



INTERNET FOR ALL WISCONSIN

BEAD Challenge Process Instructions

Docket 5-BCH-2024



Public Service Commission
of WISCONSIN





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1. Overview

The Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, allocated \$1,055,823,574 to Wisconsin under the Broadband Equity, Access and Deployment (BEAD) Program for broadband infrastructure deployment, with a goal of providing high-speed internet for all (see [Internet for All webpage](#) for more information). The National Telecommunications and Information Administration (NTIA), which is a part of the U.S. Department of Commerce, administers the BEAD program and has delegated primary administration and implementation to states and other eligible entities.

Under Wis. Stat. § 16.54, Governor Tony Evers authorized the Public Service Commission of Wisconsin (Commission or PSC) to administer BEAD Program funds. The BEAD Program is administered by the Wisconsin Broadband Office (WBO) located within the Commission.

As part of the BEAD program, Wisconsin must establish a map of locations eligible for BEAD funding, and provide that map to the public for comment to ensure its accuracy. Before opening grant applications, Wisconsin will conduct a BEAD Challenge Process to give local and Tribal governments, nonprofit organizations, community anchor institutions, and internet service providers the opportunity to challenge whether locations are eligible for BEAD funding.

The challenge process will begin with the publishing of these instructions and the preliminary list of unserved and underserved locations. Eligible entities may then submit challenges to the list to change the status of locations among three categories: unserved, underserved, and served. Internet service providers will then have the opportunity to rebut those challenges, after which the PSC will make a final determination. When the challenge process is complete and results are approved by the NTIA, the PSC will publish the final list and a map of BEAD-eligible locations, prior to the opening of the BEAD competitive grant application period.

The BEAD Challenge Process is based on federal requirements of the Infrastructure Investment and Jobs Act ([Public Law 117-58 \(2021\)](#)), the Broadband Equity, Access and Deployment [Notice of Funding Opportunity](#) (NOFO), and related guidance. The BEAD Challenge Process is established as part of Volume 1 of the Initial Proposal, and the final version approved by NTIA is available in docket 5-BP-2023 ([PSC REF#: 496853](#)) and in docket 5-BCH-2024 ([PSC REF#: 496852](#))

2. Definitions

Broadband Serviceable Location (BSL): a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed.¹

Community anchor institutions (CAIs): as approved by the NTIA, the following definitions determine CAIs for the purpose of the BEAD program implementation:

- **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.
- **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.
- **Public safety entities:** The list includes entities such as fire houses, emergency medical service stations, police stations, and public safety answering points (PSAP), based on records maintained by the Wisconsin Department of Military Affairs as well as using publicly available spatial data.
- **Institutions of higher education:** Institutions of higher education include all public and private institutions identified by DPI, including those located on Tribal land.
- **Public housing organizations:** Public housing locations and locations receiving low-income housing tax credits (LIHTC) were identified by downloading the dataset from the U.S. Department of Housing and Urban Development Open Data webpage. The WBO analyzed these locations and excluded locations that are solely residential. The final public housing and LIHTC CAI locations list includes all locations that are the organizations that manage and support the properties, and do not include any residences.
- **Community support organizations:** 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) 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:

¹ See NTIA BEAD Notice of Funding Opportunity, page 13
<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

- **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, 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, online job seeking, online 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, and assisting with enabling communication and social engagement via the internet.

Enforceable broadband commitment: defined as state or federally provided grant, loan, or loan guarantee for the commitment of deploying qualifying broadband service (speeds at or greater than 100 megabits per second (Mbps) download and 20 Mbps upload and latency less than 100 milliseconds) to a location or set of locations. ²

Planned Service: defined as a broadband network that will be deployed to a location or set of locations by June 30, 2024, offering qualifying broadband service – speeds at or greater than 100 megabits per second (Mbps) download and 20 Mbps upload and latency less than 100 milliseconds from a fiber or cable wireline connection or a licensed fixed wireless connection.

