



# Utah's Initial Proposal

*Volume 1*

Subject to change: Pending NTIA approval

# INTRODUCTION

The relationship between broadband and other priorities for Utahns — such as employment, education, health, civic engagement, technology innovation, and entrepreneurship— is undeniably important and will only become increasingly so. Broadband infrastructure deployment and adoption are key components for accomplishing economic growth, accelerating educational innovation, expanding access to health care, and increasing personal connection.

The State of Utah wants to ensure every resident has access to reliable and affordable broadband internet to enhance their quality of life. The Broadband Equity, Access, and Deployment (BEAD) program, established by the Infrastructure Investment and Jobs Act, allocated approximately \$317.4 million to Utah. Our goal as a state is to strategically use these funds in conjunction with other state, federal, educational, or non-profit programs for this once-in-a-lifetime opportunity to narrow and close the remaining digital divides among our population. The Initial Proposal (IP) is to outline the process of the Utah Broadband Center (UBC) for:

- Identifying all unserved and underserved locations and Community Anchor Institutions (CAIs) eligible for BEAD-funded projects<sup>1</sup>
- Accepting, reviewing, and awarding BEAD grants to eligible applicants
- Adhering to all additional requirements for the BEAD program

The following sections meet the requirements for BEAD-IP Volume 1:

- Identification of existing broadband efforts and funding
- Identification of existing unserved and underserved locations
- Identification and application of CAIs
- Detailed challenge process plan
- Comments for the Volume 1 public comment period and a high-level summary of comments received

BEAD-IP Volume 2 will include the remaining sections to complete the BEAD-IP requirements.

For this proposal, “Eligible Entity” refers to the State of Utah and Utah Broadband Center (UBC).

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<sup>1</sup> The Infrastructure Investment and Jobs Act (IIJA) defines an “unserved” location as one without any broadband service at all or with internet service offering speeds below 25/3 Mbps. It defines an “underserved” location as one without broadband service offering speeds of at least 100/20 Mbps or greater.

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# 1.1 EXISTING BROADBAND FUNDING (REQUIREMENT 3)

Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.

UBC has a long history of supporting efforts and programs focused on statewide broadband deployment and recently administered the state’s Broadband Access Grant established by the Utah Legislature and funded with federal dollars. Additional federal funds for broadband infrastructure have been awarded to or passed through other key state agencies including the Utah Department of Transportation (UDOT), the Utah Education and Telehealth Network (UETN) and the Governor’s Office of Planning and Budget (GOPB). These programs and grant processes are documented in the state’s recently published five-year Digital Connectivity Plan (DCP) located here:

<https://www.connectingutah.com/digital-connectivity-plan>

Existing broadband efforts for broadband infrastructure deployment as well as access, affordability, and adoption are presented in Table 1. Broadband funding available in Utah is a reference file titled “Appendix A - Existing Broadband Funding Sources” which is located here:

<https://www.connectingutah.com/initial-proposal>

**Table 1. Current Activities that UBC Conducts**

Activity Name	Description	Intended Outcomes
Broadband Access Grant	<a href="#">Utah State Code 34N-17-301 - State-administered broadband infrastructure grant program</a>	To extend broadband service to individuals and businesses in an unserved area or an underserved area by providing last mile connections to end-users that would not otherwise obtain it due to economics, rurality, ROI, geography, or other obstacles.
Utah Broadband Alliance	Alliance of organizations, businesses, public and private, nonprofits, and internet service providers.	Collaborative group of industry representatives working to bring high-speed access to households and businesses across the state by providing input, networking, and exploring best practices.
Utah Broadband Center Advisory Commission	Advisory board that consists of <a href="#">nine voting members (four legislators and five public servants) and the Utah Broadband Center Director - Utah State Code 36-29-109</a>	The commission shall:  (a) make recommendations to the center with respect to:  (i) strategic plan development; and

Activity Name	Description	Intended Outcomes
		<p>(ii) the application for and use of broadband infrastructure funds;</p> <p>(b) solicit input from relevant stakeholders, including:</p> <ul style="list-style-type: none"> <li>(i) public and private entities who may assist in developing and implementing the strategic plan; and</li> <li>(ii) public and private entities whom the strategic plan may impact;</li> </ul> <p>(c) provide recommendations for strategic plan development and implementation based on the input described in Subsection (9)(b);</p> <p>(d) review strategic plan drafts; and</p> <p>(e) recommend changes.</p>
<a href="#">Utah Residential Availability Map</a>	State map showing ISP-submitted service coverage data of residential broadband availability, technology, and speeds.	Resource showing available broadband coverage to Utah households.
<a href="#">Utah Economic Development Map</a>	State map showing economic development resources including utilities, commercial broadband availability, transportation, schools, hospitals, outdoor recreation, economic incentives, etc.	Businesses interested in relocating or expanding in Utah can use the map to identify areas with robust commercial broadband as well as other resources.
Connecting Utah Initiative	Connecting Utah Virtual Monthly Call	Provide updates, share resources, and receive feedback from attendees regarding broadband and digital access.
<a href="#">Utah Internet Speed Test</a>	Crowdsourced speed test hosted by UBC	Collect and map all areas of the state with crowdsourced speed test data to help identify unserved locations.

