



# **Maryland 2024 Challenge Process**

## **User Guide**

### **Standard Operating Procedure**

#### **Revision 1.2**

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## 1. Overview

Maryland's Office of Statewide Broadband (OSB) is beginning the 2024 challenge process on July 15th. The challenge process will last a total of Ninety Calendar days and will go through three phases each lasting at minimum thirty calendar days. The three phases are the challenge phase, the rebuttal phase, and the final determination phase. To enter the challenge process, challengers will have to apply through the Office of Statewide Broadband's (OSB) online challenge portal. After getting approval of the application on the OSB's portal, challengers will enter into the challenge process. The OSB's served, unserved, underserved, and unserved Community Anchor Institution (CAI) data will be available for download through the OSB's challenge portal when the challenge process begins on July 16th.

## 2. Obtaining a Costquest - NTIA Fabric license

The Fabric contains a list of Broadband Serviceable locations (BSL). The Fabric reflects each BSL as a single point or record defined by a set of geographic coordinates that fall within the footprint of a structure, and each point is assigned a unique Commission-issued Location ID. In addition to the 'location\_id' and coordinates, each BSL record includes an address (if available), unit count, and land-use category.

Below are some helpful links related to the Fabric as well as a table with some information on the license your entity will need. Internet Service Providers will need a Tier D license and local governments and non-profits will need a Tier E license as shown in the table below. The first link below labeled 'licensing information' contains more detailed information on the license as well as information on how to attain a license and a link to begin the process. The 'Broadband Data Collection' link will take you to the BDC website where challenges can be submitted if errors are found in the Fabric. 'FCC Fabric National Broadband Map' is a map that shows BSL and the Internet service plans available for the BSL.

Licensing information - [CostQuest Licensing | BroadbandUSA \(doc.gov\)](#)

Tier D	Recipients, sub-recipients, and prospective recipients of federal broadband funds from Federal Broadband Granting Agencies	Entities that participate in Federal Broadband Programs and will file challenges during state led challenges processes or relevant reporting
Tier E	Units of local government, non-profits, and FCC Tier 4 organizations	Entities that seek to participate in FBGA challenge processes (e.g., the BEAD program challenge processes)

### 3. Deadlines

- July 9th - The portal registration and approval process opens on the OSB’s online challenge portal
- July 16th to August 15th - Phase one, the challenge phase.
- August 16th to September 15th - Phase two, the rebuttal phase.
- September 16th to October 15th - Phase three, the final determination phase.

## 4. Registration for Participation in Challenge Process

### 4.1 Permissible Challengers

Challenges are allowed from the following parties:

- Units of local government
- Broadband service providers
- Nonprofit organizations

Residents can submit challenges through their unit of local government or a nonprofit. This unit of local government or nonprofit will then upload the challenges to the OSB's challenge portal, which in turn notifies the broadband service provider of the challenge.

### 4.2 Portal User Profiles and Approval

The [OSB challenge portal](#) requires a registration process. [Portal instructions](#) are available for download and are also available for download on the challenge portal.

1. You will need to enter a valid email address and create a password. After registering and logging in you will find the user profile option.
2. Next, apply for the challenge process by creating a user profile which will be sent for approval to the OSB. You can see the status of the approval next to your user profile. The default value is 'No' but will change to 'Yes' when the user profile is approved.
3. Any user profile approved is now a registered challenger in the OSB's Challenge process. Entities creating the user profile will only have one user profile per entity unless given permission with good reason.

## 5. Publication of Data

### 5.1 Publication of Eligible Locations

Prior to beginning the Challenge Phase, OSB will publish the set of locations eligible for BEAD funding, unserved and underserved. OSB will also publish locations considered served, as they can be challenged. OSB plans to publish the locations on July 14th, the day before the Challenge process begins.

### 5.2 Community Anchor Institutions

A list of unserved CAIs and categories as approved by the NTIA will be published. The list will be a set of locations with details on the CAI, the Category of the CAI, and the speeds the CAI currently has.

### 5.3 Deduplication of funding

The OSB has completed the deduplication process and will publish a list of locations under enforceable commitments.

### 5.4 CSV Templates for Publication

All data will be published in certain CSV templates under NTIA guidelines. For all challenges the provided CSV templates should be used. There are two types of CSV templates, one for residential and business locations and the other for CAIs. For each category the right CSV template should be used.

## 6. Challenge Phase

**Challenge Phase:** During the Challenge Phase, challengers may submit the challenge through OSB’s challenge portal. All challenges will be made visible to the service provider whose service availability and performance is being contested. OSB will notify the service provider of the challenge after a review of the challenge by OSB, which will include related information about timing for the provider’s response. At this time, the location will enter the “challenged” state.