² See NTIA BEAD Initial Proposal Guidance, page 20 https://broadbandusa.ntia.doc.gov/sites/default/files/2023-07/BEAD_Initial_Proposal_Guidance_Volumes_I_II.pdf



3. Links to Challenge Resources and Submission Documentation

PSC BEAD Challenge Process Webpage:

<https://psc.wi.gov/Pages/ServiceType/Broadband/BEADChallenge.aspx>

PSC Electronic Records Filing (ERF) System:

<https://apps.psc.wi.gov/ERF/ERF/ERFhome.aspx>

BEAD Challenge Process docket 5-BCH-2024 on ERF:

[Docket 5-BCH-2024](#)

WI BEAD Challenge Map:

<https://maps.psc.wi.gov/apps/BEADChallengeMap/>

Challenge Submission Step-by-Step Instructions:

[PSC REF#: 498568](#)

CAI Challenge Submission Step-by-Step Instructions:

[PSC REF#: 498569](#)

Challenge Rebuttal Step-by-Step Instructions:

[PSC REF#: 498570](#)

Challenge Process BEAD-Eligible Locations spreadsheet:

Spreadsheet of all BSLs and spreadsheets of BSLs by county available in [docket 5-BCH-2024](#)

Challenge Process Identified Community Anchor Institutions (CAIs) spreadsheet:

Spreadsheet of all identified CAIs is available in [docket 5-BCH-2024](#)

Challenge Participant Eligibility and Confidentiality Form:

[PSC REF#: 498571](#)

Location Challenge Submission Spreadsheet:

[PSC REF#: 498566](#)

CAI Challenge Submission Spreadsheet:

[PSC REF#: 498567](#)

CAI Challenge Submission Questionnaire:

<https://maps.psc.wi.gov/apps/CAIQuestionnaire/index.html>

4. Communications Regarding the Challenge Process

The official means by which the Commission will provide information related to the BEAD Challenge Process is in docket [5-BCH-2024](#). Interested parties must proactively subscribe to the docket on the Commission's [Electronic Records Filing](#) system (ERF) to ensure they receive timely information related to the process.

The docket 5-BCH-2024 and the CAI challenge submission questionnaire are the only acceptable and permissible way for eligible entities to submit challenges. The CAI challenge submission questionnaire is a simplified alternative for challengers who are challenging a single CAI location - the questionnaire does not accept multiple submissions, but the questionnaire may be submitted more than once for different CAI locations challenges. Uploading the required documents and evidence to docket 5-BCH-2024 is the only way challengers can submit any other challenge type (note: CAI challenges can also be submitted via the docket and allows for multiple CAI challenges to be submitted at once). Rebuttals of any type must be submitted to the docket 5-BCH-2024. Documents that are emailed, mailed, uploaded to the wrong dockets, or submitted any other way will not be accepted or considered.

The Commission will reach out to providers in the state prior to the start of the rebuttal submission period using its best-known primary contact to confirm accurate contact information to be used if a provider receives a challenge to existing service. Providers will have the opportunity to respond to, correct, or confirm the contact information. Prior to the start of the rebuttal period, the Commission will post its list of provider contact information to the docket 5-BCH-2024 and direct providers to submit revisions as needed. If you would like to request a change to the primary BEAD challenge contact for your entity, please email:

PSCBEADChallenge@wisconsin.gov

Forms, documents, and supplemental information will be available on the [BEAD Challenge Webpage](#).

Clarification and/or revisions to the BEAD Challenge Process

Questions or concerns regarding the BEAD Challenge Process should be directed to PSCBEADChallenge@wisconsin.gov. If it becomes necessary to provide additional clarifying data or information or to revise any part of these instructions, updated challenge instructions will be posted in docket 5-BCH-2024. Interested parties must subscribe to the docket to receive notifications.

Reasonable accommodations

The Commission will provide reasonable accommodations, including the provision of informational material in an alternative format, for qualified individuals with disabilities upon request. If you need accommodations, contact Alyssa Kenney at (608) 267-9138 or Alyssa.Kenney@wisconsin.gov.

