



State of Maryland Office of Statewide Broadband Initial Proposal Volume I (Requirements 3, 5 – 7) BEAD Program

DRAFT November 1, 2023

This document is a draft of Volume I of the Broadband Equity, Access, and Deployment (BEAD) Initial Proposal and is being released for public comment by the State of Maryland in advance of its submission by the Maryland Office of Statewide Broadband (OSB) to the National Telecommunications and Information Administration (NTIA).

All comments are welcome on the combined draft and should be submitted via email to OSB.BEAD@maryland.gov by 11:59 p.m. on December 2, 2023.

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1. Introduction

The Maryland Office of Statewide Broadband (OSB) hereby submits to NTIA this first volume of the BEAD Initial Proposal, which is in alignment with NTIA’s BEAD Challenge Process guidance and meets all requirements of Volume I of the Initial Proposal.¹

This document includes the following requirements outlined in the BEAD Notice of Funding Opportunity (NOFO):²

1. The document identifies existing efforts funded by the federal government or the State of Maryland within the jurisdiction of the State of Maryland to deploy broadband and close the digital divide (Initial Proposal Requirement 3).
2. The document identifies each unserved location and underserved location within Maryland, using the most recently published National Broadband Map³ as of the date of submission of the Initial Proposal, and identifies the date of publication of the National Broadband Map used for such identification (Initial Proposal Requirement 5).
3. The document describes how OSB has applied the statutory definition of the term “community anchor institution” (CAI), identified all eligible CAIs in Maryland, 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 OSB 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 OSB determined that such category of CAI facilitates greater use of broadband service by vulnerable populations (Initial Proposal Requirement 6).
4. The document proposes a detailed plan as to how OSB will conduct a challenge process as required by NTIA and consistent with the draft challenge process guidance released by NTIA on June 28, 2023 (Initial Proposal Requirement 7).

¹ This guidance document is intended to help BEAD Eligible Entities better understand the BEAD Program requirements set forth in the Infrastructure Act, the BEAD Notice of Funding Opportunity (NOFO), and the BEAD Challenge Process Policy Notice. This document does not and is not intended to supersede, modify, or otherwise alter applicable statutory or regulatory requirements, or the specific requirements set forth in the NOFO. In all cases, statutory and regulatory mandates, and the requirements set forth in the NOFO, shall prevail over any inconsistencies contained in this document.

² See BEAD NOFO at 31, Section IV.B.5.b

³ The National Broadband Map, referred to as the Broadband DATA Map in the BEAD NOFO, is the fixed broadband availability map created by the Federal Communications Commission under Section 802(c)(1) of the Communications Act of 1934 (47 U.S.C. § 642(c)(1)).

OSB intends to run its challenge process after NTIA approves this first volume of the Initial Proposal, and to do so within the timeline required by NTIA for the BEAD program.

2. Existing broadband funding and resources (Requirement 3)

This first volume of the State of Maryland BEAD Initial Proposal includes, consistent with NTIA requirements, descriptions of existing funding for broadband in Maryland.

Attached as Appendix 1 is a table that identifies:

1. Sources of funding
2. A brief description of the funding purpose
3. Total funding

3. Unserved and underserved locations (Requirement 5)

This first volume of the State of Maryland BEAD Initial Proposal includes, consistent with NTIA requirements, a list of all unserved and underserved locations in Maryland.

3.1 Locations IDs of all unserved and underserved locations

Attached as Appendix 2 and Appendix 3 are two CSV files with the location IDs of all unserved and underserved locations, respectively.

3.2 Publication date of the National Broadband Map used to identify unserved and underserved locations

The unserved and underserved locations identified in this document and its attachments are based on the September 26, 2023, publication date of the National Broadband Map. Consistent with NTIA guidance, that publication date of the National Broadband Map does not predate the submission of the Initial Proposal by more than 59 days.⁴

⁴ Maryland’s actual challenge process will use the November 2023 publication of the National Broadband Map (or whichever version is most current as of the time of initiation of the challenge process).

4. Community anchor institutions (Requirement 6)

This first volume of the State of Maryland BEAD Initial Proposal includes, consistent with NTIA requirements, a definition of “community anchor institution,” a list of CAIs, and an analysis of the connectivity needs of the institution.

4.1 Definition of “community anchor institution”

Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the broadband office 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, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals (including shelters for homeless, women’s and halfway houses), children, the incarcerated, and aged individuals.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E): Whether the community support organization facilitates greater public 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 CAIs:

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:** The list includes facilities such as community centers (public and private), public parks, museums (both public and private), and shelters (including those for the homeless, women’s shelters, and halfway houses).

