Challenge Process Guide

Based on the Challenge Process Policy Notice (Policy Notice) for the Broadband Equity Access and Deployment Program (BEAD) of the National Telecommunications and Information Administration, this Challenge Process is designed to be a transparent, fair, expeditious and evidence based. Certain stakeholders have the opportunity to challenge the BEAD eligibility of broadband serviceable locations.

The purpose of this document is to guide permissible entities through the challenge submission process that involves use of a challenge portal online. Questions should be directed to: broadbandchallenge@ks.gov

Note: Due to ongoing discussions among federal and state partners, the information in this document is subject to change based on new policies. Any notices of policy orders or new federal guidance will be announced through official channels.

Table of Contents

Challenge Process Overview

As described in section 1.4.6. of BEAD Initial Proposal volume 1 (volume 1) the challenge process involves only permissible challenges from only permissible challengers and only during a specific timeframe. Volume 1 can be downloaded from the state website: https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/

What Can Be Challenged

Definitions and evidence descriptions for permissible challenges are listed in Table 2 of volume 1, which have the following labels in the challenge portal:
- Planned service
- Enforceable commitment; not in an enforcement commitment
- Provider service level for BEAD eligibility challenges
    - Availability of service
    - Speeds of service
    - Latency of service
    - Data cap on service
    - Technology for service
    - Business service only
- Anchor Institution Classification:
    - Location is a Community Anchor Institution (CAI); location is not a CAI
    - CAI is served with symmetrical gigabit service; CAI is not served

Who Can Participate in the Challenge Process

Those allowed to participate in the challenge process are limited to certain entities, referred to as permissible challengers. As stated in Volume 1 these include only the following:
- broadband service providers,
- tribal governments,
- units of local governments and
- nonprofit organizations.

Individual residents and businesses may work through the permissible challengers listed above. For certain challenges, the evidence submitted by permissible challengers would be gathered from individual residents and businesses.

When is the Challenge Process

The challenge process must be completed before the state can distribute BEAD funds. This ensures that the list of eligible locations is finalized before the grant application window opens.

Volume 1 describes the timing of the challenge process, which is allowed to span up to 120 days. While the BEAD eligible locations were published before November 25, the challenge phase was delayed from December 4, while KOBD waits for NTIA approval of volume 1. The challenge phase will end 30 days after it opens.

The challenge process includes 30 days for challenges to be submitted. The state will verify the challenge evidence submitted, and then rebuttals can be filed within 14 days. The state will make final determinations on all challenges.

How to Participate in the Challenge Process

Before a Permissible Challenger can participate in the Challenge Process, they must register in the Challenge Portal, ensuring that only permissible entities submit challenges and/or rebuttals. Registration can begin on the portal introduction webpage:
https://broadbandks.com/register/bead
Only one individual can register per permissible entity. The registrant will then be able to invite teammates into the portal.

Registration Steps

1. **Visit the Registration Page** - The registration page provides a brief overview of the challenge process and helpful links. Remember, only one individual can register per permissible entity. Then the approved registrants can invite additional individuals as teammates, to participate under the same permissible entity. While each permissible entity is only registered once, registrants and invitees may participate under multiple permissible entities.

2. **Click the Register button** - The Register button will open an intake form to provide the necessary information.

3. **Complete the intake form** - The intake form will ask you for the information needed to verify your entity as a permissible challenger.

   a. **General information** - Every registrant for the challenge process will be asked to provide the following information:
      i. Entity Name (provider, government or nonprofit)
      ii. Entity Website
      iii. Primary Contact Name
      iv. Primary Contact Email (Please use domain affiliated with entity)
      v. Primary Contact Phone Number
      vi. Type of Entity (select from dropdown)

   b. **Broadband Providers Information**
      i. Provider Name (select from dropdown)
      ii. FRN (FCC Registration Number)
      iii. EIN (Employer's Identification Number)
      iv. Physical Address
      v. Additional documentation to verify identity, e.g., registry letter from Secretary of State, W9 tax form, etc.

   c. **Unit of Tribal Government Information**
      i. Tribe's name as listed by the Bureau of Indian Affairs
      ii. EIN (Employer's Identification Number)
      iii. Physical Address
      iv. Additional documentation to verify identity, e.g., registry letter from Secretary of State, W9 tax form, etc.

   d. **Unit of Local Government Information**
      i. EIN (Employer's Identification Number)
      ii. Physical Address
      iii. Additional documentation to verify identity, e.g., registry letter from Secretary of State, W9 tax form, etc.