5. Timeline

Below are the dates and times of actions related to this process. If the Commission finds it necessary to change any of the dates and times in the schedule of events listed below, it will do so by issuing a supplement to these instructions in docket 5-BCH-2024.

Table 1 Challenge Process Timeline

All BEAD Challenges are due by Friday May 29, 2024, at 1:30 p.m. CT

At least one week prior to start of the challenge process.	PSC will publish lists of unserved, underserved, and CAI BSL identification numbers that are eligible for BEAD
	PSC will publish the BEAD Challenge Map
4/29/2024 – 5/29/2024 at 1:30 p.m. CT	30-day Challenge Submission Period
5/19/2024	Last day to submit challenges for preliminary completeness review
5/30/2024 – 6/5/2024 <i>(Estimate: 5-7 days)</i>	PSC Review Period
<i>(Estimate - Begins after Review Period)</i> 6/6/2024 – 7/6/2024	30-day Rebuttal Submission Period
<i>(Estimate - Begins after Rebuttal Period)</i> 7/7/2024 – 8/6/2024.	Final Determinations Issued (Maximum: 30 days)

The BEAD Challenge Process will take place over the course of approximately 90 days. Before the 30-day challenge phase begins, the WBO will publish lists of BEAD-eligible BSLs, as well as provide a public-facing BEAD Challenge Map. The Commission will implement a standardized review process consistent with the requirements presented in these instructions and provide justification for each determination made while adjudicating challenges.

a. Challenge Submission Period

The challenge submission period will be open for 30 days. Following the 30-day challenge period, Commission staff will review all submitted challenges to determine which challenges are permissible and meet the required minimum level of evidence, as established in the approved Initial Proposal Volume 1. The challenges that are determined to have sufficient supporting evidence will be analyzed to determine any Area and MDU challenges. See the companion step-by-step instructions for submitting location and CAI challenges for detailed guidance, linked in section 3 of this instructions and available in docket 5-BCH-2024.

To assist in the compilation and submission of challenges, Commission staff will, for the first 20 days of the challenge submission period, preliminarily review challenge submissions on a rolling basis for completeness. As time permits, starting with the earliest submitted challenges, staff will notify submitters of errors and/or missing information that would result in a challenge being considered incomplete. Staff will not make any determinations about permissibility of challenges or sufficiency of evidence documentation during preliminary reviews. Staff will inform challengers with errors or missing information via email and present the opportunity to resubmit the challenge submission spreadsheet and/or evidence documents. Staff will document this outreach and post a notice to docket 5-BCH-2024 after the end of the 20-day period indicating which challengers received notification of errors or missing information. Submissions after the 20th day of the challenge period will not receive a preliminary review for completeness and errors. Review of a submission for completeness or errors is not guaranteed even if submitted before the 20th day, and is subject to the capacity of Commission staff. Prospective challengers are encouraged to submit challenges well in advance of the 20th day if they wish to ensure they receive a preliminary staff review.

b. Commission staff Review Period

After close of the challenge submission period, Commission staff will review and compile submitted challenges. All complete challenges submitted by eligible entities that have been determined to have the minimum level of evidence sufficient to establish a challenge and are not moot will be published in the docket and on the [PSC BEAD Challenge Process webpage](#), and will also be posted to the docket 5-BCH-2024. All challenges that are determined to be impermissible, do not include evidence, are submitted by an ineligible entity or person, and/or are considered ‘moot’ because the challenge cannot affect the location eligibility status will be closed, excluded from the rebuttal phase, and published as a separate publicly available list.

Further, the [BEAD Challenge Map](#) will be updated to show challenge types for each broadband serviceable location (BSL) and any CAI locations. The BEAD Challenge Map will display the following challenge data fields for each BSL’s service type by provider: challenge type code, number of challenges for each code, and if an Area or MDU challenge applies to the location. After Commission staff have published the list of challenges to the docket and updated the BEAD Challenge Map, all participants and those that have subscribed to the 5-BCH-2024 docket will be notified via email that the Rebuttal Submission period has opened.

c. Rebuttal Submission Period

When the BEAD Challenge list is upload to the docket and updated BEAD Challenge Map are published, the 30-day rebuttal period will begin. All challengers, providers being challenged, and those subscribed to the 5-BCH-2024 docket will be notified by email via the ERF system and provided instructions for how to participate in the rebuttal period, if applicable.