## **1.2 UNSERVED AND UNDERSERVED LOCATIONS (REQUIREMENT 5)**

Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.

Under the BEAD program, locations without access to internet speeds below 25/3 Mbps are considered unserved and locations without access to internet speeds below 100/20 Mbps but at or above 25/3 Mbps are considered underserved. The two associated reference files titled “Appendix B - Unserved” and “Appendix C - Underserved” listing unserved and underserved location IDs are available for download at the following link:

<https://www.connectingutah.com/initial-proposal>

The data was sourced on December 4, 2023, by UBC from the November 28, 2023, version of the FCC Broadband Data Collection; which can be found here:

<https://broadbandmap.fcc.gov/home>

Per NTIA guidelines for BEAD, locations served exclusively by satellite, unlicensed spectrum, or technology not specified by the FCC for purposes of the Broadband DATA Maps will not meet the criteria for reliable broadband service and will be considered “unserved.”

Individual service availability and location challenges to these BSL’s can also be addressed through the FCC map.

[Note: UBC will use version 3 of the BDC fabric available approximately December 2023 to run its challenge process beginning in January 2024]

## **1.3 COMMUNITY ANCHOR INSTITUTIONS (CAIs) (REQUIREMENT 6)**

UBC is statutorily required to identify any CAIs lacking access to broadband service with speeds of at least 1 Gigabit per second (1 Gbps) symmetrical. UBC applied the statutory definition of the term “community anchor institution” when identifying all CAIs in its jurisdiction and in tribal lands cited as a type of CAI per the statutory definition located at Section 60102(a)(2)(E) of the Infrastructure Investment and Jobs Act:

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.

The following sources were used by UBC to identify CAIs:

- **Schools:** K-12 schools include those that participate in the FCC's E-Rate program or have a National Center for Education Statistics (NCES) ID in the categories of "public schools" or "private schools." Data for these locations was obtained from the Utah Education and Telehealth Network (UETN).
- **Libraries:** Libraries include those that participate in the FCC's E-Rate program, are American Library Association (ALA) member libraries and their branches, and those on record with the State Librarian. Data for these locations was obtained from the Utah Education and Telehealth Network (UETN).
- **Health care facilities:** Health clinic, health center, hospital, or other medical provider: The list includes institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier, such as health clinics, health centers, hospitals, and other medical providers. Data for these locations was obtained from the Utah Education and Telehealth Network (UETN).
- **Public safety entity:** The list includes entities based on records maintained by the state and local units of government, such as firehouses, emergency medical service stations, police stations, and public safety answering points (PSAP). Data for these locations were obtained from the Utah Geospatial Resource Center (UGRC):

Fire stations map –

<https://opendata.gis.utah.gov/datasets/utah-fire-stations/explore?location=40.195430%2C-111.583711%2C-1.00>

Law enforcement map –

<https://opendata.gis.utah.gov/datasets/utah-law-enforcement/explore?location=40.540661%2C-111.779216%2C-1.00>

- **Institutions of higher education:** The list includes those that have an NCES ID in the category of "college," including junior colleges, community colleges, minority-serving institutions, other universities, and other educational institutions. Data for these locations was obtained from the Utah Education and Telehealth Network (UETN).
- **Public housing organizations:** The list of organizations that administer public housing and facilitate internet use comes from the U.S. Department of Housing and Urban Development. Individual units are not included in this definition; they will be represented as individual broadband-serviceable locations (BSLs) on the state challenge map.
- **Community support organizations:** The list includes community organizations that facilitate greater use of broadband service for vulnerable populations including low-income individuals, unemployed individuals, and aged individuals through available public wifi and digital navigation, online training, or affordable devices.

To be recognized as Community Anchor Institutions (CAIs) within the additional category of community organizations, particularly those in rural areas, formal programs are not a prerequisite. What is essential is that these organizations have documented activities indicating their efforts to assist individuals in connecting to digital services. Here's how they can be eligible:

- Documented Digital Inclusion Activities: Maintaining records of events, workshops, or any informal gatherings that provide digital assistance to community members.
- Evidence of Community Engagement: Demonstrating efforts to engage with the community to assess digital needs and to facilitate access to digital resources.
- Provision of Digital Resources: Offering access to broadband, digital devices, or informational resources that help community members navigate the digital world.
- Support for Digital Skill Development: Activities or support that contribute to the development of digital skills, even if these are not part of a structured program.
- Adaptability and Willingness: Showing a willingness to adapt resources and develop potential digital inclusion programs tailored to the community's needs.
- Impactful Assistance: Providing assistance that has a tangible impact on the community's ability to connect online, which could be as simple as helping individuals set up email accounts or use social media.

Local community organizations often play a crucial role in bridging the digital divide due to their deep community ties and understanding of local needs. As such, their contributions to digital inclusion are valued, and they are encouraged to document their activities to establish their eligibility as CAIs, ensuring they can continue to support and expand their digital inclusion efforts.

