



Public Service Commission of Wisconsin

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Public Service Commission of Wisconsin
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April 12, 2024

Re: Broadband and Digital Equity Planning- BEAD 5-BP-2023
 Initial Proposal Volume 1 Approval Letter

The Broadband Equity, Access, and Deployment (BEAD) Program was created under the Bipartisan Infrastructure Law (BIL), which was enacted by Congress on November 15, 2021, in order to provide access to reliable, affordable high-speed internet. The National Telecommunications and Information Association (NTIA) administers the BEAD program and has delegated primary administration and implementation to states. Under Wis. Stat. § 16.54, Governor Tony Evers authorized the Public Service Commission of Wisconsin (Commission) to administer BEAD Program funds.

The BEAD program allocates \$1,055,823,573.51 to Wisconsin. As part of the BEAD planning process, the Wisconsin Broadband Office drafted the BEAD Initial Proposal Volume 1. This Volume 1 outlines a challenge process to determine the locations and community anchor institutions that are eligible for BEAD funding.

After a 30-day public comment period, the Commission approved the BEAD Initial Proposal Volume 1 at the November 3, 2023, Open Meeting ([PSC REF#: 486312](#)). The Commission directed staff to finalize the document for submission to NTIA with modifications to provide clarifications in response to public comments and incorporate any feedback received from NTIA to ensure alignment with the goals and guidance provided in BIL and BEAD Notice of Funding Opportunity. The State of Wisconsin's BEAD Initial Proposal Volume 1 was approved by NTIA on April 11, 2024. The Approved BEAD Initial Proposal Volume 1 is attached.

The Commission has opened the [docket 5-BCH-2024](#) for the BEAD Challenge process. The Commission has also created the [BEAD Challenge Process webpage](#). Staff will be updating this page regularly with technical assistance and information about the challenge process. For questions about BEAD Volume 1 or the State Challenge Process email PSCBEADChallenge@wisconsin.gov

Sincerely,

Joe Fontaine
 Administrator
 Division of Digital Access, Consumer and Environmental Affairs

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INTERNET FOR ALL WISCONSIN

Initial Proposal Volume 1



Public Service Commission
of **WISCONSIN**



Table of Contents

Requirement 3: Existing Broadband Resources and Funding	2
Requirement 5: Unserved and Underserved Locations	2
Requirement 6: Community Anchor Institutions.....	3
Requirement 7: Challenge Process	7
Public Comments	19

Requirement 3: Existing Broadband Resources and Funding

Submitted on August 27, 2023, [Wisconsin's BEAD Five-Year Action Plan](#) details the state's existing broadband funding. Consistent with NTIA requirements, a description of existing broadband funding has been adapted and updated for the Volume 1 and includes:

- Sources of funding;
- A brief description of the broadband deployment and other broadband-related activities;
- The total funding of broadband activities;
- The funding amount expended; and
- The remaining funding amount available.

1.1.1 Attachment As a required attachment, submit the file identifying sources of funding, a brief description of the broadband deployment and other broadband-related activities, the total funding, the funding amount expended, and the remaining funding amount available. Eligible Entities may copy directly from their Five-Year Action Plans.

This list of existing broadband funding is provided in the attachment required by NTIA and published to docket 5-BP-2023.

Requirement 5: Unserved and Underserved Locations

1.2.1 Attachment As a required attachment, submit one CSV file with the location IDs of each unserved location including unserved locations in applicable Tribal Lands.

1.2.2 Attachment As a required attachment, submit one CSV file with the location IDs of each underserved location including underserved locations in applicable Tribal Lands.

Consistent with NTIA requirements, this Volume 1 includes as attachments, lists of all unserved locations and underserved locations in Wisconsin and are published to docket 5-BP-2023.

1.2.3 Date Selection Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

October 10, 2023.

Requirement 6: Community Anchor Institutions

1.3.1 Text Box: Describe how the statutory definition of “community anchor institution” (e.g., schools, libraries, health clinics) was applied, how eligible CAIs were identified, and how network connectivity needs were assessed, including the types of CAIs that the Eligible Entity intends to serve.