All service challenges directed at a single provider that would modify a location’s BEAD eligibility status if successful will be open for a rebuttal only from the provider being challenged. These providers being challenged will be directly provided a list of challenged locations to offer rebuttals. For challenges directed towards a provider if a rebuttal is not submitted within the

30-day period, the challenge will be sustained and will not be subject to the final review and determination by Commission staff.

All other location and CAI challenges not directed at specific providers that are not moot will be compiled into a spreadsheet that will be made publicly available on ERF and will open for rebuttal by all eligible participants.

If a CAI is challenged by a provider, claiming gigabit service availability for a CAI, or if a unit of local government disputes the CAI status of a location, the challenged CAI may submit a rebuttal.

All types of challengers may rebut planned service and enforceable commitment challenges.

See section 3 of these instructions for a link to step-by-step instructions for submitting rebuttals.

d. Final Determination

The final determination phase will be approximately 30 days. Commission staff will review rebuttals and their respective evidence on a rolling basis to determine if the evidence meets the minimum requirements. All permissible rebuttals that are not moot and have been submitted with the minimum level of required evidence will proceed to final review and determination. Commission staff will update the publicly available challenge list and denote each challenge with a permissible rebuttal as 'disputed'. Commission staff will update the BEAD Challenge Map locations with the rebuttals, and each challenged location will include one of the applicable additional data fields: 'no provider rebuttal - sustained', 'no rebuttal', 'moot', or 'disputed'. Challenges will be considered 'moot' if another accepted challenge makes deciding a challenge irrelevant or if the challenge cannot affect the location eligibility status.

Each permissible rebuttal will be sustained or rejected based on the evidence available. Commission staff will issue final determinations for each rebuttal unless it is determined that alternative methods for Commission determination are appropriate in specific cases. Challenges that submit duplicate evidence files (submitting the same evidence document as a separate evidence file name) will have those challenges rejected.

All challengers and those subscribed to the 5-BCH-2024 docket will be notified by email via the ERF system when final challenge determinations are made. The BEAD Challenge Map locations that were undergoing final determination will be updated to show whether the challenges were sustained or rejected. In addition, updates will be provided to all subscribed to the Wisconsin Broadband Office newsletter.

6. Eligible Challengers

The Wisconsin Broadband Office will only allow challenges from the following entities:

- 501(c)(3) and 501(c)(6) nonprofit organizations
- Local units of government
- Tribal governments



- Broadband service providers with facilities currently in the State of Wisconsin or facilities planned to be operational by June 30, 2024.
- Community Anchor Institutions (per the definition in section 2)

7. Analyzing Locations and the Challenge Map

There will be two approaches eligible challengers can take to review and analyze locations to submit challenges:

- I. Eligible challengers can identify broadband serviceable locations (BSLs) on the forthcoming [BEAD Challenge Map](#) and retrieve the location IDs to compile challenges.
 - Challengers should consider this approach of manually retrieving location data from the map and compiling if they plan to challenge a small number of locations.
- II. Eligible challengers can download the .CSV files of BSL and CAI identification numbers to analyze in their own geospatial program to compile challenges. Separate spreadsheets of BSLs by county will also be available for download. Entities using lists of BSL IDs will need a NTIA license from CostQuest Associates. Without an NTIA CostQuest license to access the broadband serviceable location fabric (fabric), challengers will not be able to meaningfully view or analyze the BSLs in their spatial software to compile challenges.

The fabric is a dataset of all locations where fixed broadband internet access service is or could be installed. Access to the fabric allows entities to join Wisconsin's forthcoming list of BEAD-eligible unserved, underserved, and community anchor institution BSL ID numbers with other needed attributes affixed to the fabric data such as the location address, latitude and longitude, unit count, and land use code. The BEAD Challenge Map will display this fabric data combined with BEAD-eligible BSLs, but eligible challenger entities can use their own spatial analysis tools to compile challenges with access to the fabric.