The following organizations are being categorized as community support organizations with explanations of how they serve vulnerable populations with broadband services:

- **Community action agencies** – The Community Action Partnership of Utah is a statewide association of community action agencies that provide resources for low-income families, including basic needs support, case management, and financial and employment education resources. Community Action agencies also provide assistance enrolling in the Affordable Connectivity Program. UBC recognizes this as a community anchor institution that serves vulnerable populations (the covered populations as defined in the Digital Equity Act). A map of these agencies' coverage areas can be found at this link: <https://caputah.org/who-we-are/our-network-providers.html>
- **Senior Community Centers** – Senior Community Centers listed as community anchor institutions are key locations for facilitating access to digital resources for seniors, including minorities, low-income, disabled, or digital immigrants (meaning, a person who was raised prior to the digital age who learned to use computers at some stage during their adult life). Many senior community centers serve as an anchor for facilitating health services, tax preparation, online training, digital navigation, affordable devices, information regarding assistance programs such as ACP, and social connections. The Utah Department of Health and Human Services helped identify senior centers: <https://daas.utah.gov/locations/>
- **Local rural or Tribal government buildings** – Local rural and Tribal government public buildings which are often known as chapter houses, are many times the only meeting place and center for resources for communities in rural remote areas of the state. Urban government buildings are not considered eligible community anchor institutions for the



purposes of the BEAD program due to the number of additional resource locations in urban areas. Rural local government buildings provide government as well as social and educational services to their communities and are essential institutions for facilitating use of digital resources. These buildings may include city or town halls, county buildings, or chapter houses. Tribal Chapters are units of local Tribal governments, and chapter houses are official meeting places for Tribal community members, including aging adults and individuals with low income. In many Tribal communities, the local chapter house may also serve as the de facto library, social service agency, and community center. Local rural or Tribal government buildings and chapter houses were identified by consulting state, territorial, and tribal records and government staff. The public, including vulnerable populations, can access online meetings, government forms, pay taxes, or apply for business licenses through these government buildings. These buildings can support the community with computers, online navigation, access to state library materials, telehealth, and education for vulnerable populations including those with disabilities, aging adults, and racial and ethnic minorities. With gig service, these buildings can ensure that all community members who come for resources can access them. With such connections, staff can also provide current online information to citizens of all populations regarding emergency services, utilities, and current events. The list of eligible local rural and Tribal government buildings will be refined during the state challenge process.

- **Employment centers** – Employment Centers provide resources for job seekers in the state, including online job searching, training, and application assistance. These employment centers are located around the state and serve many members of vulnerable and covered populations, including veterans. A list of employment centers was identified from the Utah Department of Workforce Services: <https://jobs.utah.gov/jsp/officesearch/#/map>
- **Faith-based organizations** – Faith-based organizations play an important role as a trusted resource in advancing digital inclusion, especially within vulnerable populations particularly low-income and rural community members. New Americans and communities with limited English proficiency often look first to their neighborhood faith-based organization before turning to government resources. This positions faith-based organizations as crucial community anchor institutions for these populations. Many faith-based organizations offer a variety of publicly accessible programs designed to enhance computer literacy and provide valuable online resources. These include but are not limited to job skills training, online safety classes, self-reliance courses, English language instruction, early childhood education, and financial literacy workshops. During the COVID-19 pandemic, faith-based organizations offered crucial access to digital resources for vulnerable populations, as evidenced by the example of the [Rose Park neighborhood in Salt Lake City](#). Another example of how faith-based organizations in Utah can facilitate access to broadband and digital resources for vulnerable populations is “My Hometown.” This initiative, piloted in Utah, is currently active in four cities, including [West Valley City](#) which is one of the most diverse cities in the state. This initiative utilizes faith-based organizations to create neighborhood community centers that use computer labs to teach English and provide open computer lab access to community members, among other services. Faith-based organizations in dedicated faith-based facilities offering such public services in rural or low-income areas where no other facilities provide such services locally to these populations will be considered community anchor institutions for the purposes of the BEAD program. The list of eligible faith-based organizations for BEAD funded-projects will be refined and finalized during

the state challenge process. The Utah Geographic Reference Center (UGRC) has compiled a detailed list of Utah's faith-based organizations across multiple faith traditions—Hindu, Muslim, Jewish, Bahá'í, among others—supporting the state's commitment to digital equity by ensuring a focused and inclusive approach to digital literacy initiatives.

The strategy involves collaboration with Community Anchor Institutions (CAIs) to broaden the scope of digital equity initiatives. CAIs, which encompass libraries, schools, and faith-based organizations among others, are pivotal in facilitating access to technology and digital literacy programs. The integration of CAIs into digital inclusion efforts ensures that resources and services are distributed equitably, thereby supporting a wider range of communities in achieving digital empowerment.

UBC will notify local and tribal governments, non-profits, internet service providers, and other stakeholders regarding the challenge process. UBC encourages feedback regarding any CAIs that are missing from the list provided in Appendix D that do not have access to at least a gigabit per second (Gbps) of service to their facility or that should be included per UBC's definition of CAI. UBC worked with the Utah Geospatial Resource Center (UGRC) to determine Gbps symmetrical services to CAI locations and their proximity to BSLs currently served by fiber according to FCC fabric data. The CAI list includes CAIs that may receive more than 1G download speeds, but that do not receive 1G upload speeds. Since these locations do not have access to 1G symmetrical speeds, they have been included as eligible CAIs for the purposes of BEAD.

