

<b>Federal Award ID Number</b>	28-20-B080
<b>Grant Request Number</b>	GRN-000080
<b>Funding Program Name</b>	Broadband Equity Access and Deployment (BEAD) Program
<b>Funding Request Name</b>	Mississippi-BEAD-Initial Proposal-Volume 1
<b>Applying Organization</b>	MISSISSIPPI DEPARTMENT OF FINANCE & ADMINISTRATION
<b>Applicant Name</b>	Kyle Brown

### 01.01.01 Existing Broadband Funding

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.

Broadband Funding Sources -01-12-2024 03-36-MISSISSIPPI DEPARTMENT OF FINANCE & ADMI-GRN-000080.xlsx

### 01.02.01 Unserved Locations Lists

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 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 should 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.

unserved-01-12-2024 03-37-MISSISSIPPI DEPARTMENT OF FINANCE & ADMI-GRN-000080.csv

### 01.02.02 Underserved Locations List

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 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 should 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.

underserved-01-12-2024 03-37-MISSISSIPPI DEPARTMENT OF FINANCE & ADMI-GRN-000080.csv

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### **01.02.03 National Broadband Map Publication Date**

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.

2023-11-28

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### **01.03.01 CAI Statutory Definition**

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.
- 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.
- 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.
- 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.

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.

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

The following definitions and sources were used to identify the types of community anchor institutions:

- Schools: K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”.
- 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).
- Health clinic, health center, hospital, or other medical providers: The list of health clinics, health centers, hospitals, urgent care centers, VA facilities, and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
- Public safety entities: 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.
- 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.
- Public housing organizations: Public housing organizations, including any public housing agency, HUD-assisted housing organization, Tribal housing organization and/or low-income community housing (of four units or greater) were identified by contacting the Public Housing Agencies (PHAs) for Mississippi enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of multi-tenant dwelling units and public housing units at the National Housing Preservation Database (NHPD). Per guidance from NTIA, “the CAI category of ‘public housing organization’ refers specifically to public housing agencies (i.e., entities that run public housing), not individual residential units or groups of units,” owned or operated by such organizations. The latter are referred to in this document as “public housing residential units” and are not included as CAI unless they qualify for some other reason.
- Community support organizations: The State of Mississippi included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals, including job training centers, senior centers, early childhood education centers, daycares, preschools, summer camps, YMCAs, and Tribal anchor institutions.
  - i. Job Training Centers: Both staff and patrons of Job Training Centers need broadband access for a myriad of reasons, from online job applications, to record searching, and online job training resources. Staff require a connection to supply patrons with materials to be successful.

- ii. Senior Centers: In addition to enabling standard communications through connectivity, broadband is crucial to combating social isolation through virtual connections with loved ones and communities, promoting mental and physical well-being via online fitness classes and health resources, and empowering seniors with access to information and services like telehealth appointments and government benefits.
- iii. Early Childhood Education Centers, Daycares, Preschools: Childcare centers play a key role in the development and education of children and many modern education opportunities are facilitated by Internet access. Locations lacking this access are unable to serve this function for those in their care. Childcare centers frequently require ongoing certifications and training for staff often delivered online further contributing to the digital literacy of staff and caretakers. Additionally, many of the areas that require broadband assistance also have a lack of cellular coverage, therefore a reliable broadband connection is sometimes the only way to facilitate communication for both emergency and non-emergency events.
- iv. Summer Camps: Summer camps in Mississippi operate during the off- season offering technical summer programs, such as math and science camps, that require connectivity to properly facilitate the programs offered. In addition to the need for reliable connectivity for summer programs, cellular connections cannot be relied, making reliable broadband connectivity essential for safety/emergency related communications.
- v. YMCAs: These organizations facilitate greater use of broadband service among low-income and vulnerable individuals by often providing access to computer labs and internet connectivity, allowing these populations to access online resources and educational materials. YMCAs offer after-school programs and mentorship that teach digital skills, fostering digital literacy among youth.
- vi. Tribal Anchor Institutions: Broadband connectivity for Tribal Anchor Institutions plays a vital role in strengthening the community's core and fuels economic development by enabling Tribal business owners access resources needed to compete online, attracting new industries, and facilitating remote work opportunities. Education flourishes as Tribal Colleges tap into online resources, deliver distance learning programs, and connect students with mentors across the globe. Healthcare is transformed with telemedicine, allowing Tribal Health Centers to serve geographically dispersed populations and offer specialized consultations remotely. Culturally, broadband preserves tradition by sharing languages and stories online, while connecting Tribal youth to their heritage through digital storytelling and virtual gatherings.

