISPs were evaluated and discussed, updates were made accordingly.

- b. A description of how the Eligible Entity assessed the needs of eligible CAIs, and of what types of CAIs the Eligible Entity intends to receive service under the BEAD Program.*

The SCBBO provided a baseline of CAI locations in Microsoft Excel format to stakeholders representing CAI institutions and associated categories. Many of the stakeholders identified in this Initial Proposal currently serve on the South Carolina Broadband Advisory Council (BBAC) and engage with the SCBBO on a regular basis. Representatives of CAI’s were able to self-report the status of broadband connectivity needs, as it pertained to their structures, to the stakeholders. The SCBBO continued to use those same entities as a resource for assisting in the determination of operational needs pertaining to adequate broadband connectivity. Representatives were also able to contact the SCBBO

office directly with any additional questions about their facility, the office provided supplemental support when requested.

The SCBBO used the statutory guidance of 1Gbps symmetric service to establish foundational needs for all CAIs acknowledging some facilities may have greater demand than the baseline service thresholds established by NTIA. For example, of noted disparity are larger sized K-12 schools throughout the state. Discussions with the South Carolina State E-Rate Coordinator, the South Carolina Department of Education, as well as representatives from ClassLink, a company dedicated to serving as a resource for e-learning across 32 countries, indicated 1Gbps service is likely inadequate for medium to larger schools with a student body present at the facility relying on Internet connectivity as part of their curriculum and testing regimes.

Those CAI facilities that do not have access to reliable 1Gbps symmetric service would be eligible to apply for funds under the BEAD program administered by the SCBBO and shall be included as the required CSV file for item 1.3.2 of this Initial Proposal. Prioritization includes supporting those CAIs that serve the greatest community need that facilitates greater use of broadband service in support of vulnerable populations from a safety, emergency response, and preparedness perspective that currently have no service, followed by CAIs that are underserved with less than 1Gbps service currently available at a facility location. Preliminary indications are that fire departments and police stations in rural areas throughout the State typically lack access to 1 Gbps or greater service.

Below is a comprehensive list of agencies and organizations contacted by the SCBBO which were leveraged to identify and assess the network connectivity needs of CAIs throughout the State:

Engaged Government Agencies

- **South Carolina Emergency Management Division (EMD)**
- **South Carolina Revenue and Fiscal Affairs Office (RFA)**
- **South Carolina Law Enforcement Division (SLED)**
- **South Carolina Department of Public Safety**
- **South Carolina E-Rate Office**
- **South Carolina Department of Health and Environmental Control (DHEC)**
- **South Carolina Geographic Information Council (GIC)**
- **South Carolina Department of Administration**
- **South Carolina Department of Labor, Licensing, and Regulation (LLR)**
- **Charleston County**
- **South Carolina Commission on Higher Education**
- **South Carolina State Library System**

- South Carolina Office on Aging
- South Carolina Department of Social Services

Engaged Relevant Umbrella Organizations and Non-Profits

- TogetherSC
- Rural Health Centers
- South Carolina Association of Counties

- c. *A description of the categories of institutions proposed as CAIs, including during the public comment period, if any, that the Eligible Entity considered but declined to classify as an eligible CAI, and a description of the basis on which the Eligible Entity determined that such category of CAI does not facilitate greater use of broadband service by vulnerable populations.*

Despite public comments that advocated for the inclusion of houses of worship, chambers of commerce, and small business associations to be classified as community anchor institutions, the SCBBO decided that these proposed categories of institutions do not match the definition for community anchor institutions, and thus will not include these specific types of facilities.

While these institutions play a vital role in our communities, the SCBBO could not justify the notion that community support organizations within these categories facilitate greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the formerly incarcerated, and aged individuals in a universal manner.

However, if through the course of day-to-day operations, a house of worship, chamber of commerce, or small business association has served in a direct capacity over the last 12 months as a community support organization, as defined by this category, the SCBBO would accept supplemental documentation and/or evidence to substantiate this claim and would consider its inclusion as a CAI during the BEAD challenge process.

For example, a house of worship that also includes an afterschool care program which has been in place and active for a minimum of 12 continuous months, the SCBBO would accept that such an organization appropriately fits under the category of a Community Support Organization and upon receipt and verification of evidence, that for example, the facility provides digital skills training to the children at the facility, would be accepted as a CAI.

- d. *If the Eligible Entity 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 the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.*

The SCBBO does not intend to include any additional categories and/or institutions other than those referenced in Section 60102(a)(2)(E) of the Infrastructure Act, excluding those categories of institutions previously identified herein.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

**Section 60102(a)(2)(E) of the Infrastructure Act cites CAIs categories 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, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.*

- 1.3.2 **Attachment:** *As a required attachment, submit the CSV file (named cai.csv) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity’s knowledge.*

Instructions:

The Eligible Entity must submit a CSV file with a list of eligible CAI locations identified within the jurisdiction of the Eligible Entity, using the data format provided by NTIA. The Eligible Entity must complete all mandatory fields in the file named “cai.csv” as outlined in Appendix A of the NTIA BEAD Challenge Process Policy Notice. Address information must identify the physical location of the community anchor institutions, not the administrative location. For example, the address must describe the location of the school building, not that of the board of education administrative building.