The Eligible Entity must include:

- a. A description of how the Eligible Entity applied the statutory definition of the term “community anchor institution” and identified all Eligible CAIs (i.e., “a community anchor institution that lacks access to Gigabit-level broadband service”) in its jurisdiction and in applicable Tribal Lands.
- b. A description of how the Eligible Entity assessed the needs of Eligible CAIs, and of what types of CAIs the Eligible Entity intends to receive service under the BEAD Program.
- c. A description of the categories of institutions proposed as CAIs, including during the public comment period, if any, that the Eligible Entity considered but declined to classify as an eligible CAI, and a description of the basis on which the Eligible Entity determined that such category of CAI does not facilitate greater use of broadband service by vulnerable populations.
- d. If the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act*, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.

To identify eligible locations, based on the statutory definition of “community anchor institution” (47 USC 1702(a)(2)(e)), the Wisconsin Broadband Office (WBO) applied the definition of “community anchor institution” as: an entity such as a school, library, health clinic, health center, hospital or other medical facilities, public safety entity, institution of higher education, public housing organization (including any public housing agency or Department of Housing and Urban Development (HUD)-assisted housing organization), or community support organization (CSO) that facilitates greater use of broadband service by vulnerable populations, including but not limited to low-income individuals, children, unemployed individuals, aged individuals, and incarcerated and formerly incarcerated individuals.

The following definitions were used to identify the types of CAIs, and related main categories:

- **Education:**
 - Schools. K-12 schools include all public and private schools identified by the Wisconsin Department of Instruction (DPI), and that have an NCES (National

Center for Education Statistics) ID in the categories “public schools” or “private schools”, including those located on Tribal lands.

- **Libraries.** Includes all libraries and their branches identified by DPI, including all libraries eligible for the FCC E-Rate program and, including libraries located on Tribal lands (this was updated to reflect a broader listing of libraries per public comment (see here: <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20483047> and here: <https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20483031>).
- **Institution of higher education.** Institutions of higher education include all public and private institutions identified by DPI, including those located on Tribal land [<https://data-wi-dpi.opendata.arcgis.com/datasets/colleges-and-universities-wisconsin-2021/explore>].
- **Health:** Health clinic, health center, hospital, or other medical facilities. The list of health clinics, health centers, hospitals and other medical providers includes all institutions identified by the Wisconsin Department of Health Services (DHS), including those located on Tribal lands [<https://data.dhsgis.wi.gov/search?collection=Dataset>].
- **Public safety:** Public safety entity. The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Wisconsin Department of Military Affairs as well as using publicly available spatial data [<https://livingatlas.arcgis.com/en/browse/?q=FIRE#d=2&q=FIRE>]. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry [<https://www.fcc.gov/general/9-1-1-master-psap-registry>].
- **Institution of higher education:** Institutions of higher education include all public and private institutions identified by DPI, including those located on Tribal land [<https://data-wi-dpi.opendata.arcgis.com/datasets/colleges-and-universities-wisconsin-2021/explore>].
- **Public housing organizations:** Public housing locations and locations receiving low-income housing tax credits were identified by downloading the dataset from the U.S. Department of Housing and Urban Development Open Data webpage [<https://hudgis-hud.opendata.arcgis.com/search?collection=Dataset>].
- **Community support organizations (CSOs):** The WBO included community support organizations that were not specifically listed in 47 USC 1702(a)(2)(e), including those located on Tribal lands, and those that facilitate greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals,

unemployed individuals, children, aged individuals, and incarcerated and formerly incarcerated individuals. To identify these locations, data sets from DHS and the Department of Corrections (DOC), and DPI, were employed, along with collected data from the broadband office's digital equity outreach activities which identified many organizations serving these populations. The following additional types of Community Support Organizations have been included in the community anchor institutions list:

- Community Based Residential Facilities. Community Based Residential Facilities encompass various types of entities providing support and/or rehabilitation services to those in need, many of which are covered populations transitioning into pathways of education or employment, or health recovery. Many of these facilities provide only temporary residency but are critical for these populations in need. These entities are facilitating greater use of broadband by helping individuals navigate Federal and Local assistance through web-based application portals, seeking jobs and permanent residential housing online, telehealth services, and web-based education and training opportunities.
- Correctional Facilities. Correctional facilities directly serve the covered population group incarcerated individuals and through their rehabilitative services, facilitate greater use of broadband service through education and vocational training, navigating reentry services, and ensuring access and understanding of navigating online health and benefit resources.
- Nursing Homes. Nursing homes facilitate greater use of broadband for aging individuals, veterans, and low-income populations by ensuring these groups can effectively access telehealth services and other essential services such as online banking.
- Senior Centers. Senior centers facilitate greater use of broadband for aging individuals and other overlapping covered population groups in various important ways: informal and formal digital skills training, use of health and telehealth platforms and resources, facilitating ongoing learning opportunities including those for elderly with language barriers, and assisting with enabling communication and social engagement via the internet.