- Challengers should consider this approach if they plan to challenge a large number of locations and they have the necessary technical and GIS analysis expertise.

NTIA CostQuest License

The fabric consists of confidential material considered trade secrets by CostQuest, thus a no cost license is required to access fabric data. CostQuest NTIA licenses were created to support the BEAD program and other federal broadband programs. The CostQuest NTIA licenses come in different tiers and are separate from the FCC licenses that were previously required for engaging



with the Broadband Data Collection (BDC) process and challenging the location or existence of a BSL on the fabric. For more information, see the [CostQuest License fact sheet](#).

Any eligible challenger entities with the necessary geospatial expertise and tools that wants to view the BEAD Challenge Map locations spatially should request the appropriate license as soon as possible.

Obtaining a CostQuest License

Internet Service Providers registered with the FCC who may apply for BEAD funding and/or may participate in the BEAD challenge process should [request a Tier D license here](#).

Eligible non-profit organizations, local governments, and Tribal government entities with the necessary geospatial expertise and tools interested in participating in the BEAD challenge process, particularly if they anticipate challenging multiple BSLs, should [request a NTIA Cost Quest Tier E license here](#). Eligible challengers requesting a Tier E license that do not have a FCC Registration Number (FRN) must [follow the steps here to get an FCC FRN number](#) before requesting a Tier E license.

For more information on how to complete the licensee request application see the following CostQuest resources:

- [Tier D License Request Form Instructions](#) and [sample agreement](#)
- [Tier E License Request Form Instructions](#) and [sample agreement](#)

8. Allowable Challenges

To assist in developing an accurate map of BEAD-eligible broadband serviceable locations (BSLs), the Wisconsin Broadband Office will allow the following categories of challenges:

- Planned broadband service by 6/30/2024
- Enforceable broadband commitments
- The identification of eligible community anchor institutions
- BEAD eligibility determinations for community anchor institutions
- BEAD eligibility determinations for existing BSLs

Based on the challenge category, there are different challenge types that can be submitted. The types of challenges available to eligible challengers are availability, data cap, technology, business service only, enforceable commitment, not part of enforceable commitment, planned service, location is or is not a CAI, and CAI does or does not have qualifying service. Each challenge type and their respective evidence and documentation requirements are detailed in Appendix 1.

a. Area Challenges and Multi-Dwelling Unit (MDU) Challenges

An area challenge and MDU Challenge shifts the burden of proof to the provider being challenged across all their relevant service offerings within a census block group or MDU, respectively, for specific challenge types when a defined number of challenges for a particular category have been submitted. The Wisconsin Broadband Office will administer area and MDU challenges for the following challenge types: Availability, Data Cap, and Technology.

An area challenge is triggered if six or more BSLs using a particular technology and a single provider within a census block group are challenged using the same challenge type. 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.

An MDU challenge is triggered when challenge(s) are received: for one unit for MDUs having 15 units or fewer; for two units for MDUs of between 16 and 24 units; and at least three units for MDUs of 25 units or more. 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).

The provider receiving an area challenge or MDU challenge must demonstrate that they are indeed meeting the availability, data cap, and/or technology requirement, respectively, for all served locations within the census block group or all units within an MDU. For MDU challenges, the rebuttal must show that the inside wiring or network is reaching all units and is of sufficient quality to support the claimed level of service.

9. Preparing and Submitting Challenges and Rebuttals

The Commission will primarily use its existing Electronic Records Filing (ERF) system to administer the BEAD Challenge Process. All location challenges and rebuttals and their respective documentation will be submitted to the 5-BCH-2024 docket on ERF. The only exception is that challenges to CAIs have the option of submitting a single challenge using the CAI Challenge submission questionnaire, but still have the option to use the ERF challenge submission method for challenges to more than one CAI. The step-by-step instruction for CAI challenge submissions (see section 3) provides detailed instructions for both of these challenge submission options. All rebuttals, including for CAIs, will need to be submitted through ERF.