Register For The BEAD Challenge Process   ✕

SECTION 1 OF 2
About You

* Entity Name

Entity Name

* Entity Website

https:// Entity Website

* Primary Contact Name

👤 Primary Contact Name

* Primary Contact Email

✉ Primary Contact Email

Primary Contact Number

📞 Primary Contact Number

* Type of Organization

Type of Organization   ⌄

Next

     e. **Non-Profit Organization Information**
- i. EIN (Employer's Identification Number)
- ii. Physical Address
- iii. Additional documentation to verify identity, e.g., registry letter from Secretary of State, W9 tax form, etc.

4. **Click "Finish" and submit form** - After you submit the form, you will receive an email confirming your registration request has been submitted.

***Example email:

We have received your information

Hi Registrant,

Thank you for submitting your pre-enrollment. We will be in touch soon regarding next steps.

Thank you,
Kansas Office of Broadband Development

***

5. **Wait for Approval** - After submitting your registration, each request will be manually reviewed before it is approved. Every effort will be made to review all requests prior to the challenge phase officially opening.

   a. **Unapproved** - If your registration lacks necessary details, you will be notified by email about how to successfully register.

   b. **Approved** - Once approved, you will receive an email with a link to "sign in" to the portal, where you'll be asked to set a password. Once signed in, you will see the Challenge Dashboard.
   ***Example email:

   # Please sign in to your account

   Hi Registrant,

   You have been invited to access the Kansas Office of Broadband Development Map Challenge Portal on behalf of Permissible Entity. Contact us with any questions.

   Sign in

   Thank you,
   Kansas Office of Broadband Development
   ***

6. **Invite Teammates –** To invite other individuals of your entity who will also submit challenges and rebuttals, click the Invite Teammate button at the top right on the dashboard page. Any current users will be listed, and you can "add new user" with the following information:

      i.   First Name

      ii.   Last Name

      iii.   Email Address

7. **Navigate Between Entities –** If you are registered and/or invited to participate under more than one permissible entity, then you will switch between the entities to see their respective dashboards. If this is the case, next to the logo on the top left-side panel, there will be a dropdown arrow. Click the dropdown arrow, and you will see a list of organizations associated with your email that was used to register and/or invite you. Select the desired entity and refresh the browser.

Submitting Challenges

1. **Sign-in to the Challenge Portal –** Some users will have a range of options in the left sidebar navigation menu. Choose the Challenge menu item, and the submenu will expand to display two options: "Dashboard" and "Challenge Map." Most users will land on their Dashboard.

   a. **Navigate Between Entities –** If you are registered and/or invited to participate under more than one permissible entity, then you will switch between the entities to see their respective dashboards. If this is the case, next to the logo on the top left-side panel, there will be a dropdown arrow. Click the dropdown arrow, and you will see a list of organizations associated with your email that was used to register and/or invite you. Select the desired entity and refresh the browser.

2. **Click on "Add Challenge" Button** - The "Add Challenge" button is middle-right of the Dashboard page or can be found on the top right of the "Submitted Challenges" panel of the Challenge Map page. This will open the "Create a Challenge" page, which includes the Challenge Map with a challenge flow panel on the right.

3. **Select Challenge Category and Type -** Each challenge category includes multiple challenge types to select from. Click the "Next" button at the bottom right to proceed. There is also a "Back" button, in case the wrong challenge category or type are selected.