4.2 Connectivity needs of defined CAIs

To assess the network connectivity needs of the types of eligible CAIs listed above, OSB undertook the following activities:

1. **Engaged government agencies.** OSB communicated with relevant State agencies as well as Maryland’s 23 counties and the City of Baltimore to understand what records they have available regarding relevant community anchor institutions with 1 Gbps broadband service availability. Specifically, OSB contacted the following agencies:
 - a. **Education:** OSB communicated with the Maryland State Department of Education to determine which schools do not currently have access to 1 Gbps symmetrical broadband service. OSB has determined that all but a few of these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO.
 - b. **Health care:** OSB communicated with the Maryland Department of Health to determine which public health facilities may lack 1 Gbps symmetrical broadband service. OSB has determined that these public CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO.
 - c. **Libraries:** OSB communicated with Maryland State Library Agency to determine which libraries lack 1 Gbps symmetrical broadband service. OSB has determined that these CAIs have the requisite symmetrical broadband speeds as identified by the BEAD NOFO.
 - d. **Public safety:** OSB communicated with the Maryland Department of Public Safety and Correctional Services to determine which facilities lack 1 Gbps symmetrical broadband service. The educational centers at some of these facilities may not have the requisite symmetrical broadband speeds as identified by the BEAD NOFO.

2. **Engaged relevant umbrella organizations and nonprofits.** OSB engaged with umbrella and nonprofit organizations that work with CAIs to coordinate and obtain 1 Gbps broadband service availability data.
3. **List of CAIs that do not have adequate broadband service.** Using the responses received, OSB compiled a list of CAIs that do not have adequate broadband service. Attached as Appendix 4 is a CSV file with the relevant list of eligible CAIs that require qualifying broadband service and do not currently have access to such service, to the best of OSB's knowledge.

5. Challenge process (Requirement 7)

This first volume of the State of Maryland BEAD Initial Proposal includes, consistent with NTIA requirements, a detailed and rigorous proposed challenge process for development of the map under which BEAD grants will be evaluated and awarded by OSB. The proposed challenge process, including all required elements, is described in detail below.

Adoption of NTIA Challenge Model

No

Yes

The State of Maryland plans to adopt the NTIA BEAD Model Challenge Process. Maryland will also adopt the BEAD Eligible Entity Planning Toolkit.⁵

5.1 Deduplication of funding: Use of BEAD Planning Toolkit for identifying enforceable commitments

Yes

No

OSB will use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

5.2 Process description

OSB will identify 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 the State of Maryland broadband deployment programs that rely on funds from the State and Local Fiscal Recovery Funds administered by the U.S. Treasury
- Data sets from the State of Maryland’s broadband deployment programs that rely on State funds, as well as other local data collections of existing enforceable commitments

OSB will make its best effort to develop a list of broadband serviceable locations (BSLs) subject to enforceable commitments based on State or local grants or loans. If necessary, OSB will

⁵ See https://www.internetforall.gov/sites/default/files/2023-04/BEAD_Model_Challenge_Process_-_Public_Comment_Draft_04.24.2023.pdf.

translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. OSB will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

OSB will review its repository of existing State grant programs to validate the upload and download speeds of existing binding commitments to deploy broadband infrastructure. In situations in which the program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, OSB will reach out to the provider to verify the deployment speeds of the binding commitment. OSB will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

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

5.3 List of programs analyzed

Attached as Appendix 5 is a CSV file with a list of the relevant federal programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

5.4 Challenge process design: Process description

This OSB plan is largely based on the NTIA BEAD Challenge Process Policy Notice and OSB's understanding of the goals of the BEAD program. The full process is designed to ensure a transparent, fair, expeditious, and evidence-based challenge process.

Permissible challenges

OSB will allow challenges on the following grounds:

- Identification of eligible CAIs, as defined by OSB in the Initial Proposal Volume I
- CAI BEAD eligibility determinations
- BEAD eligibility determinations for existing broadband serviceable locations (BSL) included in the FCC's National Broadband Map
- Enforceable commitments
- Planned service

Permissible challengers

During the BEAD Challenge Process, OSB will allow challenges from nonprofit organizations, units of local governments, and internet service providers (ISP).

Challenge process overview

The challenge process conducted by OSB will include four phases, spanning 90 calendar days⁶.