To submit a challenge or rebuttal to docket 5-BCH-2024 you will need an ERF account. If you need to create an ERF account, navigate to the [ERF homepage](#) and click the 'account management' tile at the bottom of the page. Below the log in fields, click the link 'create new individual account' and complete the required fields.

Once an ERF account is secured, eligible challengers will be required to submit the following required documents to constitute a complete challenge, using the provided templates:



- Challenge Participant Eligibility and Confidentiality Form
- Location and/or CAI Challenge Submission Spreadsheet
- Evidence documents

In addition to these required forms, eligible challengers will need to upload evidence and documentation for each respective challenge type submitted. Detailed step-by-step instructions for completing these forms and completing location and CAI challenge submissions is covered in Appendices 2 and 3.

For providers whose service to any BSL locations are challenged will be provided an individual spreadsheet containing all challenges they have received. The spreadsheets will contain additional columns for providers to provide rebuttals for each challenge. This completed rebuttal spreadsheet and all supporting evidence must be uploaded to docket 5-BCH-2024.

For rebuttals to challenges not specific to a provider, a general Submitted Challenges spreadsheet will be uploaded to docket 5-BCH-2024 that will include additional columns for eligible participants to provide information to submit rebuttals. Each participant submitting a rebuttal must upload the completed spreadsheet to docket 5-BCH-2024. Detailed step-by-step rebuttal submission instructions for both types of submissions are available in docket 5-BCH-2024 and linked to in section 3 of these instructions.

Any eligible participant submitting a rebuttal must submit the Challenge Participant Eligibility and Confidentiality Form at the time of submitting a rebuttal only if they did not participate and submit the form in the previous challenge phase.

10. Confidential Submissions


Personally identifiable information (PII) or other confidential material is not allowed in the submitted challenge eligibility form or submission spreadsheet. This includes but is not limited to names, billing information, and trade secrets. Evidence documentation may contain PII or other confidential material.

If the eligible participant believes any of their challenge or rebuttal evidence contains confidential information, such evidence documentation should be uploaded to docket 5-BCH-2024 confidentially using the process below. Only evidence documents may be filed confidentially. All other challenge process forms must be submitted publicly.

Commission staff will determine the confidentiality status of BEAD Challenge evidence submissions, and if granted confidential status, the confidential document will be accepted, and a redacted version will also be uploaded to docket 5-BCH-2024 that is viewable by the public. Filers should follow the redaction procedure below. Files that are fully redacted will be rejected.

Confidential submission process:

- 1) Using the ERF system, select “upload confidential document” and enter docket 5-BCH-2024.



ERF Upload

Upload Confidential Document

UPLOAD DOCUMENTS

Public

Confidential & Public Redacted

GIS Files (Public)

CHECK UPLOADED STATUS

Step 1: Specify the Docket or Utility

- If you select option 1, you must enter the docket and click the *Check Docket* button.
- If you select option 2, you must enter the utility id and click the *Check Utility ID* button.
- Once the docket or utility id is verified you will be allowed to complete the Confidential Request.

Choose an Option

Existing Docket

Existing Service Provider

Docket

5
BCH
2024

Check Docket
Clear Docket

BEAD Challenge Process

*** It's ok to upload document to this docket ***

- 2) Fill in contact information in Section 1.
- 3) In Section 2, identify the reason for requesting confidential treatment of the evidence document. For evidence documents containing personally identifiable information (PII), select “The record may otherwise be exempt from disclosure under Public Records Law” and indicate “PII” in the subsequent question.