4. **Select Challenge Details -** After selecting the Challenge Type, the data in the map will be filtered to display only those locations that are relevant in the selected challenge type. Select the challenge details from the dropdown options and/or enter information into the textboxes. The required challenge details will vary by challenge type.

5. **Select Locations** - After entering challenge details, only the locations relevant to the challenge will be displayed. Select the location(s) that you want to challenge, following the instructions in the right-side panel.

Select Challenge Category

To begin the challenge process, please start by selecting the type of challenge you would like to submit.

Planned Service

Report qualifying broadband service that has been or will be deployed by June 30, 2024 without an enforceable commitment.

Enforceable Commitment

Report qualifying broadband service deployed, or planned to be deployed, under a current or expanded enforceable commitment.

Provider Service Level

Report a provider's level of service for availability, speed, latency, data cap and technology.

Anchor Institution Classification

Identify whether a location is a Community Anchor Institution and has access to 1G symmetrical broadband service.

🔍 Looking for more in-depth guidance on each challenge type? Click to view the challenge type guidelines.

View Guidelines ⬀

← Cancel   Next →

a. **Adding locations -** Clicking on an individual location on the map will then pop-up the address of that location and an "Add to Challenge" button. Selecting multiple locations, or after clicking "Add to Challenge" for individual locations, another pop-up prompt asks you to "Confirm" adding the location(s) to the challenge.

4. Select Locations > 5. Evidence & Documentation > 6. Attestation

🔍 Search

Add these locations?
Do you want to add these 32 locations to the challenge?

Cancel   Confirm

b. **Removing locations from selection** - If you inadvertently add locations you do not wish to challenge, you can remove the locations by clicking the trash icon next to the location in the right-side panel, or "remove all" of the selected locations.
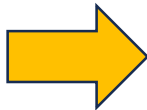
c. **Downloading or Uploading Locations** - The Map of BEAD eligible locations used in the Challenge Portal relies on a proprietary dataset of locational information. Downloading the data or using the pre-populated templates of locational information from the challenge portal requires licensing from CostQuest Associates. You can learn more about applying for this free license from the federal website: https://broadbandusa.ntia.doc.gov/policies/CostQuest-Licensing

6. **Upload Evidence and Documentation** - Once you've finalized the location(s) that you want to challenge, you will be asked to upload any evidence and documentation that you want included in the review of your challenge. If specific evidence is required in accordance with volume 1, then it must be uploaded for the submitted challenge to be verified for potential rebuttal; insufficient evidence will result in revisions being requested or the challenge to be rejected. Volume 1 can be downloaded from the state website: https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/
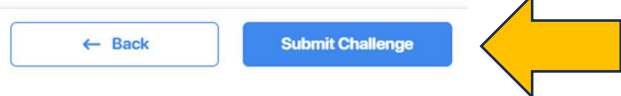
    Note: Ensure that uploaded files are <u>un</u>redacted and include dates that are relevant to the challenge. In accordance with the Policy Notice, redacted or undated files will be insufficient to verify challenges.

7. **Attestation** - After you've uploaded your evidence, you will be required to confirm attestation to the challenge. Then click "Submit Challenge" to finish. Challengers will see their submitted challenges on their dashboards.
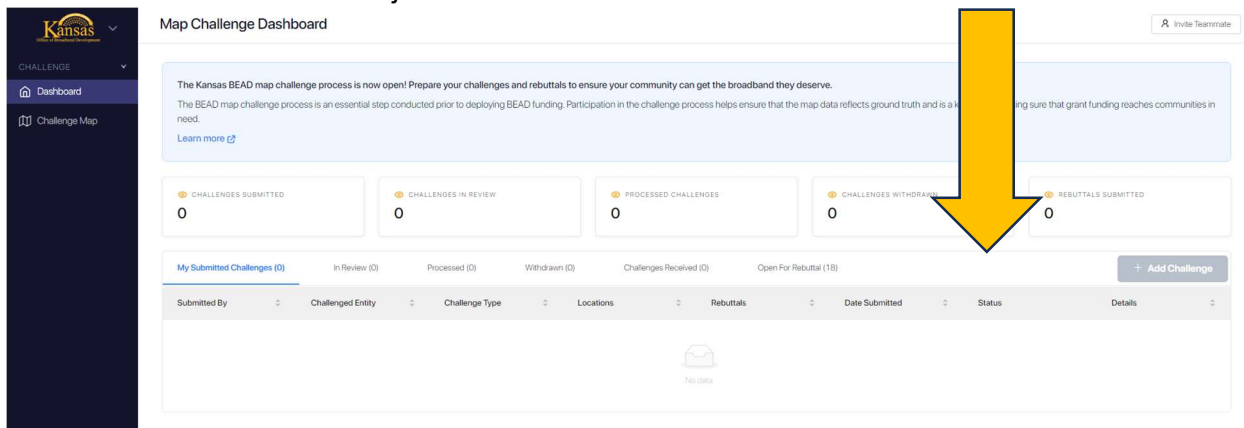