- a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify the following:
  - i. That the address provided in the challenge can be found in the Fabric and is a BSL
  - ii. That the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service
  - iii. That the email address from which the challenge was sent is verifiable and reachable by sending a confirmation message to the listed contact email
  - iv. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR)
- b. OSB will 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.
- c. **Timeline:** Challengers will have 30 calendar days to submit a challenge from the time the initial lists of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted. OSB plans to begin this phase on July 16, 2024.



## 7. Rebuttal Phase

**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 service provider claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.

**Submitting Rebuttals:** When the Rebuttal phase begins all challenges that have met the Minimum Level of Evidence (MLE) will be published and available for download through the challenge portal. Users will be able to see the challenges from the counties with which they are registered. The published challenges will have a 4 digit Unique ID at the end of each challenge name. For example, “Example\_Challenge\_0001”. The Unique ID needs to be included at the end of the rebuttal name to indicate which challenge is being rebutted. For example, “Example\_Rebuttal\_0001”.

- a. **Service Provider Options:** Challenged service providers will have the following options for action at this time.
  - i. **Rebut:** Rebuttals must be provided with evidence, at which time the challenged location or locations will enter the “disputed” state.
  - ii. **Leave Unrebutted:** If a challenge that meets the minimum level of evidence is not rebutted, the challenge will be considered conceded and sustained. This will result in transition of the challenged location(s) to the “sustained” state.
  - iii. **Concede the Challenge:** In the event the challenged service provider signals agreement with the challenge, the challenge will be considered conceded and sustained. This will result in transition of the challenged location(s) to the “sustained” state.
- b. **Timeline:** Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to OSB. The rebuttal period

begins once the provider is notified of the challenge, and thus may occur concurrently with the challenge phase. OSB plans to begin this phase on August 16, 2024.

## 8. Final Determination Phase

**Final Determination Phase:** During the Final Determination phase, OSB will make the final determination of the classification of the location(s) that remain in the disputed state, either declaring the challenge “sustained” or “rejected.”

- a. **Timeline:** OSB 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. OSB plans to begin this phase on September 16, 2024.

## 9. Community Anchor Institutions (CAI)

### 9.1 CAI Challenges

There are two categories of Community Anchor Institution (CAI) challenges:

1. Identification of CAIs: Location is a CAI or not, based on OSB’s definition of CAIs from IPV1, as approved by NTIA (See below)
2. Eligibility based on Availability, “qualifying broadband” to a CAI: Reliable Broadband Service with a speed of not less than 1 Gbps for downloads and uploads alike and latency less than or equal to 100 milliseconds. For CAI challenges use the CAI CSV template provided.

## 9.2 CAI Categories

The challenges on whether a location is a CAI should use the below definition of categories when determining a location's status. The categories of CAI below are the only categories being considered under NTIA approval.

The identification of Community Anchor Institutions for the purposes of BEAD is based on the categories definition and process outlined in OSB's IPV1 as approved by NTIA:

- 1. Schools:** This category includes all K-12 schools participating in the FCC E-Rate program or that have a National Center for Education Statistics (NCES) ID in the categories "public schools" or "private schools."
- 2. Libraries:** The list of libraries includes all those participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
- 3. Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals, and other medical providers includes all institutions that have a Centers for Medicare & Medicaid Services (CMS) identifier.
- 4. Public safety entity:** The list of public safety entities includes fire houses, emergency medical service stations, and police stations, based on records maintained by the State of Maryland and units of local government. Included in the list of public safety entities is also the list of public safety answering points (PSAP) in the FCC PSAP registry.
- 5. 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 (MSI), the State's Historically Black Colleges and Universities (HBCU), other universities, and other educational institutions.

6. **Community facilities:** OSB included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. OSB included senior centers and job training centers in this category. The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder. The National Council on Aging (NCOA) helped identify senior centers. Additional locations and facilities as part of the definition include public parks’ publicly accessible main buildings (as parks can serve as a necessary resource of last resort for vulnerable populations to visit to access the internet), museums (both public and private), and shelters (as shelters facilitate use of broadband by vulnerable populations, particularly low-income populations, including those for the homeless, women’s shelters, and halfway houses).
7. **Correctional facilities:** The list will include the Department of Public Safety and Correctional Services’ 24 correctional facilities, as well as the Patuxent Institution, the Central Booking and Intake Center, and the Baltimore Pretrial Complex and Youth Detention Center, as these locations represent the only way for incarcerated individuals to access the internet and would therefore increase public use of the internet by covered populations, specifically incarcerated individuals. These locations also offer adult education to assist the incarcerated individual's ability to gain digital skills to help them enter the workforce upon their release.
8. **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).

## 10. Allowable Challenges and Evidence

The following table outlines the classes of challenges that are allowable and unallowable as part of the BEAD challenge process.

