



# Alaska Statewide Broadband Advisory Board – September 28, 2023

## Rescheduled Regular Board Meeting

Alaska Department of Commerce, Community & Economic Development

Meeting Details: [Click here to join the meeting](#)

Meeting ID: 279 755 256 72; Passcode: qEt9Fv

Call In: 907-202-7104; Phone Conference ID: 871 011 527#

### AGENDA

- I. Call to Order and Roll Call
- II. Approval of Agenda
- III. Declarations of Conflict of Interest
- IV. Approval of Minutes from Prior Meetings
- V. Subcommittee Reports
- VI. Staff Reports
- VII. Unfinished Business
- VIII. New Business
  1. Approval of BEAD Initial Proposal Volume 1
- IX. Public Comment
- X. Board Member Business from the Floor
- XI. Adjournment



# Alaska Statewide Broadband Advisory Board Agenda Statement

Meeting Date:	September 28, 2023
Item Number:	VIII.1.
Item Title:	Approval of Initial Proposal Volume 1
Submitted By:	Broadband Office Staff
Recommendation:	Approve Initial Proposal Volume 1
Attachments:	1. Initial Proposal Volume 1 – State Challenge Summary

### Summary Statement:

During the August 28, 2023, special meeting the Board requested (through approved action) to review and approve both volumes of the BEAD Initial Proposal. Volume 1 – State Challenge Summary is attached for review and approval by the Board. The Alaska Broadband Office has wholesale adopted the model challenge process provided by the NTIA, with one minor exception. The exception is related to the notification of Internet Service Providers about received challenges and is explained in the attached summary document. Volume 1 is currently out for public comment through October 18, 2023. Below is an updated Volume 1 schedule. Staff looks forward to your feedback on Volume 1.

### **Broadband Equity, Access, and Deployment: Initial Proposal Volume 1 – State Challenge**

August 25, 2023	ABO Submit Draft Volume 1 to Commerce/Governor’s Office
August 25 – September 8, 2023	Commerce/Governor’s Office Review of Draft Volume 1
September 8 – September 12, 2023	ABO Incorporating Edits
September 18 – October 18, 2023	<i>30-Day Public Comment Period of Draft Volume 1</i>
<i>October 18, 2023</i>	ABO Submit Volume 1 to NTIA
October 18 – November 27, 2023	Estimated Review & Approval Period by NTIA of Volume 1
November 27 – December 27, 2023	Publication of Eligible Locations & Challenge Process (Robust notification of Tribal/Local Gov., Non-Profits, and ISPs)
January 3, 2024	State Challenge Process Officially Begins
January 3, 2024 – February 2, 2024	Challenge Portal Open
January 3, 2024 – March 2, 2024	ISP Rebuttal Period
January 3, 2024, 2023 – April 1, 2024	ABO Adjudication of ISP-Rejected Challenges
April 1 – April 5, 2024	ABO Final Challenge Documentation Prepared
April 8 – April 19, 2024	Commerce/Governor’s Office Review of Final Challenge Results
April 19 – April 23, 2024	ABO Incorporating Edits
April 24, 2024	Submittal of Final Challenge Results to NTIA
April 25 – May 25, 2024	Estimated Review & Approval Period by NTIA of Final Challenge Results
May 25 – July 25, 2024	60-Day Public Posting of Final Approved Challenge Results



THE STATE  
*of* **ALASKA**  
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Broadband Equity, Access, & Deployment  
Initial Proposal Volume 1  
Instate Challenge Summary



## Summary

On June 30, 2023, the National Telecommunications and Information Administration (NTIA) allocated \$1,017,139,672.42 to the State of Alaska under the Broadband Equity, Access, & Deployment (BEAD) program. That allocation started a 180-day timeframe in which State of Alaska must develop and file its broadband grant funding program. The NTIA has titled the grant proposal effort “Initial Proposals”. The State’s Initial Proposal must be completed and submitted by December 30, 2023.

The NTIA has divided the Initial Proposal into two distinct “Volumes”. Volume 1, the subject of this document, is the development and running of an In-state Challenge. Volume 2 is the actual grant program. The Volumes may be submitted separately with Volume 1 submitted in advance of Volume 2, and the NTIA will not approve Volume 1 until Volume 2 has been submitted. The Alaska Broadband Office (ABO) is working on both Volume 1 and Volume 2 in parallel.

The complete Initial Proposal is made up of 20 separate components (Items), four of which pertain to Volume 1. They are:

- Item 3 – Identification of existing broadband efforts
- Item 5 – Identification of existing unserved and underserved locations
- Item 6 – Identification and application of community anchor institution
- Item 7 – Detailed challenge process plan

In addition to identifying the four Items associated with Volume 1, the NTIA also provided the state with recommended guidance on how to run the Volume 1 In-state Challenge. The ABO has with one small exception<sup>1</sup>, chosen to follow the NTIA Volume guidance completely. Most of what you will read below is taken directly from the NTIA Volume 1 Guidance with the section numbers coming from the NTIA data entry portal.