In addition, BEAM plans to use the Initial Proposal Volume 1 public comment process and the BEAD challenge process to ensure that all relevant institutions meeting the CAI criteria are included.

○ 1.3.2 – Assessing CAI Connectivity Needs

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, BEAM relied:

- Engaged government agencies. The broadband office reached out to all Mississippi state agencies to understand what records they have available regarding relevant community anchor institutions 1 Gbps symmetrical broadband service availability. BEAM engaged with the following agencies:
  - Central MS Planning & Development District
  - Hope Credit Union
  - Lt. Governor's Office
  - Magcor/MDOC Works
  - Mississippi Association of Realtors
  - Mississippi Automated Resource Information System
  - MS Alliance of Nonprofits and Philanthropy
  - MS Army National Guard
  - MS Department of Mental Health
  - MS Dept of Information Technology Services

- MS Dept. of Archives and History
- MS Dept. of Child Protective Services
- MS Dept. of Corrections
- MS Dept. of Employment Security
- MS Dept. of Employment Security
- MS Dept. of Mental Health
- MS Dept. of Transportation
- MS Library Commission
- MS Municipal League
- MS Office of Homeland Security
- MS Office of Homeland Security
- MS Public Utilities Staff
- MS State Treasury
- MS Veterans Affairs
- University of MS Medical Center
- Wireless Communication Commission

● Engaged relevant umbrella organizations and nonprofits. The broadband office engaged with umbrella and nonprofit organizations that work with community anchor institutions to coordinate and obtain 1 Gbps symmetrical broadband service availability data. Specifically, the broadband office requested information related to availability needs from the following entities:

- AARP Mississippi
- Community Foundation of Northwest Mississippi
- General Missionary Baptist State Committee of Mississippi
- Hope Credit Union - Hope Policy Institute
- Mississippi Minority Business Development Agency
- Mississippi Community College Board
- Mississippi Institutions of Higher Learning
- Mississippi Farm Bureau

In addition, BEAM used the Initial Proposal Volume 1 public comment process and the BEAD challenge process to ensure that all relevant institutions meeting the CAI criteria are included. Using the responses received through direct engagement and participation in the comment and challenge process, BEAM will compile the list of those CAIs that do not have adequate broadband service.

The BEAM office has held several consultations, including a consultation with the BEAM office and the Governor of Mississippi in May of 2023, with the Mississippi Band of Choctaw Indians. As of January 12th, 2024, MBCI has been awarded the Tribal Broadband Connectivity Program round 1 in the amount of \$8,433,633. The project proposes to install fiber to directly connect 2,190 unserved Native American households, 86 businesses, and 60 community anchor institutions with fiber-to-the-home 105 Mbps/105 Mbps service. The project constructs a 12.3 mile- middle mile fiber network, a 524 last-mile network, and a new Tribal Utility Department building. MBCI has not requested additional funding or assistance at this time, but the BEAM office will continue consultations in the event MBCI requires additional resources.

For CAIs where connectivity needs were not identified through stakeholder engagement, the following methodology was used: A proxy BSL was used to identify whether the CAI is likely to be considered "served" under the definition of 1 Gbps symmetrical speeds as defined in the BEAD NOFO. Based on the location of the CAI, the closest BSL was identified and the best available service for that BSL was used as a proxy for service at the CAI.