Other organizations that serve the populations detailed under the community support organization community anchor institution type are being identified and will be included in the final community anchor institution list. In addition, the Wisconsin Broadband Office is using the challenge process to ensure that all relevant institutions meeting the community anchor institution criteria are included.

CAI Needs

The Wisconsin Broadband Office undertook collaboration and engagement with state government agencies to assess the needs of the above types of community anchor institutions, by requesting a formal letter that details their agencies existing works and needs related to broadband and digital equity. The broadband office received responses from DPI, DHS and DOC. DPI shared all of the known school and library community anchor institutions in the

state that lack 1 Gbps symmetrical service availability and highlighted needs by offering recommendations. DPI recommendations included connecting the community anchor institutions lacking 1 Gbps symmetrical and funding recommendations to ensure students have equitable access to broadband. DOC noted that many facilities need additional fiber infrastructure to connect all facility buildings and to enable needed wireless technology. DHS shared that improved access to broadband is needed across the state, particularly for Medicaid members and to enable telehealth.

CAIs List

The list of all Community Anchor Institutions (CAI) (v.3) are categorized in five main types (Education, Health, Public Safety, CSO, Public Housing-more details below). Each record has a Location ID; locations have BSL IDs that were obtained by matching the original BSL, or Non-BSL FCC records.

The WBO will assign a fabric temporary ID location as part of the development of the challenge map for locations that did not precisely match BSL or Non-BSL records from the Fabric. A total of 1,305 records were instead assigned a temporary location ID; records where both BSL and Non-BSL ID match was identified, were defined as ‘unknown’ and assigned the single unique Location ID code 9000000011 (1,277 records); records with missing latitude and longitude (due to inaccurate or incomplete addresses) where no-match could be identified, were defined as ‘No-Match’ and assigned the single unique Location ID code 9000000099 (28 records).

It is important to keep in the CAI list those records with temporary Locations ID until the proper BSL or Non-BSL match is found, as many of these records include correctional facilities, Tribal schools, and public housing organizations listed in the related official data source. If a location has a Fabric ‘Location ID’ and lack qualifying broadband it will be eligible for BEAD funding, locations without a Fabric Location ID will not be eligible for BEAD funding.

1.3.2 Attachment: As a required attachment, submit the CSV file (named “cai.csv”) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity’s knowledge.

Consistent with NTIA requirements, this Volume 1 includes as attachments, a list of all eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity’s knowledge and is published to docket 5-BP-2023.

Requirement 7: Challenge Process

1.4.1 Yes/No Box: Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

Yes.

1.4.2 Text Box: If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity’s jurisdiction as “served,” “underserved,” or “unserved,” and provide justification for each modification.

Optional Module 2: Pre-Challenge DSL Modifications

The Wisconsin Broadband Office elects to include DSL Modifications in the Model Challenge Process and the Broadband Office will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved”. Consistent with this pre-challenge modification, any locations with an identified enforceable funding commitment through the Enhanced Alternative Connect America Model that has committed to providing qualifying broadband service delivered via DSL including a hybrid fiber / copper network will be classified as ‘underserved’. To the extent a waiver is required, the Wisconsin Broadband Office requests a waiver of footnote 52 in the BEAD Notice of Funding Opportunity to ensure that all locations with existing or planned copper service are eligible for BEAD funding. When a location is shown to have qualifying broadband service reported for multiple providers and/or technologies, the service delivered via DSL will be reclassified, but the classification of the location itself will remain served, unless the remaining qualifying broadband service(s) are successfully challenged, or reclassified through another modification.

This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of sustainable broadband service.