No CAI categories or service levels were challenged during the public comment process.

One .csv file detailing all CAIs identified by UBC is available for download titled "Appendix D - Community Anchor Institutions" here:

<https://www.connectingutah.com/initial-proposal>

## **1.4 CHALLENGE PROCESS (REQUIREMENT 7)**

**Include a detailed plan to conduct a challenge process as described in Section IV.B.6.**

Utah will adopt the model challenge process as provided by NTIA, with some proposed changes. The proposed changes are highlighted in yellow. The UBC will use an automated system for challenges to be submitted, reviewed, and resolved. UBC will use the latest version of the FCC Broadband map, this will ensure that the most updated fabric data will be used for the challenge process thus eliminating challenges to outdated fabric data.

### **MODIFICATIONS TO REFLECT DATA NOT PRESENT IN THE NATIONAL BROADBAND MAP**

UBC will utilize Optional Module 2: DSL Modifications and Optional Module 3: Speed Test Modifications as described in the model guidance.

#### **Optional Module 2: DSL Modifications**

UBC will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered only via DSL as “underserved” except where it is already shown as unserved on the National Broadband Map. This modification is made to avoid confusion that created concern during the public comment period among providers that true unserved DSL locations would be reclassified 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.

#### **Optional Module 4: Pre-challenge Speed Test Modifications**

UBC proposes a unique pre-challenge speed test modification due to Utah’s unique landscape which creates a challenge for getting reliable wireless high-speed internet in remote rural areas. Agriculture, in the form of ranching and farming, oil production and mining, mountainous terrain, deep canyons, high plateaus, low valleys, and miles of desert encompass large swaths in the rural remote areas where families, students, and businesses still rely on high-speed internet. However, the need for increased bandwidth can exceed the capacity on fixed wireless networks. Reduced speeds, greater latency, data caps as well as throttling reduce the bandwidth. Severe winter weather patterns can impact the reliability of fixed wireless high-speed internet service in areas reported as served.

The state of Utah has invested in a resource dedicated to ensuring the school-age students and adult learners across the state have access to broadband at CAIs through the Utah Education and Telehealth Network (UETN). UETN supported efforts during the pandemic to get an academic-specific wireless network to students’ homes where there was no internet availability.

Through a sub-grantee process UBC awarded BEAD planning funds to various organizations including UETN. In developing a statewide education digital connectivity plan, UETN developed a system to run speed tests with limited variables that would provide accurate results of actual speeds in homes of students in various school districts. UETN ran the latest tests during late summer to early fall of 2023. Because of the controlled methodology that UBC used for these tests, UBC will accept speed test data of the households with students collected by UETN as a layer of evidence along with Ookla data collected through a rigorous method for 6 months from the start of the Challenge Process.

The UETN process steps:

- School districts will notify parents about the speed test on devices at the students’ homes
- Test is run at home on student devices distributed to students
- The automated test will run when the student opens their laptop or a link is provided
- Multiple speed tests are encouraged
- Location data is collected but not shared publicly
- Data is used to indicate where speeds are consistently underserved or served

UBC will use crowdsource data to identify areas that the National Broadband Map shows to have adequate service but that are actually areas of need that fall below the 25/3 Mbps (unserved) or 100/20 Mbps (underserved) thresholds. Bringing orders of magnitude greater data than what has been collected through many federal, state, and local efforts, crowdsourced speed tests are backed by a rigorous and well-established methodology and therefore are particularly well suited to the Pre-Challenge Modification Process.

Such tests provide an evidence-based, transparent, and fair way to evaluate performance compared to the National Broadband Map. Following an “area challenge” concept similar to that outlined in Optional Module 3, UBC will use anonymized crowdsource speed tests to identify areas of need based on the following methodological criteria:

- Areas will be evaluated at the census block group spatial level, similar to what is described in Optional Module 3. In cases where the boundaries of a census block group do not adequately capture a potential area of concern, a custom polygon may be created. Any custom polygon or smaller boundary area used (such as a census block or cluster of census blocks) must have an equivalent or higher test density (i.e., ratio of tests to households) compared to nearby census block groups. When a census block group is not used, the [broadband office] will explain why a custom polygon has been chosen and ensure that test counts meet or exceed the sampling thresholds required for an area challenge (see Crowdsource Data Density described below).
- As location accuracy is critical, tests will include only GPS-quality longitude and latitude measurements with a location accuracy of at least 300 meters and that originate from residential areas.
- “Best Tests” will be used to define availability of throughput speeds in a selected area, meaning that the 75th percentile of speeds will offer a reasonable representation of the performance that is typically available within the area (with the lowest speeds falling below that mark and the higher speeds above it).