### 1.3.2

For CAIs, which are not included in the FCC's Fabric Dataset, BEAM will assign an alternative unique

location identifier for the purposes of the challenge process and subgrant implementation, as applicable. The draft list of CAIs is included in Attachment D: cai.csv.

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### **01.03.02 Eligible CAI List**

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 should describe the location of the school building, not that of the board of education administrative building.

24.02.13 State of MS CAI List-02-13-2024 05-10-MISSISSIPPI DEPARTMENT OF FINANCE & ADMI-GRN-000080.csv

CAI-2-13-2024-02-13-2024 04-56-MISSISSIPPI DEPARTMENT OF FINANCE & ADMI-GRN-000080.csv

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### **01.04.01 NTIA Model Challenge Process: Challenge**

Select if the Eligible Entity plans to adopt the NTIA Challenge Process Model for Requirement 7.

Instructions:

The Eligible Entity must indicate whether or not it intends to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes

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### **01.04.02 Modifications to National Broadband Map**

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."

○ 1.4.1 – NTIA BEAD Model Challenge Process Adoption

BEAM will adopt the framework of the NTIA BEAD Model Challenge Process ("Model Process"), including the adoption of the "Optional Modules" provided in the Model. In addition, BEAM has provided modifications and amendments to the Model Process that the Office believes are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

The challenge process is expected to take 90 calendar days.

- 15 Day Publication of Eligible Locations
- 30 Day Challenge Phase
- 15 Day Rebuttal Phase
- 30 Day Final Determination Phase

○ 1.4.2 – Modifications to Reflect Data Not Present in the National Broadband Map

The modifications described in this section will be implemented to modify the classification of reported broadband service offered at applicable locations. In cases where there are multiple service offerings qualifying a location as "served" or "underserved," these modifications may not result in a modification of a location's designation to "unserved" or "underserved." In these cases, BEAM will modify the reported service available at relevant locations to ensure that a location's final designation is determined based on the totality of all modifications and challenge outcomes.

For example, a location that reported service available from a DSL provider (100/20 Mbps) and a cable provider (1000/35 Mbps) will be subject to the DSL Modification described below. The DSL Modification itself would not result in a change in designation for that location. However, if during the challenge process, there is a successful challenge to the cable provider not being able to provide service within 10 business days, the totality of the modification and the challenge would result in the location being designated as "underserved."

■ NTIA BEAD Model Challenge Process Modifications

The following modifications are included with the intent of reflecting data that is not included in the National Broadband Map, but are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

The proposed modifications include the DSL Modification, as included in the Model Process, as well as additional modifications proposed by BEAM.

● DSL Modifications

BEAM will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is "served") delivered via DSL as "underserved." This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of "future-proof" broadband service. This designation cannot be challenged or rebutted by the provider.

When a location is shown to have qualifying broadband, service reported for multiple providers and/or technologies, the service delivered via DSL will be reclassified, but the classification of location itself will remain served, unless the remaining qualifying broadband service(s) are successfully challenged, or reclassified through another modification.

## ■ Additional Modifications

In addition to the Modifications included in the Model Challenge Process, BEAM believes the following modifications are necessary to ensure the successful implementation and achieve the goals of the BEAD Program.

### ● Fully Deployed Service Modification

- BEAM will treat build outs that were completed by April 1, 2024, but are not yet reflected in the FCC National Broadband Map as served BSLs. Documentation of deployments must be submitted to BEAM by 15 days after Volume 1 has been published by BEAM.

- o Fully Deployed Service Modifications will be limited to deployments that can provide adequate documentation to demonstrate a full deployment.

- o Documentation must be in line with the evidentiary requirements of the availability challenge.

- If a BSL has been reported to BEAM as fully deployed, an eligible challenging entity may rebut the service status of the location through the same methods as the availability challenge type.

- Documentation for rebuttals must be in line with the evidentiary requirements of the availability challenge type.