Optional Module 3: Crowdsourced Speed Test Modification

The WBO will treat as “underserved” locations that the National Broadband Map shows to be “served” if speed test data collected demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream. The broadband office will use measurements collected by Ookla and/or M-lab no earlier than 12 months before the release date of the National Broadband Map used for the challenge process. Tests that indicate poor Wi-Fi connectivity, indicated by high first-hop latency, and tests where the speed test server was chosen manually will be excluded.

The broadband office will create a speed area challenge for a provider in census block groups (CBGs) where the data set contains either at least 54 measurements from at least 12 different

locations, or at least two percent of locations measured in CBG with the number of measurements being eight percent or more of the CBG total location count, whichever is less, and the 75th percentile is below 100 Mbps download speed or 20 Mbps upload speed for that provider.

Consistent with industry practices, only measurements that can be located with GPS-quality measurements within 300 meters and are located within residential areas are included (Source: Using crowdsourced data to identify unserved and underserved location for broadband funding eligibility, Ookla, August 11, 2023). This modification will better reflect the locations eligible for BEAD funding because it will consider the actual network performance available. This challenge can be rebutted using the included Measurement Challenge type (M) provided by NTIA in the BEAD Challenge Process Policy Notice (version 1.3).

1.4.3 Yes/No Box: Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Yes.

1.4.4 Text Box: Describe the process that will be used to identify and remove locations subject to enforceable commitments.

The Wisconsin Broadband Office will adopt the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments (requirement 1.4.3). The Wisconsin Broadband Office will supplement the BEAD Eligible Entity Planning Toolkit with State data to identify state enforceable commitments and other local and federal enforceable funding commitments.

To enumerate locations subject to enforceable commitments, the Wisconsin Broadband Office will use the BEAD Eligible Entity Planning Toolkit and consult the following data sets:

- The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
- The Wisconsin Broadband Office's Broadband Grant Footprint map, data from grant awardees and grant management database that includes awarded and completed projects for broadband expansion grant projects administered by the state, including those that were funded federally through State and Local Fiscal Recovery Funds, and locations awarded grants using state funds.
- Data procured or collected by the Wisconsin Broadband Office to identify additional locations with enforceable funding commitments.

The Wisconsin Broadband Office will make a best effort to create a list of BSLs subject to enforceable commitments based on state-administered/grants. If necessary, the broadband office will translate polygons to a list of Fabric locations.

The Wisconsin 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.

1.4.5 Attachment: As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

A list of federal, state, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding is provided in the attached file per NTIA requirements and is published to docket 5-BP-2023.

1.4.6 Text Box: Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.

Challenge Process Design

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the broadband office understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process (requirement 1.4.6).

Permissible Challenges

The Wisconsin Broadband Office will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by the Eligible Entity,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing BSLs,
- Enforceable commitments, or
- Planned service.

Permissible Challengers

Per the outlined NTIA BEAD Model Challenge Process that has been adopted for this Volume 1, the Wisconsin Broadband Office will only allow challenges from all community anchor institution types as defined, 501(c)(3) and 501(c)(6) nonprofit organizations (inclusion of 501(c)(6) organizations was in response to public comment, see here:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20482997>), units of local and Tribal governments, and broadband service providers with facilities currently in the State of Wisconsin or facilities planned by June 30, 2024.

Challenge Process Overview

The challenge process conducted by the Wisconsin Broadband Office will include four phases, spanning approximately 90 calendar days:

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 Wisconsin’s Initial Proposal Volume 1 submission (e.g., administering the deduplication of funding process). The office will also publish locations considered served, as they may be challenged. [estimated 1/16/2024]

Challenge Phase: During the Challenge Phase, the challenger will submit the challenge through the Commission’s ERF system. ERF will serve as a challenge portal for the challenge process and the Commission will use docket 5-BCH-2024 for the challenge process. This challenge will be visible to the public and to the service provider whose service is being contested. If a challenge contains private or confidential information a redacted version will be available to the public and an unredacted version will be made available to the service provider. Providers will be required to subscribe to the docket, which will enable providers to be notified of challenges via email. The Commission will also ensure providers receiving challenges receive information about timing for the provider’s response. After this stage, the location will enter the “challenged” state.