Upon final submission of the initial proposal to the NTIA, the SCBBO will deliver a CSV file of all CAIs that lack 1 Gbps symmetric or greater service. It is important to note, a formal definition for CAIs had never been developed for South Carolina prior to the BEAD initial proposal, therefore the data had not been previously compiled for the State’s use. As a result, during the interim the SCBBO continues to update and refine the list of CAIs based on feedback from stakeholders, providers, governmental, and non-governmental entities, and will continue to evaluate the addition of new CAIs that facilitate greater use of broadband service by vulnerable populations through the BEAD challenge process.

1.4 Challenge Process (Requirement 7)

NTIA BEAD Model Challenge Process Adoption

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

Instructions:

Eligible Entity must indicate whether it intends to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes. The SCBBO intends to adopt the NTIA BEAD Model Challenge Process with a few exceptions.

- 1.4.2 **Text Box:** *If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity's jurisdiction as "served," "underserved," or "unserved," and provide justification for each modification.*

Instructions:

Eligible Entities may, subject to the approval of the Assistant Secretary, modify the set of locations identified as eligible for funding on the National Broadband Map to reflect data not present in the National Broadband Map. If the Eligible Entity plans to modify the classification of locations, it must include a description of each proposed modification and each associated justification. If the Eligible Entity will not plan to modify the set of locations identified as eligible for funding on the National Broadband Map, indicate "N/A" in the response.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

The SCBBO 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.

The SCBBO will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is "served") delivered via licensed cellular-based fixed wireless as "underserved", and not a reliable broadband solution. The reason the SCBBO is classifying cellular-based fixed wireless as a non-reliable broadband technology is due to their prior experience administering an online learning initiative using CARES act money. The online learning initiative focused on providing high-speed Internet to students for e-learning at home during the pandemic. Qualifying households received one mobile hotspot or internet service (if access to wireline technology existed), with paid monthly service provided by the ORS through December 31, 2020. Over 100,000 mobile hotspots were procured by ORS through collaboration with more than 115 schools, devices were distributed throughout the State. Findings indicate cellular-based fixed wireless providers were not capable of providing complete coverage to all students who were assigned a hotspot, oftentimes signal strength was low especially in rural areas throughout the State. In addition, carrier networks were overloaded due to the number of active hotspots (simultaneous connections to towers), for which the network was never designed to handle resulting in capacity constraints and an overload to carrier networks. Additionally, since the inception of the SCBBO, the office has coordinated with numerous consumers seeking

access to broadband utilizing a fixed wireless solution in the absence of nearby wired technology. Upon feedback from the consumer the SCBBO learned access was not always available to the consumer due to various reasons, including but not limited to the distances from towers along with issues due to topography and overall geographic relief. Further, upon evaluation of the BDC BSLs in unserved areas, the distribution of the data in South Carolina indicate BSLs are clustered which would likely result in bandwidth issues when multiple simultaneous connections from homes are occurring.

Due to the lessons learned from this program, including direct feedback from consumers, the SCBBO does not consider licensed cellular-based fixed wireless reliable broadband, a wireline deployment would have proved a much more reliable solution in support of the State's online learning initiative. As a result, this modification will better reflect the locations eligible for BEAD funding because it will allow for scalable delivery of "future-proof" broadband service beyond the current capabilities of licensed and unlicensed Fixed Wireless technology as an affordable and reliable standalone solution.

Deduplication of Funding

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

Yes, the SCBBO intends to use the BEAD Eligible Entity Planning Toolkit.

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

Instructions:

If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity as specified in the Model. If the Eligible Entity does not adopt the NTIA BEAD Model Challenge process, the Eligible Entity must:

- a. Describe the process used to identify and remove locations subject to enforceable commitments, and*
- b. Outline whether or not the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit.*

If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must also include the following information:

- a. A description of the technology or tool to be used for deduplication, including explanation of its capacity to aggregate multiple data sources to create an accurate list of existing federal, state/territory, and local commitments.*
- b. Assurance that the process to identify and remove enforceable commitments will analyze, at a minimum:*
 - i. All programs included in the Broadband Funding Map published by FCC pursuant to Section 60105 of the Infrastructure Act as of the date of the deduplication of funding process.*

ii. *All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury. Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.*

The 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 IJIA § 60105.¹
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. SCBBO and local data collections of existing enforceable commitments.