UBC understands that if a provider has recently upgraded service, recent testing could capture speeds that (momentarily and inaccurately) appear as outliers beyond the 75th percentile. Over time, additional testing of the upgraded service should be sufficient to increase aggregate speed results and paint an updated picture. There could also be scenarios in which multiple providers serve an area and offer different performance (i.e., one provider offers speeds above the 100/20 Mbps threshold and one does not). In those circumstances, aggregate Best Speeds could potentially indicate an area is not adequately served even though there is a provider offering speeds above the underserved threshold. In acknowledgement of these scenarios when the National Broadband Map could potentially show some speeds above 100/20 Mbps as well other results below the unserved or underserved thresholds, the [broadband office] will be

open to an evidence-based rebuttal from providers that proves recent service upgrades have taken place and are delivering faster speeds.

UBC will use the Ookla speed test model called the Crowdsourced Data Density Area Challenge Option A – Recent Data: Test results must have been captured within the previous six months in rigorous speed tests as described thus: To ensure methodological rigor and show a preponderance of evidence, UBC will require at least 54 tests collected across at least 12 unique locations within each census block group or custom polygon (i.e., triple the sample count and double the unique location sampling requirement as outlined in Optional Module 3).

UBC purchased Ookla data with BEAD planning funds and has identified areas that show a preponderance of evidence that the actual speeds in the areas tested by UETN are underserved compared to those reported by ISPs for the [Utah Residential Broadband Availability Map](https://broadband.ugrc.utah.gov/) at <https://broadband.ugrc.utah.gov/>.

UBC will use both the Ookla speed test data AND overlapping UETN speed test results data and will treat as “underserved” locations that the National Broadband Map shows to be “served” through rigorous speed test methodologies to demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream.

This modification will better reflect the locations eligible for BEAD funding because it will consider the actual speeds of locations. Such speed tests can be rebutted by the provider during the 40 day challenge period. Providers will see the maps during the pre-challenge process and UBC will ensure the providers impacted by the pre-challenge speed test are aware of the served/underserved change. They will have the opportunity to respond and challenge the evidence during the 40-day challenge process as described in the speed test module section for an internet service providers’ rebuttal.

### **DEDUPLICATION OF FUNDING**

The BEAD Eligible Entity Planning Toolkit is a collection of NTIA-developed technology tools that, among other things, overlay multiple data sources to capture federal, state, and local enforceable commitments. Eligible Entities adopting the Model must indicate their plan to use the BEAD Eligible Entity Planning Toolkit by selecting “Yes.”

Yes, UBC intends to use the BEAD Eligible Entity Planning Toolkit

No

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

To ensure that federal funds are used as efficiently as possible, UBC will utilize the BEAD Eligible Entity Planning Toolkit as well as additional data sources to identify locations already subject to enforceable commitments. These locations will not be eligible for BEAD-funded projects after UBC receives the following information:

- Attestation that broadband service providing at minimum speeds of 100/20 Mbps and latency of less than 100 ms will be provided by future broadband deployment in the grant area, and
- Documentation evidencing the grant, service area, and build-to speeds required under the grant

Additional data sets that will be utilized in the deduplication of funding process include:

- The FCC Broadband DATA Map
- Data from broadband deployment programs that meet BEAD qualifying speeds (i.e., programs funded through Capital Projects Fund (CPF) and Coronavirus State and Local Fiscal Recovery Funds (SLFRF))
- Data of existing enforceable commitments regarding broadband deployment projects

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 NTIA.

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

The UBC also intends to utilize the guidance provided by NTIA and use its proposed two-phased process in our final proposal to further deduplicate locations and use the guidance's evidentiary examples that allows planned service to be considered. This will further ensure that no locations are subject to overlaid government funding and maximize the BEAD funding to locations that are not planned to be served.

The associated reference file titled "Appendix E - Deduplication of Funding" is available for download at the following link:

<https://www.connectingutah.com/initial-proposal>

## **CHALLENGE PROCESS DESIGN**

Based on the NTIA BEAD Challenge Process Policy Notice (Policy Notice) and UBC's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process.

### **Permissible Challenges**

UBC will only allow challenges on the following grounds:

- The identification of eligible CAIs, as defined by the Eligible Entity,
- CAI BEAD eligibility determinations,
- BEAD eligibility determinations,
- Enforceable commitments, or
- Planned service

### **Permissible Challengers**

During the BEAD challenge process, UBC will only allow challenges from nonprofit organizations, units of local or tribal governments, educational organizations (that are either a unit of local or Tribal government or a nonprofit), or broadband service providers. Those not listed may only submit individual speed test results. Individual speed test results will be shared with a local government, tribal, or non-profit entity to submit the official challenge.