Minimum Level of Evidence Sufficient to Establish a Challenge: The challenge will be verified to ensure that the address provided can be found in the Fabric, is a BSL, and as applicable meets the definition of reliable broadband service. 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 as modified by this document and that the evidence is unredacted and dated.

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. [estimated 1/23/2024 – 2/22/2024]

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 (e.g., email) for notifications of submitted challenges.

Timeline: Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to the broadband office. [estimated 2/23/2024 - 3/25/2024]

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.”

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. [estimated 3/24/2024 - 4/26/2024] Consistent with the goals of the Challenge Process the Wisconsin Broadband Office will again deduplicate any new enforceable funding commitments, for example Capital Projects Fund Broadband Infrastructure Grants that have been awarded since the beginning of the challenge process.

The Wisconsin Broadband Office will post the final classification of each unserved and underserved location and CAIs at least 60 days before the awarding of BEAD grant funds.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the broadband office will review all applicable challenge and rebuttal information objectively, before deciding to sustain or reject a challenge. The broadband office 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 Wisconsin Broadband Office plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The office will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations. If necessary, the broadband office maintains the ability to work with challengers and rebutters to align submissions with the appropriate challenge type and the requisite data specifications.

The WBO has included the Speed Test challenge type (M) from NTIA’s BEAD Challenge Process Policy Notice (version 1.3) for provider to submit challenges to the Crowdsourced Speed Test Pre-challenge Modification.

A service provider may challenge locations modified in a census block group that was subject to the Crowdsourced Speed Test Modification by providing speed tests, in the manner described in the optional speed test module, 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, 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 80 Mbps (that is, 80 percent of 100 Mbps) and an upload speed of at least 16 Mbps to meet the 100/20 Mbps threshold. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

Area Challenges and MDU Challenges

The Wisconsin Broadband Office will administer area and MDU challenges for challenge types A, D, and T. An area challenge reverses the burden of proof for availability, data caps, and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, fixed wireless speed, data cap and technology requirement, respectively, for all served locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.

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

An MDU challenge requires challenges for one unit for MDUs having fewer than 15 units, for two units for MDUs of between 16 and 24 units, and at least three units for larger MDUs. Here, the MDU is defined as one broadband serviceable location listed in the Fabric. 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 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.

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

Area challenges for availability need to be rebutted with evidence that service is available for all BSLs within the census block group, e.g., by network diagrams that show fiber or Hybrid Fiber-Coax infrastructure or customer subscribers. For fixed wireless service, the challenge system will offer representative random, sample of the area in contention, but no fewer than ten, where the provider has to demonstrate service availability and speed (e.g., with a mobile test unit).

Transparency Plan

To ensure that the challenge process is fully transparent, the Wisconsin 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 on its website. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The office also plans to actively inform all units of local government and Tribes 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 Wisconsin Broadband Office website for challenge process updates via the newsletter and should subscribe to the docket [5-BCH-2024](#) through the Commission's ERF system to receive real-time challenge updates.

They can engage with the Wisconsin Broadband Office by a designated email address (PSCStateBroadbandOffice@wisconsin.gov).

Providers will be required to subscribe to the Commission challenge docket, 5-BCH-2024 and will be notified of challenges through the Commission's ERF system via email. In addition to regular and timely updates through subscription to the docket, the WBO will engage the public and permissible challengers through its newsletter and forthcoming webinars to ensure sufficient messaging and education is provided on the timeline of the challenge process, explain permissible evidence, and demonstrate how to navigate ERF and challenge mapping tools.

As part of the WBO BEAD planning process the Commission awarded planning grants to counties, Tribes and Regional Economic Development Organizations all of these entities will receive information to the email address of the authorized representation about the challenge process. Additionally, as part of the BEAD planning, the WBO engaged with UW Extension and the Office of Rural Prosperity to provide technical assistance for local governments. Our technical assistance partners will also assist with outreach and support related to the challenge process.

Beyond actively engaging relevant stakeholders, the Wisconsin Broadband Office will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the broadband service provider, nonprofit, community anchor institution, or unit of local or Tribal government that submitted the challenge,
- the census block group containing the challenged broadband serviceable location,
- the provider being challenged,
- the type of challenge (e.g., availability or technology), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The office will make every effort to 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 expeditiously review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the website and in the ERF system. Additionally, guidance will be provided to all challengers that all information they submit will be posted publicly.