### **Section 01.01: Item 3 – Identification of existing broadband efforts**

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

The ABO compiled a list of federal and state programs funding broadband efforts in the state. That comprehensive list was initially included in the Five-Year Action Plan and is included in its entirety in this submittal. The ABO has additionally included the recent Investing in America summary for Alaska. Both can be found by clicking on the provided hyperlinks.

#### **01.01.01 Existing Broadband Funding**

[Alaska Broadband Office Existing Funding Summary](#)  
[Investing in America Alaska Funding Summary](#)

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<sup>1</sup> The only exception to the guidance is to have a manual intervention by the ABO to collect challenges and email to the providers. The guidance contemplates that this would be done through an automatic email.

## **Section 01.02: Item 5 – Identification of existing unserved and underserved locations**

*Identify each unserved location and underserved location under the jurisdiction of the State of Alaska, 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.*

### **01.02.01 Unserved Locations List**

As a required attachment, the ABO has submitted a .csv file titled “unserved” including data downloaded from the NTIA Online Toolkit.

### **01.02.02 Unserved Locations List**

As a required attachment, the ABO has submitted a .csv file title “underserved” including data downloaded from the NTIA Online Toolkit.

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

The ABO must identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

The ABO will be using Version 2 of the National Broadband Map dated June 30, 2023.

## **Section 01.03: Item 6 – Identification and application of Community Anchor Institutions**

*Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if 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) 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.*

### **01.03.01 Community Anchor Institution Definition**

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

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the ABO (ABO) 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 ABO also included all federal, state, local, and Tribal government facilities used to provide core and critical public service delivery.

**01.03.01(b) Description of how the ABO identified which categories of institutions that fall within broad categories it considered but declined to classify as CAIs, including based on public comment, and the reasonable justification for that definition.**

Prior to public comment, none were declined.

**01.03.01(c) Justification if the ABO identified one or more categories of CAI that are not specifically identified in the statutory definition of CAI.**

The ABO did not identify any additional categories of CAI.

**01.03.01(d) Description of how the ABO identified eligible CAIs in its jurisdiction including in applicable Tribal Lands.**

The ABO entered into a subaward agreement with the Alaska Municipal League (AML) to identify Community Anchor Institutions throughout the state. AML worked directly with municipalities and used standing contacts within organizations representing CAIs to obtain comprehensive lists of categories of CAIs. The methodology used, and source-data obtained by AML is detailed below.

- Schools: The Alaska Department of Education and Early Development provided a list of facilities associated with 462 public, charter, and private schools. The ABO refined the list by limiting facilities to those including classroom and technical training, district administrative offices, and teacher housing owned (leased or rented) by a school district.
- Libraries: The Alaska Department of Education and Early Development provided a list of libraries, cross-referenced by AML with available online resources. The list was double checked against a list provided the Alaska State Librarian.
- Health Care Facilities (health clinic, health center, hospital, or other medical provider): Health facilities were identified by the Alaska Hospital and Healthcare Association and supplemented with data from the Alaska Department of Health's Health Facilities Licensing and Certification, with appropriate CMS identification. Offices of individual providers and clinicians were not included due to volume.
- Public Safety Entities: The Alaska Fire Chiefs Association provided a list of all their contacts, municipal and volunteer fire departments in communities across Alaska. The Alaska Association of Chiefs of Police also provided a list of public safety entities.
- Institutions of Higher Education: The University of Alaska provided a list of a required campus connection points and individual facilities requiring direct connection. (Other higher ed need to be added).
- Public Housing Organizations: Public housing organizations were identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S.



Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).

- Local Governments: AML included all local government offices, based on its membership list that includes all city and borough (county-equivalent) governments in the state. AML received from the two primary public property insurance pools (AML Joint Insurance Association and Alaska Public Entity Insurance) the lists of all insured public property in the state. Larger local governments that self-insure were asked to provide detailed information for their public assets, and data was received from Fairbanks North Star Borough, Municipality of Anchorage, the Matanuska-Susitna Borough, and the City and Borough of Juneau. These four local governments represent 71.8% of all Alaskans. The Alaska Power Association identified <https://www.publicpower.org/public-power-alaska> as the relevant source for publicly owned power utilities.
- Tribal Government Facilities: Tribal government institutions were identified using the Alaska's Division of Community and Regional Affairs Community Database Online.
- State Government Facilities: The ABO used the database of public facilities maintained by the Department of Transportation & Public Facilities.
- Federal Government Facilities: Federal government facility information was collected by the ABO directly from federal agencies.
- Community Service Organizations: AML used IRS reporting functions from 990 filings to incorporate nonprofit location information on a broad scale.