**Table 1: BEAD Challenge Process Allowable Challenges**

Scope	Challenge Class	Challenge Type	Detail
Allowable	Location eligibility determination	<ul style="list-style-type: none"> <li>• Availability (A)</li> <li>• Speed (S)</li> <li>• Latency (L)</li> <li>• Business Service Only (B)</li> <li>• Data Cap (D)</li> <li>• Technology (T)</li> </ul>	NTIA will permit challenges to the classification of a location as an unserved or underserved location eligible for BEAD funds ( <i>i.e.</i> , challenges to the broadband service availability data) for existing BSLs included in the FCC’s Broadband Serviceable Location Fabric (Fabric). This includes the classification of individual BSLs that are multi-dwelling units (MDUs) based on the availability of broadband service to individual units within the BSL.
	CAI Eligibility Determination	<ul style="list-style-type: none"> <li>• Qualifying broadband not available (G)</li> <li>• Qualifying broadband available</li> </ul>	NTIA will permit challenges to the classification of a CAI as eligible for BEAD funds ( <i>i.e.</i> , challenges that a CAI does not receive at least 1 Gigabit broadband speeds).

Scope	Challenge Class	Challenge Type	Detail
		(Q)	
	Identification of CAIs	<ul style="list-style-type: none"> <li>• Location is a CAI (C)</li> <li>• Location is Not a CAI (R)</li> </ul>	NTIA will permit challenges to the Eligible Entity’s identification of CAIs.
	Enforceable Commitments	<ul style="list-style-type: none"> <li>• Enforceable Commitment (E)</li> <li>• Not Part of an Enforceable Commitment (N)</li> </ul>	NTIA will permit challenges to the identification of previous federal, state, or local enforceable commitments to minimize duplication of funding.
	Planned service	<ul style="list-style-type: none"> <li>• Planned Service (P)</li> </ul>	NTIA will permit challenges where a broadband provider offers convincing evidence that they are currently building out broadband to challenged locations without government subsidy or are building out broadband offering performance beyond the program requirements.
<b>Not Allowable</b>	Classification of BSLs	NTIA will not permit challenges to the classification of a BSL on the Fabric ( <i>e.g.</i> , altering the BSL’s “Building Type” classification on the Fabric to reflect a BSL’s subscription to mass-market broadband service).	
	Addition or Removal of BSLs	NTIA will not permit new BSLs to be added to or removed from the Fabric. <i>See</i> , Infrastructure Act, 60102(a)(2)(H).	

To ensure that each challenge is reviewed and adjudicated in a way that is fair to all participants and relevant stakeholders, OSB will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. OSB will:

- Document the standards of review to be applied in a Standard Operating Procedure
- Require reviewers to document their justification for each determination
- Ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted
- Require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations
- Unless otherwise noted, “days” refers to calendar days.

## 10.1 Area and MDU challenges

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

An MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined as one broadband serviceable location listed in the Fabric. An MDU challenge counts towards an area challenge (i.e., six successful MDU challenges in a census block group may trigger an area challenge

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

Area challenges for availability need to be rebutted in whole or by location with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or 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). 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.

A successful MDU challenge converts the status of the location to the lowest level of service across all units. For example, the location is considered unserved if one unit is found to be unserved, even if other units within the MDU reach the underserved or served speed thresholds.

## 10.2 Speed test requirements

OSB will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test must consist of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed tests can take 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 connected to a residential gateway, using speedtest.net or other Ookla-powered front ends or M-Lab's speed test services

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 to which the customer subscribes (e.g., a copy of the customer's last invoice)
- An agreement, using an online form provided by OSB, that grants access to these information elements to OSB, 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/25 Mbps and the three speed tests result in

download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

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

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. Since speed tests can only be used to change the status of locations from “served” to “underserved”, only speed tests of subscribers that subscribe to tiers at 100/20 Mbps and above are considered. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served 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.

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

## **Table 2: Challenges, Evidence, and Permissible Rebuttals**

The Table below depicts all challenge types, a description of what the challenge entails, examples of required evidence for the challenge, and what rebuttals will be accepted.

Code	Challenge type	Description	Specific examples of required evidence	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.</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</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>

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
			of the provider’s standard installation charge in order to connect service at the location.	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds.	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.
L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	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.
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on	<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.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
		the consumer.		
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 its 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 has documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	Enforceable commitment by service provider (e.g., authorization letter).	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).

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by December 30th, 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 State or SBO 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 December 30th, 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.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
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 State.	Evidence that the location does not fall within the definitions of CAIs set by the State 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 State or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by set by the State or is still operational.



## 11. Contact Information

- For any questions contact: [OSB.BEAD@maryland.gov](mailto:OSB.BEAD@maryland.gov)
- Maryland's Office of Statewide Broadband's [OSB website](#) will have information to help with all steps of the challenge process

## 12. Web link Library

[OSB challenge portal](#)

[Portal instructions](#)

[OSB website](#)

[OSB Broadband Hub Dashboard](#)

[FCC National Broadband Map](#)