Step 2: Complete the Confidential Request



Confidentiality Request
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

2084 (07-22-03)

Wis. Admin. Code § PSC 2.12; Wis. Stats §§ 196.14, 196.72 and 196.795

** All fields are required except note **

SECTION 1: PSC CONTACT

PSC Contact Person: Number of Pages / Excel worksheets (*Confidential Pages Only*):

SECTION 2: REQUIRED INFORMATION

1. I am filing this request on behalf of:

Name/Company: Phone: (*Optional*)

Address Line 1:

Address Line 2: (*Optional*)

City: State: Zip:

2. Name and Position of the requester is

3. The following is an accurate and complete summary of the content of the record(s) being filed:

4. There is a reasonable basis to conclude that the record, or portion of a record, is one of the following:

- The record contains trade secrets as defined in Wis. Stat. §134.90.
- The record contains information which would aid a competitor of a public utility in competition with the public utility making the request under Wis. Stat. §196.14.
- The record is an accident report under Wis. Stat. §196.72.
- The record is protected business information under Wis. Stat. §196.795(9).
- The record may otherwise be exempt from disclosure under the Public Records Law, Wis. Stat. §§19.31 to 19.39.

5. How the record satisfies number 4

4) Complete Section 3 using a notary in your presence. If you do not have a notary present, check the box that notes an affidavit is attached and ensure when uploading that an affidavit is a part of your documents.

a. Per PSC 2.12(3)(b), the affidavit must contain the following:

- i. 1. The name and address of the person making the request.
- ii. 2. The name and position of the individual filing the request on the person's behalf.
- iii. 3. An accurate and complete summary of the contents of the record.
- iv. 4. How the record satisfies one of the criteria specified in par. (a).

PSC 2.12(3)(a) has the following grounds for requesting confidential handling:

1. 1. The record contains trade secrets, as defined in s. 134.90 (1) (c), Stats.
2. 2. The record contains information, which would aid a competitor of a public utility in competition with the public utility making the request, as provided under s. 196.14, Stats.
3. 3. The record is an accident report under s. 196.72, Stats.
4. 4. The record is protected business information, under s. 196.795 (9), Stats.



5. 5. The record may otherwise be exempt from disclosure under the Public Records Law, ss. 19.31 to 19.39, Stats.

- 5) Redact your documents. Filers will be required to upload two versions of their documents, a redacted copy visible to the public, and an unredacted copy visible only to Commission staff. **Filers must redact documents to the least extent possible to maintain confidentiality.** That is, specific text or images may be redacted, but an entire document may not be redacted. A wholly redacted document will be rejected by Commission staff.
- 6) Upload the documents. One version should be the confidential version (no redactions, only visible to Commission staff). The other version should be redacted (visible to public).

SECTION 3: AFFIANT AND NOTARY OFFICER ** Execution of Section 3 satisfies the affidavit requirement under Wis. Admin. Code s. PSC 2.12, so that no traditional affidavit need be created, uploaded or retained. If a notary is not available to execute Section 3, then the filing must include the traditional affidavit attached to the beginning on the confidential version of the document that is the subject of the request. **

Affidavit is attached to the beginning of the confidential document

If notary is available, complete the rest of this section.

Name of Affiant:

State of

County of

Subscribed and sworn to before me on (MM/dd/yyyy)

Name of Notary Officer:

Expiration Date: (MM/dd/yyyy) : Permanent (No Expiration Date)

SECTION 4: UPLOAD FILES

Document Type:

Description:

CONFIDENTIAL DOCUMENT

No file chosen

[Remove File](#)

REDACTED DOCUMENT (Public Version) ** PSC 2 requires that you also file a redacted copy of this confidential filing **

No file chosen

[Remove File](#)

Appendix 1: Evidence and Documentation for Challenges and Rebuttals

Eligible Challengers should provide evidence in accordance with the tables and subsections below. The Wisconsin Broadband Office acknowledges additional forms of evidence or documentation beyond those listed may be helpful or necessary in reviewing challenges and encourages Eligible Challengers should submit evidence that most appropriately substantiates their challenge. Data and documentation submitted as evidence should be no older than 365 days. Certain types of evidence indicated below should be no older than 180 days.

Code	Challenge Type	Description	Examples of Challenge Evidence Documentation	Examples of Rebuttal Evidence Documentation
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. • A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location. 	<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.