### Cellular Fixed Wireless

The broadband office will treat as “underserved” locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) due solely to the availability of Cellular Fixed Wireless Access (CFWA) as “underserved.” The broadband office has determined that this modification, and the corresponding rebuttal opportunity, will assist the office in determining the availability of networks with sufficient capacity to meet the expected consumer demand for qualifying broadband in the relevant area. The broadband office has initially determined that 8,157 BSLs are affected by this modification (these are locations outside of funded commitment areas where the only provider using an eligible technology at or above 100/20 Mbps is a cellular fixed wireless provider). The affected CFWA provider will have an opportunity to rebut this modification. To successfully rebut this modification, the cellular fixed wireless provider must demonstrate that it:

- Is providing 100/20 Mbps or better service at the relevant locations (e.g., by using the rebuttal approach for the speed test area challenge); and

- Has sufficient network capacity to simultaneously serve (i.e., as concurrently active subscribers) at least 80% of locations in the claimed coverage area reported as served only by cellular fixed wireless. As one option for making such a showing, a provider may describe how many fixed locations it serves from each cell tower and the amount of per-user averaged bandwidth it uses for capacity planning. A capacity of 5 Mbps for each claimed location is considered sufficient.

### ● Data Cap Modifications

BEAM will treat as “unserved” locations that the National Broadband Map shows to be “underserved” or “served” if there is evidence that demonstrates that the service is only available over plans that impose an unreasonable capacity allowance, or “data cap” (less than 660 GB/month ), on the consumer.

When the Data Cap Modification is used to reclassify reported service at a location with multiple providers and/or technologies, the service(s) affected by the modification will be reclassified and the classification of location itself will be reprocessed with the updated entry.

The challenge can be rebutted with evidence that the 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.

This modification and rebuttal opportunity will adopt the evidentiary requirements of the Data Cap challenge



type in Section 1.4.6, Table 2.

- Rationale for State Modification to Model Process

Data caps pose a special challenge in the implementation of the state challenge process because the FCC did not attempt to collect this data through the Broadband Data Collection or validate data caps through their challenge process. Provider network management strategies are not custom-built for each customer, and a determination that one location is subject to a data cap likely indicates that other locations in the state are similarly situated. Service with different speeds is treated separately for the purposes of this challenge because in many cases these speed tiers represent the availability of different subscription options possibly associated with different terms of service, including different capacity allowances. Treating these different tiers of service separately reduces the risk that Data Cap challenges will incorrectly result in overturning service not subject to a cap.

- FCC Challenge Area Modifications

The broadband office will treat locations within a census block group that the National Broadband Map shows to be served as unserved or underserved if (1)(a)six or more broadband serviceable locations using a particular technology from the same provider within a census block group or (b)30 or more broadband serviceable locations using a particular technology from the same provider within a census tract and at least one within each census block group within that census tract were subject to successful availability challenges through the Federal Communications Commission’s challenge process and (2) the location would be unserved or underserved if not for the challenged service. The location’s status would change to the status that would have been assigned to the location without the challenged service. For locations that do not meet condition 2 (e.g. because there are other reported options that are “served” by BEAD definitions), service meeting condition1 will be removed for the purposes of considering challenges during the state challenge process. Challenge records will be taken from [broadbandmap.fcc.gov/data-download/challenge-data](http://broadbandmap.fcc.gov/data-download/challenge-data). This process will only consider the FCC postings of resolved fixed challenges for the most recent 12 months before BEAM begins making modifications to the National Broadband Map under this section.

The following entries in the outcome field will be treated as a successful challenge:

- Challenge Upheld -Provider Conceded
- Upheld -Service Change
- Challenge Upheld -Adjudicated by FCC

Providers whose reported service is removed by this modification will be allowed to overturn this pre-challenge modification by submitting the evidence required for a rebuttal of an area challenge.