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, OSB 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). OSB will also publish locations considered served, as they can be challenged. OSB tentatively plans to publish the locations after NTIA approval of the Challenge Process.
2. **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 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

⁶ The NTIA BEAD Challenge Process Policy Notice allows *up to* 120 calendar days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.

- 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.
 - 3. **Rebuttal Phase:** Only the challenged service provider may rebut the reclassification of a location or area. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
 - a. **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.

4. **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.

Evidence and review approach

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

Table of challenge types, evidence examples, and permissible rebuttals

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"> • Screenshot of provider webpage. • A service request was refused within the last 180 days (e.g., an email or letter from provider). • Lack of suitable infrastructure (e.g., no fiber on pole). • 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.⁷ • A letter or email dated within the last 365 days indicating that a provider requested more than the 	<ul style="list-style-type: none"> • Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. • If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. • 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.

⁷ A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
			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.	
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds. ⁸	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. ⁹
L	Latency	The round-trip latency of the broadband service exceeds 100 ms. ¹⁰	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms,

⁸ 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.

⁹ 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.

¹⁰ Performance Measures Order, including provisions for providers in non-contiguous areas (§21).

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
				e.g., from their own network management system or the CAF performance measurements. ¹¹
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. ¹²	<ul style="list-style-type: none"> • Screenshot of provider webpage. • Service description provided to 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 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.

¹¹ *Ibid.*

¹² An unreasonable capacity allowance is defined as a data cap that falls below the capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity allowance or if another provider offers reliable broadband service at that location.

Code	Challenge type	Description	Specific examples of required evidence	Permissible rebuttals
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 July 16, 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"> • 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 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>i.e.</i>, a separate federal grant program), including the expected date deployment will be completed, which must be on or before July 16, 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.

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 percent 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.

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. The State may utilize the template of the Connect America Fund, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) – Performance Measures Order. 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 percent of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule,¹³ i.e., 80 percent of these locations must experience a speed that equals or exceeds 80 percent of the speed threshold. For example, 80 percent of these locations must have a download speed of at least 20 Mbps (that is, 80 percent 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.

¹³ The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. See BEAD NOFO at 65, n. 80, Section IV.C.2.a.

Transparency plan

To ensure the challenge process is transparent and open to public and stakeholder scrutiny, OSB 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.

OSB also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and internet service providers. Relevant stakeholders can sign up on OSB's website at <https://dhcd.maryland.gov/Broadband> for challenge process updates and newsletters. They can engage with OSB through a designated email address: OSB.BEAD@maryland.gov. Providers will be notified of challenges through OSB.BEAD@maryland.gov.

Beyond actively engaging relevant stakeholders, OSB 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)
- A summary of the challenge, including whether a provider submitted a rebuttal

OSB 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, OSB 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.

OSB will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal and State law. If any of these responses do contain information or data 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.

Appendix 1: Broadband funding sources

Source	Purpose	Total
FCC Rural Digital Opportunity Fund	Rural broadband deployment	\$43,963,097.80
NTIA Connecting Minority Communities Pilot Program – University of Maryland Eastern Shore	Rebuilding Our Digital Road: Digital Infrastructure Re-imagining project	\$2,999,999.89
NTIA Connecting Minority Communities Pilot Program – Morgan State University	META (Miles of Education through Technology Access) Zones project	\$4,115,616
NTIA – Enabling Middle Mile Broadband Infrastructure Program award to Baltimore Gas & Electric for the BGE Underground Fiber Project	Build 69.9 route-miles of underground middle-mile fiber	\$15,438,845.47
Maryland Office of Rural Broadband (ORB)	Build fiber and supporting infrastructure to unserved areas. 45,582 locations passed over the life of the program	\$245,343,703 over the life of the program
U.S. Treasury State and Local Fiscal Recovery Funds (SLFRF)	Program at the University of Maryland to improve digital skills	\$6,000,000

Appendix 2: Location IDs of all unserved locations

This appendix is presented as a separate file.

Appendix 3: Location IDs of all underserved locations

This appendix is presented as a separate file.

Appendix 4: List of eligible CAIs that do not currently have qualifying broadband service (1/1 Gbps)

This appendix is presented as a separate file.

Appendix 5: List of federal and State programs analyzed to remove enforceable commitments from the locations eligible for BEAD funding

Program name	Source
Rural Digital Opportunity Fund (RDOF)	Federal
Connect America Fund (CAF) II	Federal
ReConnect	Federal
Community Connect	Federal
State grants	State