### **Challenge Process Overview**

The Utah Broadband Center is planning to conduct the challenge process organized in the following four phases, spanning 120 calendar days:

- 1. Publication of Eligible Locations:** Prior to the BEAD Challenge Phase, the UBC will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the [NTIA BEAD Challenge Process Policy Notice](#) (e.g., administering the deduplication of funding process). The office will also publish locations considered served, as they may be challenged. The UBC is planning to publish the locations tentatively scheduled on January 30, 2024 for 10 days.
- 2. Challenge Phase:** During the Challenge Phase, the challenger will submit their challenge through the UBC challenge portal. This challenge will be visible to the service provider whose service availability and performance are being contested. The portal will notify the provider of the challenge through an automated email which will include related information about timing for the provider's response. After this stage, the location will then enter the "challenged" state.
  - a. Minimum Level of Evidence Sufficient to Establish a Challenge:** UBC challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is

listed in the National Broadband Map and meets the definition of reliable broadband service. The challenge portal will be used to confirm that a verifiable email address is being used. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, UBC 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 40 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, CAIs, and existing enforceable commitments are posted. [The challenge phase is tentatively scheduled to begin on February 9, 2024 and tentatively end March 20, 2024](#)
- 3. Rebuttal Phase:** Only the challenged ISP 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 40 calendar days from notification of a challenge to provide rebuttal information to UBC. [The rebuttal phase will end 40 days from the last date challenge submissions are received or no later tentatively than April 29, 2024](#)
- 4. Final Determination Phase:** During the final determination phase, UBC will make the final determination of the classification of a location, either declaring the challenge “sustained” or “rejected.”
  - a. Timeline:** Following intake of challenge rebuttals, UBC will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. [The final determination phase will end 30 days after the final date to submit rebuttals and is to be completed no later than May 29, 2024.](#)

### **Evidence & Review Approach**

To ensure that each challenge is reviewed and fairly adjudicated, UBC will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. UBC will adopt a standard of preponderance of evidence when evaluating all challenges and rebuttals, document the standards of review to be applied in a standard operating procedure manual, and will require reviewers to document their justification for each determination. Reviewers will have sufficient training to uniformly apply the standards of review to all properly submitted challenges. Reviewers will be required to submit affidavits to ensure there are no conflicts of interest in making challenge determinations. A list of challenge types with specific examples is provided below in Table 2.

**Table 2. Challenge Types with Examples**



Based on public comments, clarification of model language has been provided to help the eligible challengers better understand the challenge evidence they can submit.

Code	Challenge Type	Description	Specific Evidence 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"> <li>• Screenshot of provider webpage indicating service is unavailable at the consumer’s address.</li> <li>• A service request was refused within the last 180 days (e.g., an email or letter from provider).</li> <li>• Lack of suitable infrastructure (e.g., no fiber on pole).</li> <li>• A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.<sup>2</sup></li> <li>• A letter or email dated within the last 365 days indicating that a provider requested more than the 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.</li> </ul>	<ul style="list-style-type: none"> <li>• Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill.</li> <li>• If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability.</li> <li>• The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location.</li> <li>• Provider supplies proof of denied Request of Entry (if service has been built to property and provider shows evidence of locked gate, impassable driveway or other access barriers: accumulated snow or other act of nature)</li> <li>• Provider submits plant map including or emphasizing area of challenge, proving availability and serviceability within 10 days.</li> </ul>
S	Speed	The actual speed of the service tier falls below the unserved	Speed test by subscriber, showing the insufficient speed and meeting the	Provider has countervailing speed test evidence showing sufficient speed, e.g.,

<sup>2</sup> A “standard broadband installation” is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

Code	Challenge Type	Description	Specific Evidence Examples	Permissible Rebuttals
		or underserved thresholds. <sup>3</sup>	requirements for speed tests.	from their own network management system <sup>4</sup> or the CAF performance measurements. <sup>5</sup>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms <sup>6</sup> .	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. <sup>7</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>8</sup>	Screenshot of provider webpage of service description provided to the consumer.	Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology.	Provider has countervailing evidence from their network management system showing an appropriate residential gateway that

<sup>3</sup> 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.

<sup>4</sup> As described in the NOFO, a provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. *See Performance Measures Order*, 33 FCC Rcd at 6528, para. 51. *See* BEAD NOFO at 65, n. 80, Section IV.C.2.a.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Performance Measures Order*, including provisions for providers in non-contiguous areas (33 FCC Rcd at 6528, §21).

<sup>7</sup> *Ibid.*

<sup>8</sup> 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.

Code	Challenge Type	Description	Specific Evidence Examples	Permissible Rebuttals
				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 providing at minimum 100/20 Mbps and latency of less than 100 ms to ensure it meets the qualification of served will be deployed at this location by the date established in the deployment obligation.	<p>Evidence of 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).</p> <ul style="list-style-type: none"> <li>• Evidence that the broadband service to be provided will have at a minimum 100/20 Mbps speeds and latency of less than 100 ms by demonstrating the technology to be deployed: FTTH or Licensed Fixed Wireless.</li> <li>• Bill of Ladings demonstrating purchases/delivery of equipment/assets that would support served speeds of 100/20 MPS and less than 100ms latency.</li> <li>• Engineering design/plant design demonstrating commitment to build FTTH or Licensed Fixed Wireless at greater than 100/20 Mps and less that 100ms latency.(.shp file, .kmz/.kml, Geo JSON file, etc)</li> </ul>	<ul style="list-style-type: none"> <li>• 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).</li> </ul>