**01.03.01(e) Description of how the ABO assessed the needs of the eligible CAIs, including what types of CAIs intends to serve.**

The ABO relied on knowledge of service levels in communities around the state to identify if some CAIs were eligible. In other instances, speed tests were administered to understand broadband deficiency below 1 Gig symmetrical service. The ABO intends to serve all Community Anchor Institutions as funding allows after all unserved and underserved locations have been addressed. The CAIs have been prioritized for funding as follows by the Broadband Office:

1. Health Care Facility
2. Public Safety Facility
3. Educational Institution/Library
4. Local, State, Federal, or Tribal Government Facility
5. Public Housing Facility
6. Community Support Organizations

### **01.03.02 Eligible Community Anchor Institution List**

As a required attachment the ABO has attached a .csv file titled “Alaska CAI List”.

### **Section 01.04: Item 7 – Detailed Challenge Process Plan**

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

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

The ABO will adopt the NTIA Challenge Process Model to fulfill Requirement 7<sup>2</sup>.

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

The ABO will not submit modifications to the classification of broadband serviceable locations.

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

The ABO will use the BEAD Eligible Entity Planning Toolkit to identify existing enforceable commitments.

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

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

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. State of Alaska and local data collections of existing enforceable commitments.

The ABO 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. 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 of Alaska or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the broadband office will reach out to the provider to verify the deployment speeds of the binding commitment. The broadband office will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed. The broadband office drew on these provider agreements, along with its existing database on state

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<sup>2</sup> Requirement 7 is the requirement to have a challenge process



and local broadband funding programs' binding agreements, to determine the set of State of Alaska and local enforceable commitments.

There are no State of Alaska binding commitments, and there are no known local enforceable commitments.

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

The ABO will list the programs that will be analyzed to identify enforceable commitments for federal funding by using the BEAD Eligible Entity Planning Toolkit. There are no State of Alaska binding commitments, and there are no known local enforceable commitments. The ABO has submitted the model process for deduplication titled, "BEAD Initial Proposal Volume 1\_Deduplication."

#### **01.04.06 Challenge Process Design**

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the ABO understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious, and evidence-based challenge process.

#### **Permissible Challenges:**

The broadband office will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the ABO,
- 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 ABO 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 120 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. Tentative Dates: November 13 - December 13, 2023.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the broadband office challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. *The*

*portal will be reviewed and updated on a weekly basis. The portal will be available to receive challenges 24 hours a day for the 30-day challenge period. All challenge specific documentation will be compiled and sent to a pre-determined point of contact at each provider on a weekly basis by the ABO<sup>3</sup>. 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. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the broadband office will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
  - b. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. Tentative Dates: December 14, 2023 - January 16, 2024.
3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the “sustained” state. Providers must regularly check the challenge portal notification method (weekly emails from the ABO to the pre-determined point of contact) for notifications of submitted challenges.
- a. **Timeline:** Providers will have 30 business days from notification of a challenge to provide rebuttal information to the broadband office. Tentative Dates: On a rolling basis dependent upon when a challenge is submitted during the 30-day Challenge Period, December 14, 2023 - February 16, 2024.
4. **Final Determination Phase:** During the Final Determination phase, the broadband office will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
- a. **Timeline:** Following intake of challenge rebuttals, the broadband office will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. Tentative Dates: December 14, 2023 - March 17, 2024.

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<sup>3</sup> The italicized portion is the only place where the ABO modifies the model process. See Section 01.04.06.01 for the specific waiver information.

## Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the ABO will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The ABO will document the standards of review to be applied in a Standard Operating Procedure and will require reviewers to document their justification for each determination. The ABO plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The ABO will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</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>4</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</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> </ul>

<sup>4</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.”

			location.	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. <sup>5</sup>	Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. <sup>6</sup>
L	Latency	The round-trip latency of the broadband service exceeds 100 ms <sup>7</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>8</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>9</sup>	<ul style="list-style-type: none"> <li>• Screenshot of provider webpage.</li> <li>• Service description provided to consumer.</li> </ul>	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 matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the	Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally	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).

<sup>5</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>6</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>7</sup> *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21).

<sup>8</sup> *Ibid.*

<sup>9</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.

		deployment obligation.	binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).	
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.	<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>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.</li> </ul>	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. <sup>10</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.

### Speed Test Requirements

The ABO 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 days. Speed tests can take five forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
2. ONT (for FTTH), or fixed wireless subscriber module.
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the service provider’s web page.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a an Ookla Speed Test as found on speedtest.net. Each speed test measurement must include:
  - a. The time and date the speed test was conducted.
  - b. 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).
- 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).