By signing this challenge, I certify to the best of my knowledge and belief that the challenge is true, complete, and accurate. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

☑ I confirm

← Back   Submit Challenge
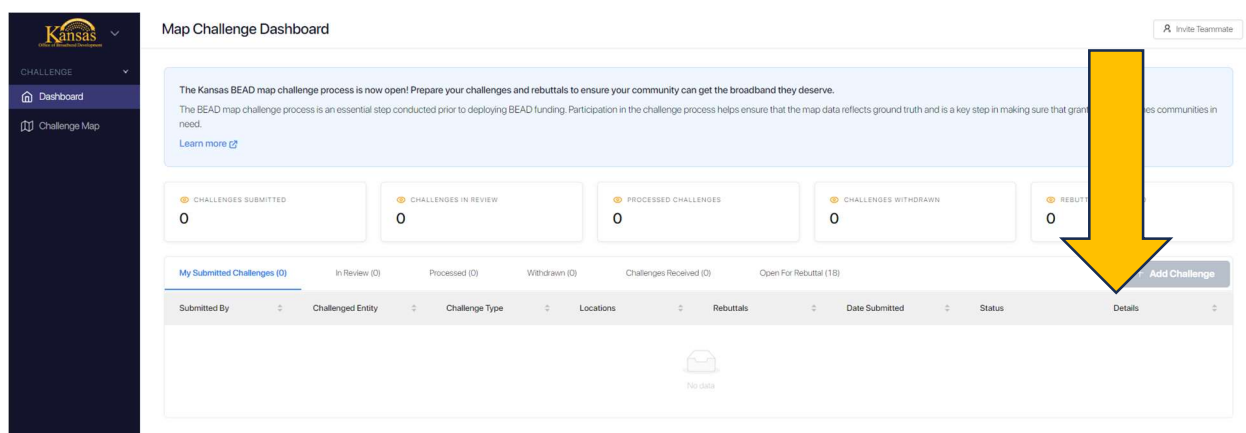
Monitoring Challenges

1. **Sign-in to the Challenge Portal –** Challengers can see the statuses of their challenges in the portal on their Challenge Dashboard. In the portal, some users will have a range of options in the left sidebar navigation menu. Choose the Challenge menu item, and the submenu will expand to display two options: "Dashboard" and "Challenge Map." Most users will land on their Dashboard.

2. **View the Challenge Status –** The status of each challenge is listed under the Status column of the Dashboard, toward the right side before the Details column. These labels describe the status of the challenge, but may appear only under certain phases of the full challenge process; for example, the label "revisions requested" is only applied during the 30-day challenge phase:

   a. **Challenged** - successful submission of a challenge.

   b. **Initial Processed** - challenge was accepted for rebuttal or final determination.

   c. **Revisions Requested** – revisions to the challenge are necessary to then accept the challenge for rebuttal or final determination.

   d. **Final Review** – the challenge has gone through the rebuttal phase and is being reviewed for final determination.

   e. **Processed** – the challenge has gone through final determination and was either sustained or rejected.