The Wisconsin Broadband Office will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential and provider will file both a confidential and redacted copy of the information. Otherwise, the responses will be made publicly available. The office will follow the Wisconsin's Department of Administration's Division of Enterprise

Technology Security Standards for the handling of personally identifiable information (PII) processing. The office will follow technology security standard 270 – Personally Identifiable Information Processing and Transparency Standard https://det.wi.gov/Documents/270_PII_Processing_%26_Transparency_Standard.pdf for the handling of PII within the challenge process.

1.4.6 Optional Attachment: As a required attachment only if the Eligible Entity is not using the NTIA BEAD Model Challenge Process, outline the proposed sources and requirements that will be considered acceptable evidence.

Acceptable Evidence for BEAD Challenge and Rebuttals

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
A	Availability	The broadband service identified is not offered at the location. For MDUs, this includes service not being available at an individual unit.	<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.¹ - A letter or email dated within the last 	<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

¹ 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.”

			365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider's standard installation charge in order to connect service at the location.	offer sent to the location.
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance ("data cap") on the consumer. ²	- 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 (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	- Screenshot of provider webpage.	Provider documentation that the service listed in the BDC is available at the

². 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.

		available only to businesses.		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). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above).	Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern).
P	Planned service	The challenger has knowledge that broadband will be deployed and available to customers at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance sufficient to meet the requirements of an enforceable commitment.	Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. Contracts or a similar binding agreement between the Eligible Entity and the provider committing that planned service will meet the BEAD definition and requirements of reliable and qualifying broadband even if not required by its funding source (<i>i.e.</i> , a separate federal grant program), including the expected date deployment will	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.

			be completed and service will available to customers, which must be on or before June 30, 2024.	
N	Not part of enforceable commitment.	<p>This location is in an area that is subject to an enforceable commitment to build less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)</p> <p>This location is not part of an enforceable funding commitment due to change in scope of work for existing grant agreement or similar contract.</p>	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. ³	- 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	- Evidence that the location does not fall within the definitions	- Evidence that the location falls within the

³ 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.

		residence, a non-CAI business, or is no longer in operation.	of CAIs set by the Eligible Entity or is no longer in operation.	definitions of CAIs set by the Eligible Entity or is still operational.
G	CAI: Qualifying broadband unavailable ⁴	The CAI cannot obtain qualifying broadband	Evidence that the CAI has tried to acquire qualifying broadband but has been unsuccessful	Evidence that qualifying broadband is available to the CAI
Q	CAI: Qualifying broadband available	The CAI can obtain qualifying broadband.	Evidence that the CAI can acquire symmetric gigabit service.	Evidence that qualifying broadband is not available to the CAI
V	DSL	Pre-challenge modification for DSL technology.	No location-specific evidence required	Not rebuttable.
F	Fixed wireless	Pre-challenge modification for fixed wireless technology.	No location-specific evidence required.	Rebuttal evidence described in the Eligible Entity's approved IP Volume I.
M	Measurement challenge	Pre-challenge modification for a measurement-based challenge using anonymous speed tests.	No location-specific evidence required.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. ⁵

⁴ "Qualifying broadband" to a CAI is Reliable Broadband Service with (i) a speed of not less than 1 Gbps for downloads and uploads alike and (ii) latency less than or equal to 100 milliseconds." NOFO, p. 37.

⁵ As described in the NOFO, 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.

Public Comments

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

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

Per the requirements outlined in the BEAD NOFO, the WBO conducted a public comment period for a total of 30 days, from September 29, 2023, through October 30, 2023. Prior and throughout the comment period, the WBO encouraged public comment through its long-standing newsletter that reaches a diverse stakeholder group, including local community organizations, unions and worker organizations, and other underrepresented groups. The Commission's Electronic Records Filing (ERF) system was utilized to send email notifications to subscribers of the docket following the publication of the Initial Proposal Volume 1 draft for comment, accompanied by a memorandum prepared for the Commission. Emails providing notice of the Volume 1 comment period were sent to all counties, Tribes, non-profit organizations who were recipients of Digital Equity Outreach Planning Grants, BEAD Workforce planning grant recipients, and BEAD local planning grants.