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

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<sup>10</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.

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 Tribal and/or local 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 not be considered to determine the status of the location. 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 or underserved. 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.

### **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 ABO also plans to actively inform all units of local and Tribal government 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. Relevant stakeholders can sign up on the broadband office website <https://www.commerce.alaska.gov/web/abo/> for challenge process updates and newsletters. They can engage with the broadband office by contacting [lisa.vonbargen@alaska.gov](mailto:lisa.vonbargen@alaska.gov). Providers must regularly check the challenge portal notification method (weekly emails from the ABO to the pre-determined point of contact) for notifications of submitted challenges.



## Online Challenge Portal

The ABO will establish an online, public facing portal through the utilization of an ESRI ArcGIS HUB page and will use the ESRI application Survey 123 as the mechanism to accept challenges. Combined, these will make up the “challenge portal”. This challenge portal will be linked from both the ABO’s website, and the newly designed HUB page.

Survey 123 is a cloud-based online application that allows for location-based, data-gathering for mobile or desktop devices. Survey 123 will allow for the following functionality as a “challenge portal”:

- Limit challenge submissions to only:
  - Units of local government
  - Units of Tribal government
  - Nonprofit organizations
  - Internet service providers (ISP)
- Allow for challengers to select up to 11 different challenge types and upload supporting evidence for each, with the following supported file types:
  - pdf; doc; docx; xls; xlsx; ppt; pptx; txt; jpeg; png
- The portal will allow for direct link outs and possible integration of Ookla speed test.
- Challengers will be able to review the complete list of served, unserved, and underserved locations and the Community Anchor Institutions (CAIs), for possible challenge. They will also be able to submit new CAIs for consideration.
- Upon the submission of a completed challenge, ABO staff will be alerted via email. ABO staff will review the submission for completeness and accuracy and release the challenge data for public consumption on the HUB page using ESRI Dashboard. The Dashboard will be updated in real-time and open for all public consumption.
- ABO staff will classify each challenge with one of five different status types:
  - Challenged
  - Disputed ISP
  - Sustained ISP
  - Sustained ABO
  - Rejected ABO
- ISP review will take place on the ESRI Dashboard as the ABO releases vetted challenge submissions. It will be the responsibility of each ISP to reference the Dashboard often to see new challenges as they arise. ISPs wishing to submit a rebuttal to a challenge will utilize the same Survey 123 application. For specific rebuttals, they will need to reference the unique Object ID of each challenge. All above functionality of documentation submission will be available to their rebuttals.

## **Protection of Personally Identifiable Information (PII)**

The ABO will ensure that any PII, business confidential, and propriety information that is collected is redacted from public consumption and hidden behind a password protected data management site. This data will not be released in any form. Beyond actively engaging relevant stakeholders, the broadband office will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local government that submitted the challenge,
- the Census block group containing the challenged broadband serviceable location,
- the provider being challenged,
- the type of challenge (e.g., availability or speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The ABO 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 ABO 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. The ABO will ensure that any PII, business confidential, and propriety information that is collected is redacted from public consumption and hidden behind a password protected data management site. Any breach is data will follow the appropriate protocols for notification and violations as found in Alaska Statute 45.48.010-090.

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

The ABO is using the BEAD Model Challenge Process, so no process design acceptable evidence is required to be submitted.

### **Volume 1 Waivers**

The ABO has submitted a waiver to NTIA requesting one minor variation to the notification requirement outlined in the Model Challenge Process. The ABO is requesting to bundle challenges and submit them directly to internet service providers on a weekly basis rather than an automatic email notification from the Online Portal directly to the providers.

## **Section 01.05: Other Information**

### **01.05.01 Volume 1 Public Comment**

The ABO will post Volume 1 of the Initial Proposal for Public Comment for 30 days (estimated) between September 12 and October 11, 2023. The ABO will have a robust outreach program to the four types of entities that may submit challenges. Those include:

- Dedicating the three standing weekly Tribal, General, and Technical Broadband Office Listening Sessions to the Challenge Process,
- Tribal Consultations,
- Posting Volume 1 on the ABO Website,
- Posting Volume 1 to the State of Alaska Online Public Notice Platform,
- Tailored engagements with stakeholder groups,
- Outreach to municipalities through the Alaska Municipal League,
- Outreach to all members of the ABO List Serve,
- Direct outreach to all 425 Native Entities in the state,
- Further outreach to Native Entities through the Alaska Federation of Natives, and
- Direct outreach to non-profits partners identified in the Digital Equity planning process.

#### **01.05.02 Volume 1 Supplemental Materials**

The ABO is submitting no supplemental materials.