Code	Challenge Type	Description	Specific Evidence Examples	Permissible Rebuttals
P	Planned service	The challenger has knowledge that broadband providing at minimum 100/20 Mbps and latency of less than 100 ms will be deployed at this location by November 30, 2024 without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<ul style="list-style-type: none"> <li>• Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained.</li> <li>• Contracts or a similar binding agreement between the 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.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before November 30, 2024.</li> <li>• Engineering design/plant design complete with Bill of Ladings demonstrating purchases/delivery of equipment/assets demonstrating the technology to supply broadband service of 100/20 Mps and less than 100ms latency and commitment including the expected date deployment will be completed, which must be on or before November 30, 2024.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
N	Not part of enforceable commitment.	This location is in an area that is subject to an enforceable commitment to less	<ul style="list-style-type: none"> <li>• Evidence the location will not be covered by the enforceable commitment such as documentary</li> </ul>	

Code	Challenge Type	Description	Specific Evidence Examples	Permissible Rebuttals
		than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	evidence of the impossibility or extraordinarily low probability of completion of a commitment will be necessary for disregarding a binding Federal commitment. • 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. <sup>9</sup>	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 is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

### Area and Multiple Dwelling Units (MDU) Challenge

UBC will administer area and MDU challenges for challenge types A, S, L, D, and T (referenced in Table 2 above). 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 above.

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

An MDU challenge requires challenges 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.<sup>10</sup> An MDU challenge counts toward an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

<sup>9</sup> For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.

<sup>10</sup> For example, a complex of apartment buildings may be represented by multiple BSLs in the Fabric.

Each type of challenge and each technology and provider is considered separately, e.g., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to be rebutted 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 Coax [HFC] infrastructure or by subscriber information. For fixed wireless service, the challenge system will offer a representative, random sample of the area in contention, with no fewer than 10 locations, where the provider must demonstrate service availability and speed (e.g., with a mobile test unit)<sup>11</sup>. For MDU challenges, the rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service.

### **Speed Test Requirements**

UBC 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), ONT (for FTTH), 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.
4. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using an Ookla speed test (<https://www.speedtest.net/>) or the Utah Broadband Center Speed Test (<https://business.utah.gov/broadband/speed-test/#test>).

Each speed test measurement must include:

- The time and date the speed test was conducted.
- The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice) or an attestation of their internet service which includes the company name and service tier subscribed to.

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<sup>11</sup> A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider.

- An agreement, using an online form provided by the Eligible Entity, that grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

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

To facilitate data collection and encourage increased participation in the challenge process, UBC will accept either a copy of a customer's last invoice or an attestation from the customer regarding the service provider and service tier they subscribe to. A standard attestation form will be provided to local and tribal governments and nonprofits for distribution to community members in areas that may be underserved. Completed forms will be collected and must be submitted along with the speed test data in order for the challenge to be considered valid. Attestation forms will mitigate the risk of sensitive personal information being collected unnecessarily. They will also facilitate participation by community members who are unwilling or reluctant to share copies of their most recent invoices.

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

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

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. Since speed tests can only be used to change the status of locations from "served" to "underserved", only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule<sup>12</sup>, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet

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<sup>12</sup> The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

## **Transparency Plan**

To ensure the challenge process is transparent and open to public and stakeholder scrutiny, UBC 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. UBC also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and ISPs. Contact information for units of local government will be sourced from the Utah Association of Counties and the Utah League of Cities and Towns. UBC will work with the Utah Division of Indian Affairs to identify points of contact for Tribal nations participating in the challenge process. A list of nonprofit contacts will be compiled by the Digital Equity staff at UBC. UBC will conduct outreach to each ISP to identify the primary point of contact at the ISP for the challenge process. These points of contact will be notified by email when challenges to the provider are submitted. They will also receive an email reminder of outstanding challenges before the end of the rebuttal period.

Relevant stakeholders can sign up on the Connecting Utah website, [connectingutah.com](https://connectingutah.com), for challenge process updates and newsletter. They can also engage with the broadband office by emailing [broadbandcenter@utah.gov](mailto:broadbandcenter@utah.gov).

UBC 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.

UBC will not publicly post any personally identifiable information (PII) or proprietary information, including subscriber names, street addresses or customer IP addresses. To ensure all PII is protected, UBC 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.

UBC will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and state law. If any of these responses do contain information or data 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 to the extent allowed pursuant to Utah Open Records Act. If information is identified by the entity as privileged or confidential, the entity must submit a letter requesting such



exemption to [broadbandcenter@utah.gov](mailto:broadbandcenter@utah.gov). Otherwise, the responses will be made publicly available. All exempted information will be securely maintained and accessed by UBC and confidential contractors only.