Explanation for broadband office amendment:

This modification applies the logic of the area challenge module to challenges already filed through the FCC challenge process. FCC challenges reflect relatively recent cases in which providers and challengers had an opportunity to provide evidence about the service available at a given location, subject to adjudication by a third party (the FCC). Cases in which six FCC challengers were successful in a single census block likely reflect more extensive mapping inaccuracies (just as six successful challenges through the state challenge process justify changes under the area challenge module). This modification is therefore evidence based in the same sense that the area challenge module is: while it does not reflect specific information about every one of the affected locations, it does reflect patterns of evidence about the service available in areas in

general in cases in which those patterns are sufficiently clear. In some areas in Mississippi, an active community engagement process resulted in successful challenges to a substantial number of locations through the FCC challenge process. Without these modifications, these communities would be at a disadvantage in terms of correcting more widespread errors in the state challenge process, as FCC challengers whose challenges had been upheld would no longer have the challenged service listed and could not file a state challenge that would count towards an area challenge.

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#### **01.04.03 Eligible Entity Planning Toolkit**

Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Yes

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#### **01.04.04 Enforceable Commitments Identification**

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.

BEAM will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
- 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.
- Mississippi and local data collections of existing enforceable commitments or obligations.

BEAM 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.

For existing federal, state, or local funding for broadband deployment on Tribal Lands, only those awards accompanied by a Tribal a legally binding agreement, which includes a Tribal Government Resolution. It is the responsibility of any recipients of an Enforceable Commitment to build-out on Tribal lands to produce the necessary documentation during the public comment period for Initial Proposal Volume 1, or during the Challenge Process itself.

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. For service that was already deployed. 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 Mississippi and local enforceable commitments.

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#### **01.04.05 Enforceable Commitments List**

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 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.

BEAD Initial Proposal\_Volume I\_Deduplication -02-02-2024 03-57-MISSISSIPPI DEPARTMENT OF FINANCE & ADMINISTRATION-000080.xlsx

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### **01.04.06 Challenge Process Design**

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. 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 NTIA BEAD Challenge Process Policy Notice for additional guidance.

#### ○ 1.4.6 – Challenge Process Design

Based on the NTIA BEAD Challenge Process Policy Notice, as well as BEAM's dedication to the goals of the BEAD program, the process outlined in this 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 BEAM ,
- 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 calendar days.

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.
  - a. **Timeline:** BEAM tentatively plans to publish the locations on Feb 1, 2024.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the BEAM 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 challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. Prior to submitting a challenge, the challenger will be required to register in the portal. The registration process will confirm that the email address is reachable by sending a confirmation message to the listed contact. 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.
    3. **The broadband office will manually verify that the evidence submitted falls within the categories stated in the Model Process and that document is unredacted and dated, as applicable.**
      - a. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the initial list of served, unserved, and underserved locations, community anchor institutions, and existing enforceable commitments. The challenge phase is tentatively planned to run from February 1, 2024 - March 1, 2024
  4. **Rebuttal Phase:** For challenges related to location eligibility, only the challenged service provider may rebut the reclassification of a location or area with evidence. If a challenge related to location eligibility meets the minimum level of evidence and 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. If a provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI and other permissible challengers may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges.
    - a. **Minimum Level of Evidence Sufficient for Rebuttal:** The challenge portal and reviewers will verify that:
      - i. the rebuttal data is related to the challenged location
      - ii. relevant affidavits are submitted, as applicable
      - iii. the quality of evidence is sufficient to enable optical character recognition (OCR)The broadband office will manually verify that the evidence submitted meets the requirement within the categories stated in the Model Process and that documentation is dated and as unredacted as possible.

b. Timeline: Providers will have 15 calendar days from notification of a challenge to provide rebuttal information to the broadband office. The rebuttal phase is tentatively planned to run from March 4, 2024 - March 18, 2024

5. Final Determination Phase: During the Final Determination phase, the broadband office will fully review the evidence submitted in each challenge and rebuttal. Based on the evidence, BEAM will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.” If necessary, BEAM may choose to request additional evidence from the challenger and rebuttal submitter. The goal of the challenge process is to ensure that funding is used efficiently to bring broadband Internet access to everyone. This is best accomplished if a thorough review process includes the ability to request additional information to make an informed decision.

a. Timeline: Following intake of challenge rebuttals, the broadband office will make a final challenge determination no later than April 17, 2024.