The Commission received 19 public comments within the designated comment period from consumers, providers, industry groups and associations, counties, libraries, and a labor union. Comments included, but were not limited to the following:

- Comments supporting the analysis and proposed DSL and licensed fixed wireless pre challenge modifications.
- Request that the proposed licensed fixed wireless pre challenge modification be removed and/or modified to not recategorize all licensed fixed wireless locations in Wisconsin lacking a fiber and/or cable service option to the "underserved" category.
- Request that the proposed Multi-dwelling Unit pre challenge modification be removed. Request that the optional NTIA model for area challenge and MDU challenge be removed. Requests that the challenge process include speed test challenges.
- Requests to extend the period of time for both the challengers and for the rebuttals.
- Comments requesting specific community anchor institutions (CAIs) be added to the Volume 1 CAI attachment.
- Concerns regarding smaller counties having the appropriate staffing capacity to engage in the proposed challenge process, including concerns regarding the proposed challenge process timeline. Request that eligible non-profit challenger definition be expanded to include 501(c)(6) organizations. Requests that all libraries be included in the CAI attachment, including libraries in prisons.

- Request that the PSC provide technical support on how to submit challenges previous to the start of the challenge process.

A complete list of all received public comments is below. The Commission reviewed comments received and addressed a number of the comments in an open meeting on November 3, 2023. (Open meeting recording: Wisconsin Public Service Commission, Open Meeting November 3, 2023, <https://www.youtube.com/watch?v=OfsTwQXzgQc>)

1. Daniel Verbeten, resident:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=480929>

Comment related to challenges of getting access to reliable high-speed broadband. Commenter has been involved in Forest County Broadband Commission meetings over the years.

The Commission considered the comment at their open meeting on November 3rd and took no action.

2. Robert J. Dries, Chairman, Town of Clyde, Iowa County:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=480931>

Comment about the high costs of installing fiber making their market unattractive to providers. Their community needs designated funding available to them.

The Commission considered the comment at their open meeting on November 3rd and took no action.

3. Angela J. Beadle, resident:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=482273>

Comment about City of Franklin lacking Internet connectivity. Urges PSC to note that residents living in cities may still lack Internet service.

The Commission considered the comment at their open meeting on November 3rd and took no action.

4. James George Van Wychen, Town Clerk, Township of Scott, Monroe County:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=482341>

Comment about needing incentives to bring Internet providers to rural areas.

The Commission considered the comment at their open meeting on November 3rd and took no action.

5. David Pinno, resident:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20482706>

Comment related to the impact on residents of Waupaca County and Wisconsin.

The Commission considered the comment at their open meeting on November 3rd and took no action.

6. US Cellular:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20482850>

Requests that fixed wireless not be wholesale excluded. States that fixed wireless can meet the 100/20 speed requirement. Requests that PSC allows for robust speed testing.

The Commission considered the comment at their open meeting on November 3rd and directed staff to modify Volume 1 to develop a more limited and nuanced challenge for served licensed fixed wireless that takes into account the age of the equipment, the band of the spectrum, and power wattage of the signal.

7. Michael Bub, Taylor County Board Supervisor:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20482967>

Concerned that the challenge process exceeds the staffing capacity of smaller counties. Identifies Taylor County's needs. Requests that PSC direct grants to rural, low-income, low-population counties.

The Commission considered the comment at their open meeting on November 3rd and took no action.

8. Randall J. Sandone:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=%20482994>

Suggests broadband deployment should include terrestrial-based timing systems. Suggests that terrestrial-based timing systems represent a solution that relies on ground-based infrastructure and signals.

The Commission considered the comment at their open meeting on November 3rd and took no action.

9. West Central Wisconsin Broadband Alliance:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=482997>

PSC analysis of DSL and fixed wireless is good. Suggests that an ISP that gets funding for fixed wireless should not be able to seek other funds for fiber in the same location. Comments regarding CAI additions.

The Commission considered the comment at their open meeting on November 3rd and instructed staff to add the CAIs that were identified in the comments to the CAI list and that

staff shall modify Volume 1 to include 501(c)(6) nonprofit entities to be permissible challengers.

10. Pamela Sherwood, Brightspeed:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=482999>

Suggests PSC include a timeline for deployment measured in months instead of a certain date. Suggests clarifying the steps of the process that apply to a planned service or enforceable commitment challenge. Suggests modifications to the letter of credit requirements.