The broadband office will make a best effort to create a list of BSLs subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the broadband office will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The broadband office will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.²

The 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 SCBBO or local program did not specify broadband speeds or when there was reason to believe a provider deployed higher broadband speeds than required, the broadband office will reach out to the provider to verify the deployment speeds of the binding commitment. The broadband office will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

The 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 South Carolina-based and local enforceable commitments.

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

Instructions:

The Eligible Entity must list the programs that will be analyzed to identify existing enforceable commitments. If the Eligible Entity plans to use the BEAD Eligible Entity

¹ The broadband funding map published by FCC pursuant to IJIA § 60105 is referred to as the "FCC Broadband Funding Map."

² Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC.

Planning Toolkit and/or the NTIA BEAD Model Challenge Process, the Eligible Entity must list any state or territorial and local programs that constitute enforceable commitments. If the Eligible Entity does not plan to use the BEAD Eligible Entity Planning Toolkit, the Eligible Entity must list the federal, state or territorial, and local programs that will be analyzed to identify existing enforceable commitments. These programs must include at a minimum:

- a. All programs included in the Broadband Funding Map published by FCC pursuant to the Infrastructure Act § 60105, and
- b. All state or territorial and local broadband deployment programs, including those that utilize funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

Source	Purpose	Total	Expended	Available
Federally Funded Programs Administered by the State				
US Department of the Treasury: ARPA – <u>State and Local Fiscal Recovery Fund (SLFRF)</u> <u>Capital Projects Fund (CPF)</u>	2022: ARPA broadband funds shall be used to expand broadband infrastructure to households, businesses and communities in the state that are unserved or underserved and must be awarded through competitive grants.	\$400,000,000 SLFRF: \$214,234,345 CPF: \$185,765,655	\$154,574,520 SLFRF Misc: \$24,122 SLFRF ADGP: \$25,193,087 CPF \$143,994	SLFRF \$34,442,616 CPF \$185,621,661
State-Funded Program				
SC Department of Commerce: <u>Rural Broadband Grant Program (RBGP)</u>	2021: South Carolina Joint Bond Review Committee approved \$30m to be allocated by a competitive grant program to expand broadband availability in rural areas of need.	\$30,000,000	\$27,689,863	\$2,310,137

<p>State Fiscal Year 21–22 Appropriations Act: CARES II</p>	<p>2021: Funding created the SCBBO, expanded mapping efforts and extended funding opportunities to companies that deployed broadband in specific areas of need, with priority given to unserved homes, businesses, schools, healthcare facilities and other institutions in rural communities and communities across SC with a lack of access to broadband. Some of these funds were also used towards the Starlink Pilot Program which introduced 20 devices in rural areas across the state in collaboration with the SCDE.</p>	<p>\$8,794,869</p>	<p>\$8,629,961 (includes internal ORS expenses)</p>	<p>\$164,908</p>
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Challenge Process Design

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

Instructions:

If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must copy in the Model language and add in the unique information required from each Eligible Entity, outlined in the Model.

If the Eligible Entity does not plan to adopt the NTIA BEAD Model Challenge Process, the Eligible Entity must include in its response:

- a. *The proposed approach for the challenge process, including the publication of eligible locations, challenge phase, rebuttal phase, and final determination phase.*

- b. *Challenge types permitted, including the identification of community anchor institutions, existing Broadband Serviceable Location (BSL) and community anchor institution BEAD funding eligibility determinations, enforceable commitments, and planned service.*
 - c. *Challengers permitted: units of local government, nonprofit organizations, and broadband service providers.*
 - d. *Proposed evidentiary review process through which the Eligible Entity will review and make determinations based on challenges and rebuttals received. If the Eligible Entity decides to add any additional data sources to or remove from the list as outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenges and Rebuttals” in the NTIA BEAD Challenge Process Policy Notice, it must respond to question 1.4.7 and outline the proposed sources and requirements that will be considered acceptable evidence.*
 - e. *Requirements for acceptable speed tests (e.g., number of speed tests, geographic distribution, speed test collection time), if applicable.*
 - f. *Plan to ensure that sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges, and that the challenge process standards of review are applied uniformly to all challenges submitted.*
 - g. *The plan to ensure transparency, including:*
 - i. *The plan to publicly post documentation explaining the challenge process once it is approved by NTIA (prior to beginning the challenge process).*
 - ii. *The plan to post all submitted challenges and rebuttals before final determinations are made, including information from the NTIA BEAD Challenge Process Policy Notice.*
 - iii. *The plan to host a website, including the link to the website’s URL, if the hosting website already exists.*
 - iv. *The plan to inform units of local government, relevant nonprofit organizations, and broadband providers to the challenge process and its deadlines.*
 - h. *The plan to ensure the protection of Personally Identifiable Information (PII), business confidential, and proprietary information, including anyone who will have access to any PII submitted through the challenge process (e.g., provider’s subscriber PII), including through state/territory public records processes.*
 - i. *The overall timeline, with tentative dates of initiation and completion, for the challenge process. The timeline must also include the plan to ensure that:*
 - i. *The proposed challenge process will be completed within 120 days, starting with the initiation of the challenge submission window.*
 - ii. *The proposed challenge process will include a minimum 14-day window to file a rebuttal after the challenge is available on the challenge portal.*
 - iii. *Following NTIA approval, the proposed challenge process will publicly post final classification of eligible locations after resolving each challenge, at least 60 days before allocating grant funds for network deployment.*
- Refer to the NTIA BEAD Challenge Process Policy Notice for additional guidance.*