BEAM will provide public notice of the final determinations for each location and CAI at least 60 days prior to allocating grant funds.

#### ■ Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, BEAM will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. BEAM 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. This documentation will be captured directly through the review interface in the challenge portal.

BEAM plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. BEAM will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Table 2 – Challenge Types and Evidence

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"><li>● Screenshot of provider webpage.</li></ul>	<ul style="list-style-type: none"><li>● A service request was refused within the last 180 days (e.g., an email letter, or written account of a conversation with a provider).</li><li>● Lack of suitable infrastructure (e.g., no fiber on pole), including evidence such as demonstration that current spectrum holdings, nodes, backbone, and towers (including location and loading constraints) are insufficient to support all of the claimed locations.</li><li>● A letter, email, or written account of a conversation with a provider dated within the last 180 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.</li><li>● A letter, email, or written account of a conversation with a provider dated within the last 180 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><li>● Evidence that demonstrates that the service is only available via plans where the speeds of the broadband service are throttled in favor of another category of customer (e.g. LTE/5G networks where mobile connections are prioritized over fixed wireless connections).</li><li>● Evidence that demonstrates that the service is only available via plans with usage-based throttling, below a threshold of 60 GB/month in line with the data cap challenge type.</li><li>● Provider shows that the location subscribes or has subscribed within the last 180 days, e.g., with a copy of a customer bill and attest that there is no waitlist or delay greater than 10 days for connecting new, or returning customers.</li></ul>

- 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.
- The provider submits network diagrams and/or propagation maps that show evidence of infrastructure and coverage
- Evidence of network capacity
- Evidence that the challenged provider of Cellular Fixed Wireless Access (FWA) does not throttle, or prioritize mobile customers over, home Internet customers.
- Evidence that demonstrates that the provider provides a plan that is not subject to usage-based throttling, below a threshold of 600 GB/month in line with the data cap challenge type.

**S Speed** The actual speed of the service tier falls below the unserved or underserved thresholds. Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests within the past 60 days, or 180 days for speed tests performed using broadbandms.com. Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.

**L Latency** The round-trip latency of the broadband service exceeds 100 ms. Speed test by subscriber, showing the excessive latency within the past 60 days, or 180 days for speed tests performed using broadbandms.com. 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.

**D Data cap** The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.

- Screenshot of provider webpage.
- 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 (CPE) that matches the reported service.

**B Business service only** The location is residential, but the service offered is marketed or available only to businesses.

- Screenshot of provider webpage.
- A letter, email, or written account of a conversation with a provider dated within the last 180 days indicating that a provider only offers business service at the location. Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers. Providers must sign an affidavit confirming residential service is available with no waitlist or delay greater than 10 days for connecting new customers.

**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). 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 an enforceable commitment.

- 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 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 June 30, 2024. Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.

**N** Not part of enforceable commitment. This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.) Declaration by service provider subject to the enforceable commitment.

**C** Location is a CAI The location should be classified as a CAI. Evidence that the location falls within the definitions of CAIs set by the 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 is no longer in operation. Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.

**G** CAI: Qualifying broadband unavailable. The CAI cannot obtain qualifying broadband. Evidence that the CAI has tried to acquire qualifying broadband but has been unsuccessful. Evidence that qualifying broadband is available to the CAI.

**Q** CAI: Qualifying broadband available. The CAI can obtain qualifying broadband Evidence that the CAI can acquire symmetric gigabit service. Evidence that qualifying broadband is not available to the CAI.

#### ■ Area and MDU Challenge

The broadband office will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, 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 15 or fewer units,
- 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. An MDU challenge counts towards an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge).