The Commission considered the comment at their open meeting on November 3rd and took no action.

11. WISPA: Broadband without Boundaries

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483020>

Opposes PSC's proposal to treat locations that the National Broadband Map shows to have available qualifying broadband service delivered via fixed wireless as unserved. Asserts that measuring speed test in rural areas without reference to the customer's purchased speeds is likely to lead to unreliable results.

The Commission considered the comment and directed staff to modify Volume 1 to develop a more limited and nuanced challenge for served licensed fixed wireless that takes into account the age of the equipment, the band of the spectrum, and power wattage of the signal.

12. Dave Hayden, Eau Claire County:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483021>

PSC's analysis of DSL and fixed wireless is good. Suggests changes to list of CAIs. Raises questions regarding the challenge process. Raises concerns about various items not addressed in Volume 1.

The Commission considered the comment at their open meeting on November 3rd and instructed staff to add the CAIs that were identified in the comments to the CAI list and that staff shall modify Volume 1 to include 501(c)(6) nonprofit entities to be permissible challengers.

13. Dane County Board of Supervisors:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483035>

Requests that the challenge phase be extended to 60 days, Requests that locations that have accepted Enhanced A-CAM where the provider intends to use licensed fixed wireless, DSL or Copper to meet their obligations are deemed unserved.

The Commission considered the comment at their open meeting on November 3rd and instructed staff to modify Volume 1 to ensure that any Enhanced Alternative Connect America Cost Model (A-CAM) location built with DSL or hybrid fiber/copper networks be eligible for BEAD funding consistent with the intent in the DSL pre-challenge modification.

14. Ellen Kupfer, Residen

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483047>

Requests that every library in the state be included in the definition of Community Anchor Institution. Requests that libraries in prisons be eligible for BEAD funding. Requests that PSC give the highest funding priority allowable to Community Anchor Institutions.

The Commission considered the comment at their open meeting on November 3rd and instructed staff to add the CAIs that were identified in the comments to the CAI list.

15. Frank Matthews, Communication Workers of America, District 4

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483056>

Supports PSC's decision to change the availability status of areas listed on the National Broadband Map as served through licensed fixed wireless from "served" to "underserved." Supports PSC's proposal to create an affordability challenge for instances where the only service plans available have an unreasonable cost.

The Commission considered the comment at their open meeting on November 3rd and took no action.

16. B. Lynn Follansbee, USTelecom- the Broadband Association:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483057>

Opposes an affordability challenge. States that adding an affordability challenge to the state challenge process conflates the purpose of the state challenge process with the low-cost option requirements that should be part of a program design for BEAD.

The Commission considered the comment at their open meeting on November 3rd and took no action.

17. Benjamin Aron, CTIA:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483054>

Requests that PSC withdraw Volume 1's proposed licensed fixed wireless pre-challenge modification to NTIA's BEAD model challenge process. States that the fixed wireless modification is impermissible by law.

The Commission considered the comment at their open meeting on November 3rd and directed staff to modify Volume 1 to develop a more limited and nuanced challenge for served licensed fixed wireless that takes into account the age of the equipment, the band of the spectrum, and power wattage of the signal.

18. Wisconsin Cable Communications Association:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=482440>

Requests that PSC decline to adopt a pre-challenge modification that would treat certain MDUs classified in the National Broadband Map as “served” as “underserved.” Urges PSC to provide a 45 day calendar day timeframe for each of the challenge and rebuttal phases and an overall timeframe of 120 days for the entire challenge process.

The Commission considered the comment at their open meeting on November 3rd and took no action.

19. Isa Small, COLAND Chair:

<https://apps.psc.wi.gov/ERF/ERFview/viewdoc.aspx?docid=483031>

Requests that Volume 1 make explicit that all Wisconsin libraries and branches are eligible to receive BEAD funding, as long as they are eligible to receive e-rate funding. This will ensure that all tribal libraries in Wisconsin are eligible for BEAD funding. Requests that libraries in prisons are eligible for BEAD funding because they are part of a Community Anchor Institution.

The Commission considered the comment at their open meeting on November 3rd and instructed staff to add the CAIs that were identified in the comments to the CAI list.