The Utah Broadband center plans to adhere to the following Utah Codes regarding personally identifiable information. Utah law protects personally identifiable information collected or held by the state government. Utah Code 63D-2-101 et seq (Governmental Internet Information Privacy Act). The Utah Government Records Access Management Act (GRAMA), recognizes "the right of privacy in relation to personal data gathered by governmental entities." Utah Code 63G-2-102 (Legislative intent of GRAMA), Utah Code Section 63G-2-302 (Private Records), and Utah Code Section 63G-2-305(51) (Protecting personally identifiable information). Also, GRAMA recognizes the rights of businesses to protect sensitive commercial information from public disclosure. Utah Code Sections 63G-2-305 and 63G-2-309 (Protected Records), allow businesses to claim confidentiality to protect trade secrets or competitive information. Providers may enter into a confidentiality agreement, or non-disclosure agreement, with UBC to protect proprietary information, trade secrets, or competitive information from public disclosure. A Provider can mark or label certain records as "Protected" and "Confidential" to assist with designating the records that need to be protected from public disclosure. Protecting this sensitive information can save a Provider from suffering an economic injury, simply because the Provider participates in Utah's program to expand broadband across the state. UBC enters into strict data sharing and confidentiality agreements with contractors. Also, any request to UBC for access to government records is reviewed by the Utah Attorney General's Office, prior to any disclosure of the records, to ensure compliance with GRAMA and other applicable privacy laws, such as Utah Code Section 13-61-101 et seq. (Utah Consumer Privacy Act), and Utah Code 63D-2-101 et seq (Governmental Internet Information Privacy Act).

## **5. VOLUME I PUBLIC COMMENT**

A copy of this draft document will be available for public comment from September 14, 2023 to October 14, 2023. A summary of comments received will be included here in the final document.

Appendices are subject to change and will be updated before final submission to NTIA.

### **Summary of Public Comments and Recommendations on Volume 1 of the BEAD Initial Proposal.**

The public comment was held for 30 days. A [press release](#) was issued by the Governor's Office of Economic Opportunity. An [email blast](#) was sent out to stakeholder groups around the state, including members of the Utah Broadband Alliance and the Utah Broadband Advisory Commission. The draft version of Volume 1 and the public comment period were announced at several stakeholder meetings, including a Connecting Utah meeting, a Statewide Online Education Program meeting, a Broadband Infrastructure Collaboration Cohort meeting, and a Utah Technology Coordinators Council meeting.

- A number of comments came from individuals and organizations regarding specific geographic areas and lack of high-speed internet or adequate latency.
- Typo errors were pointed out and recommendation to insert page numbers

- WISPs are concerned about exclusion from the funding pool and competition from government-funded telecommunications companies.
- Concern of reclassifying all DSL areas as "underserved," emphasizing the need to focus on truly unserved areas to maximize limited BEAD funding.
- Clarification on the treatment of locations marked "unserved" delivered via DSL in the National Broadband Map
- Concern about speed test results influencing the categorization of "underserved" or "unserved" areas.
- Concerns about the accuracy of speed test results based on selected subscription packages; need to be addressed for a comprehensive representation of broadband capabilities
- Extend the challenge window to more than 30 days for thorough review and response.
- Request for clarification on several operational aspects to ensure seamless implementation
- Streamline the process for challenging proposed projects, aiming for efficiency and clarity
- Use mapping data for locations where fiber optics are available at the curb but not subscribed to
- Requests that datasets identifying locations with enforceable commitments be available
- Broaden the definition of Community Anchor Institutions to include more types of organizations that can act as internet access points for the community
- Suggests using a "preponderance of the evidence" standard for resolving challenges and placing the burden of proof on the challenger
- Encourages clarity regarding acceptable evidence for Code P rebuttals and supports the inclusion of engineering or plant designs as evidence
- Support of adherence to NTIA guidelines, emphasizing current data use, deduplication, and evidentiary examples
- Support for the expansion of evidentiary bases for enforceable commitment challenges
- Clarification on Existing Funding Programs that could deem a location ineligible for BEAD funding
- Accuracy of FCC map data questioned

- Supports the requirement for speed test challenges, including a certification of the customer's subscribed speed tier
- Supports CAF Testing process for a true representation of location performance
- Multiple recommendations reflective of Volume II requirements were submitted including:
  - Public funding for open access networks and end-user costs.
  - Workforce development in the broadband sector.
  - Allocating and administering funding, ensuring transparent and equitable distribution.
  - Fiber-optic preference
  - Wi-Fi programs targeted at apartments and multifamily housing units
  - State 811 One Call Center Reform: Update procedures for increased broadband construction.
  - Streamlining permitting; nominate an official to liaise with cities on broadband initiatives; inform local governments of innovative broadband deployment techniques, State-County-City Task Force
  - Revise funding criteria to include Fixed Wireless Providers
  - Target rural areas
  - Greater accountability and transparency
  - Redefining "Underserved" and "Unserved"; recommendations for precise categorizations
  - High-Cost and Low-Cost Plan Commentary

### **General Themes**

1. Digital Divide: Strong support for addressing the digital divide.
2. Public-Private Partnerships: Emphasis on collaborations.
3. Target Populations: Focus on vulnerable groups, including youth, the elderly, and the unemployed.
4. Community Support Organizations: Interest in partnerships
5. Administrative Process: Suggestions for clarity and adherence to guidelines.

All comments and recommendations were closely reviewed and considered. Of those not incorporated into the plan, the primary reason is they were a variance from the Initial Proposal model or modifications set forth by NTIA or not applicable to Volume I.

The Utah Broadband Center appreciates the feedback and input from stakeholders across the state, and looks forward to the next phase of the process to bring reliable, high-speed internet to every Utahn.

Subject to change. Pending NTIA approval