Each type of challenge and each technology and provider 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 HFC infrastructure or by subscriber information. For fixed wireless service, the challenge system will offer a representative random, sample of the area in contention, but no fewer than 10%, where the provider must demonstrate service availability and speed (e.g., with a mobile test unit). BEAM may, in its discretion, require a greater percentage of locations, not to exceed 25%, when necessary for the sample to be representative. The rebuttal to a fixed wireless area challenge does not replace the need to provide a

rebuttal to the originally challenged locations. Furthermore, the rebuttal of the original challenges does not count toward the required location count of the area challenge rebuttal.

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 Module Requirements

The SBO will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Over the past year, BEAM has provided a rigorous speed test survey tool for residents to conduct speed tests.

For speed tests performed independently, the speed test data cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC), 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 a commonly used speed test application or a speed test application approved by the BEAM, including:
  - i. BEAM Performance Test & Survey available at [broadbandms.com](http://broadbandms.com)
  - ii. Measurement Lab's Network Diagnostic Tool
  - iii. Ookla's Speed Test,
  - iv. Ready.net's Ready Strength Test
  - v. Cloudflare's Internet Speed Test
  - vi. Netflix's Fast.com

Each speed test measurement must include:

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

Each group of three speed tests must include:

- The name and street address of the customer conducting the speed test.
- A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's invoice or an attestation).
- An agreement, using an online form provided by BEAM, 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).

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/20 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, tribal governments, nonprofit organizations, or a broadband service provider. Subscribers submitting a speed test must indicate the speed tier they are subscribing to. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed

below 25/3 Mbps, this broadband service will be used to change the status from underserved to unserved. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule, i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

Providers are required to provide a description of the measurement methodology used by their speed test. Descriptions should define how speed and latency are calculated as well as describe the vantage points used to generate the measurement.

In addition to the locations included in the randomized sample of customers included in the rebuttal to an area speed test challenge, the provider will be required to provide a direct rebuttal with evidence specific to the original challenges that triggered the area challenge. A successful rebuttal of an area challenge will overturn locations triggered by the area challenge, but the six, or more, original challenges can only be rebutted based on evidence specific to the location.

- **Speed Test Modifications**

BEAM will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies demonstrate that the “served” locations 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. For speed tests provided through the Performance Test & Survey available at [broadbandms.com](http://broadbandms.com), BEAM will accept speed tests performed within the 180 days preceding the challenge process.

When applicable speed test data is used to reclassify reported service at a location with multiple providers and/or technologies, the service relevant to the speed test will be reclassified and the classification of location itself will be reprocessed with the updated entry. In cases where the speed test modification is applied to six or more locations in a Census Block Group, an Area Challenge will be applied. This adopts the process of the Area Challenge Module, adopted by BEAM in the Initial Proposal. However, this will operate as a distinct process.

BEAM will not modify the National Broadband Map based on historical speed test data without a challenge from an Eligible Challenger. The Eligible Challenger will be given access to applicable pre-challenge speed test data that has been collected through [broadbandms.com](http://broadbandms.com). Applicable pre-challenge data can be added to the total required number of speed tests taken on different days as long as at least one result falls within 60 days before or during the 30-day challenge window in section 1.4.6 of this volume.

- The cutoff date for allowable pre-challenge speed test data is no earlier than 180 days prior to the start of the challenge window.
- To be allowed as admissible evidence, the pre-challenge speed test data must be combined with at least one current result taken 60 days before or during the 30-day challenge phase.