Revising Challenges

1. **Sign-in to the Challenge Portal –** Challengers can withdraw challenges or make revisions requested from their Challenge Dashboard, but only during the 30-day challenge phase. In the portal, some users will have a range of options in the left sidebar navigation menu. Choose the Challenge menu item, and the submenu will expand to display two options: "Dashboard" and "Challenge Map." Most users will land on their Dashboard.

2. **View Details –** The status of each challenge is listed under the Status column of the Dashboard, toward the right side before the Details column. If the status label is "revisions requested" then click on View Details on the right of the label.

3. **Make Revisions –** In the right-side panel, click "Needs Revision" tab to see the details of the request. At the top is a Note with instructions about the revisions requested, and at the bottom is the list of locations related to the revisions requested. To submit the revision, either or both of the follow actions must be taken:

   a. **Upload Evidence** - Upload additional evidence if requested or to support your challenge.

   b. **Type a Narrative** - Add any narrative to meet the request or to support your challenge.

4. **Submit Revision –** At the bottom of the right-side panel is a the "Submit Revision" button. Once you click that, confirmation will popup, and the status label will change on your Dashboard.

Filing Rebuttals

1. **Challenges Verified for Rebuttal** – After the evidence is verified, the challenge is open for rebuttal, when the rebuttal phase begins. Each registrant and invitee of a permissible entity can then see the challenges that are open for their rebuttal on their dashboard.
   Note: Each rebuttal is due within 14 days of the challenge being opened for rebuttal.

2. **Go to "Dashboard" -** During the Rebuttal Phase, the Dashboard is where to find the challenges for which you are eligible to file rebuttals. On the left, choose Challenge, and choose Dashboard. On the Dashboard, you will have two tabs available to review challenges:

   a. **Open for Rebuttal** - The Open for Rebuttal tab will display all of the challenges that are open for rebuttal from any registrant or invitee. The challenges will be grouped by submission and include details of the challenging entity, challenge type, number of challenged locations, etc.

   b. **Challenges Received** – Only broadband service providers can choose this Challenges Received tab, which will display the challenges that you've received against your reported service. The challenges will be grouped by submission and include details of the challenging entity, challenge type, number of challenged locations, etc.

3. **View Details** – In the challenge row, on the far right, click "View Details" to begin filing a rebuttal. This will open the Challenge Map with information about the challenge submission in the right-side panel, which includes two tabs:

   a. **Details:** The challenge details will be similar to those seen on the Dashboard, but these details will include an expanded description of the challenge type.

   a. **Locations:** The locations tab will include the full list of locations that were included in the challenge.

   Note: The Challenge Portal relies on a proprietary dataset of locational information. Downloading the data or using the pre-populated templates of locational information from the challenge portal requires licensing from CostQuest Associates. You can learn more about applying for this free license from the federal website:
   https://broadbandusa.ntia.doc.gov/policies/CostQuest-Licensing

4. **Rebut or Accept Challenges** – The following options are dependent on the type of registered entity and the challenge details; you may or may not have all these options: In the locations tab, use the Rebut All/Accept All button to either file a rebuttal on the entire challenge or accept the challenge with all locations. Alternatively, individually select rebut or accept each location included in the challenge.

5. **Upload Evidence and Documentation** – Then you will be asked to upload any evidence and documentation that you want reviewed. If specific evidence is required in accordance with volume 1, then it must be uploaded for the filed rebuttal to be considered during final determination; insufficient evidence could result in the challenge being sustained. Volume 1 can be downloaded from the state website: https://www.kansascommerce.gov/officeofbroadbanddevelopment/broadband-equity-access-and-deployment/

   Note: Ensure that uploaded files are <u>un</u>redacted and include dates that are relevant to the challenge. In accordance with the Policy Notice, redacted or undated files will be insufficient to support the rebuttal.

6. **Attestation** - After you've uploaded your evidence, you will be required to confirm attestation to the filing. Then click "Submit" to finish.

   Note: As the challenge process continues to unfold, additional instructions will be posted for continued participation.