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the broadband office 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 Eligible Entity,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

Permissible Challengers

During the BEAD Challenge Process, the 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 broadband office will include four phases, spanning 90 days³:

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the 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. [April 1, 2024 assuming Volume I of the SCBBO Initial Proposal is approved by the NTIA on or before February 16, 2024.]
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the broadband office challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider's response. After this stage, the location will enter the "challenged" state.
 - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the

³ The NTIA BEAD Challenge Process Policy Notice allows up to 120 days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.

challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. [The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.] For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the 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. [April 30, 2024]
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 30 calendar days from notification of a challenge to provide rebuttal information to the broadband office. The rebuttal period begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. [May 30, 2024]
4. **Final Determination Phase:** During the Final Determination phase, the broadband office will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
 - a. **Timeline:** Following intake of challenge rebuttals, the broadband office 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. [June 30, 2024]

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.

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.⁴ • 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 	<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.

⁴ 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.”

			excess of the provider's standard installation charge in order to connect service at the location.	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. ⁵	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. ⁶
L	Latency	The round-trip latency of the broadband service exceeds 100 ms ⁷ .	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. ⁸
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer. ⁹	<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	Manufacturer and model number of	Provider has countervailing evidence from their

⁵ 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.

⁶ 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.

⁷ *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

⁸ *Ibid.*

⁹ 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.

		location is incorrect.	residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	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).
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	<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 	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.

		an enforceable commitment.	Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i> , a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.	
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (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 Eligible Entity.	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

			is no longer in operation.	
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Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the 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 broadband office also plans to actively inform all units of county and municipal government of its challenge process through email list serves distrusted by the South Carolina Association of Counties and the South Carolina Municipal Association. The SCBBO will also utilize the SCBBO Broadband notification distribution list and will set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers alike. Stakeholders can sign up on the broadband office website [<https://arcg.is/1ueqja1>] for challenge process updates and information messages. They can engage with the broadband office by a designated email address BEAD@ors.sc.gov. Providers will be notified of a challenge by an automated email. The automated email will be sent to the provider once the SCBBO confirms the challenge is a valid challenge and evidence has been submitted to substantiate the challenge. The automated email will contain a link the provider must use to refute the challenge.

Beyond actively engaging relevant stakeholders, the 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 broadband office will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, and customer IP addresses. All information posted will be public information already available online in the FCC National Broadband map. To ensure all PII is protected, the broadband office will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on their website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

The broadband office will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and South Carolina state law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information must be identified as privileged or confidential by the submitter. Otherwise, the responses will be made publicly available. These requirements will be published on the ORS website as part of the challenge process and will further be referenced within grant guidelines and grant agreements pertaining to the BEAD program which will be inclusive of any other ancillary data, documentation, and/or information which may be required through the course of the project period of performance.

1.4.6.1 *Optional Attachment: As a required attachment only if the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.*

Instructions:

If the Eligible Entity plans to adhere to the sources outlined in Table 3 “Examples of Acceptable Evidence for BEAD Challenge and Rebuttals” in the NTIA BEAD Challenge Process Policy Notice, the Eligible Entity will not be required to complete the attachment. Otherwise, the Eligible Entity must list any proposed data sources that will be accepted as sufficient evidence that are not included in the NTIA BEAD Challenge Process Policy Notice. Additionally, the Eligible Entity must also indicate any data sources that are included in the NTIA BEAD Challenge Process Policy Notice that will not be accepted as sufficient evidence.

- *To add an additional data source: the Eligible Entity must complete all columns and indicate in column 3 (“Proposed Change to NTIA BEAD Policy Notice”) whether the Eligible Entity will add or remove this data source as outlined in the NTIA BEAD Challenge Process Policy Notice.*
- *To remove an approved data source: the Eligible Entity can skip columns 3 and 4 (i.e., “Data Source Requirements” and “Permissible Rebuttal”) and fill out only columns 1 and 2 (i.e., “Challenge Type” and “Data Source”).*

Refer to NTIA BEAD Challenge Process Policy Notice for additional guidance.

N/A