- Historical Speed Data that does not qualify per the NTIA model speed test guidelines will not be considered applicable data to this process and will not be passed on to an Eligible Challenger.
- Eligible speed test data criteria:
  - Each test taken through broadbandms.com includes as many as 4 tests taken during the session, these tests may be averaged as a composite speed from one session to form a single speed test output. Because each of the 3 tests required to form a challenge must be taken on different days, the average of the multiple tests taken in a session can only be used to satisfy one of the 3 required tests.
  - Each speed test submitted by an eligible challenger that is used to form the basis of a cognizable challenge – including those speed tests taken through broadbandms.com that BEAM provides to challengers – must be performed on a laptop or desktop computer within immediate proximity of the residential gateway and must include the following information:
    - The time and date the test was conducted.
    - The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
    - The name and street address of the customer conducting the speed tests.
    - A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
    - An agreement, using an online form provided by the Eligible Entity, that grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.
  - BEAM will provide this data for the historical broadbandms.com speed tests to challengers so that the challenger can assure that the data is consistent with the speed test(s) they are providing to form the challenge and can comply with the requirement to submit the same information for all speed tests submitted.
- For example, if the name and speed tier attestation from a broadbandms.com challenge do not match the current test, then the historical and current speed test data cannot be bundled to form a challenge.

The challenged provider will have the opportunity to submit a rebuttal during the applicable phase of the challenge process.

#### ■ 1.4.6 – 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 local and Tribal government, leveraging partnerships with MS Municipal League, Mississippi Supervisors Association, Stennis Institute of Government, MS state legislature, MS band of Choctaw Indians of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local and Tribal governments, nonprofit organizations, and Internet service providers.

BEAM will provide a challenge resource guide and conduct pre-challenge webinars. In addition to this, BEAM will host at least two virtual “office hours” sessions, during the challenge phase.

Relevant stakeholders can sign up on the broadband office website, at <https://www.broadbandms.com/>, for challenge process updates and newsletters. They can engage with the broadband office by sending an email to [info@beam.ms.gov](mailto:info@beam.ms.gov).

Challenged providers will be notified via email with related information about the timing for the provider's response and a link to access challenge detail through user accounts in the portal designated by the provider to respond to challenges'.

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 and Tribal 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, street addresses and customer IP addresses. 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 the 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 law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

Challenged providers will be notified via email with related information about the timing for the provider's response and a link to access challenge detail through user accounts in the portal designated by the provider to respond to challenges'.

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- 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.

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#### **01.04.06.01 Challenge Process Design Acceptable Evidence**

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.

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#### **Volume I Waivers**

Upload an attachment(s) detailing the waiver request(s) for the requirements related to Volume I. Please draft the waiver request(s) using the Waiver Request Form template.

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#### **01.05.01 Volume I Public Comment**

Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate:

- a. The public comment period was no less than 30 days; and
- b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

The BEAM Office places a strong emphasis on fostering active engagement from the community, Internet Service Providers (ISPs), and Local Government entities during the conclusive stages of refining the BEAD Initial Proposal Volume 1 and Volume 2. Following the publication of the Initial Proposal on the official BEAM website, an inclusive communication strategy was employed. Specifically, an email communication was distributed to the entirety of the BEAM email listing, extending an invitation for public commentary on the document. In addition to this, dedicated emails were dispatched to all ISP contacts within the state, thereby ensuring widespread awareness and participation in the consultation process.

Additionally, Director Doty attended several meetings with various stakeholders during the public comment period. This allowed her to give a personal reminder of the opportunity to provide public feedback to the Initial Proposal.

#### Public Comment Summary

A comprehensive summary of the public comments received during the 30 day public comment window are included as supplemental information document. These comments addressed various portions of Volume 1. A regular comment received was to reconsider the original Additional Modification 3 regarding fixed wireless service. This comment was received from several entities and was therefore removed from Volume 1. Public comments also requested clarification for which version of the National Broadband Map was to be adopted. BEAM clarified this in the revisions to Volume 1 as well. The full listing of summarized comments and BEAM's response was included in the submittal of Volume 1.

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#### **01.05.02 Volume I Supplemental Materials**

As an optional attachment, submit supplemental materials to the Volume I submission and provide references to the relevant requirements. Note that only content submitted via text boxes, certifications, and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed, and supplemental materials submitted here are for reference only.

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