Code	Challenge Type	Description	Examples of Challenge Evidence Documentation	Examples of Rebuttal Evidence Documentation
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.	<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.	<ul style="list-style-type: none"> • Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology. 	<ul style="list-style-type: none"> • Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	<ul style="list-style-type: none"> • Screenshot of provider webpage. 	<ul style="list-style-type: none"> • Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers.
E	Enforceable Commitment	The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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	Examples of Challenge Evidence Documentation	Examples of Rebuttal Evidence Documentation
P	Planned service	<p>The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.</p> <p><i>Note: providers are not allowed to submit challenges using Code P for locations with existing service as of December 31, 2023. Code P is only for challenging planned infrastructure builds that will lead to service for respective locations that is not currently reflected in data submitted as part of FCC's Broadband Data Collection.</i></p>	<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 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 <p>(i.e., a separate federal grant program), including the expected date deployment will be completed, which must be on or before June 30, 2024.</p>	<ul style="list-style-type: none"> • 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	Examples of Challenge Evidence Documentation	Examples of Rebuttal Evidence Documentation
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.)	<ul style="list-style-type: none"> • Declaration by service provider subject to the enforceable commitment. 	
C	Location is a CAI	The location should be classified as a CAI, even if a location does not currently have an assigned fabric ID.	<ul style="list-style-type: none"> • Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. 	<ul style="list-style-type: none"> • Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation.
R	Location is not a CAI	The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.	<ul style="list-style-type: none"> • Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation. 	<ul style="list-style-type: none"> • Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational.
G	CAI: Qualifying broadband unavailable ³	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	Not Challengeable.	Not rebuttable.

³ “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

Code	Challenge Type	Description	Examples of Challenge Evidence Documentation	Examples of Rebuttal Evidence Documentation
M	Measurement Challenge	Pre-challenge modification for a measurement-based challenge using anonymous speed tests.	Not Challengeable. The Commission will publish its analysis underlying the measurement challenge modification to docket 5-BCH-2024.	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system. ⁴

⁴ 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.



Appendix 2: List of providers with NTIA CostQuest Licenses (as of 3/28/2024)

TIER D LICENSE HOLDERS	TIER E LICENSE HOLDERS
24-7 TELCOM, INC	CALUMET COUNTY
AMERY TELCOM, INC	CHIPPEWA COUNTY, WISCONSIN
AMG TECHNOLOGY INVESTMENT GROUP, LLC	COUNTY OF DUNN, WISCONSIN
AMHERST TELEPHONE COMPANY	COUNTY OF GREEN WISCONSIN
AT&T COMMUNICATIONS	EDUCATIONSUPERHIGHWAY
BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS	GRANTWORKS, INC.
BERTRAM COMMUNICATIONS	IRON COUNTY DEVELOPMENT ZONE COUNCIL
BERTRAM COMMUNICATIONS, LLC	JACKSON COUNTY
BLOOMER TELEPHONE COMPANY	JEFFERSON COUNTY, WI
BRUCE TELEPHONE COMPANY	KENOSHA COUNTY BROADBAND ADVISORY BOARD
BUG TUSSEL WIRELESS, LLC	LA CROSSE COUNTY
CCI SYSTEMS, INC	MARATHON COUNTY WISCONSIN
CHIBARDUN TELEPHONE COOPERATIVE	MARCONI SOCIETY
CITY OF SUPERIOR	MONROE COUNTY
COCHRANE COOPERATIVE TELEPHONE COMPANY	PRECISION AG CONNECTIVITY & ACCURACY STAKEHOLDER ALLIANCE (PAGCASA)
CONEXON	SAWYER COUNTY
CONNECT HOLDING II LLC D/B/A BRIGHTSPEED	US IGNITE, INC
CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES, INC.	VERNON COUNTY
CTC TELCOM INC.	VILAS COUNTY ECONOMIC DEVELOPMENT CORPORATION
CULTURE WIRELESS GROUP	WEST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION
DANE COUNTY PLANNING AND DEVELOPMENT	
DOOR COUNTY	
E-VERGENT.COM, LLC	
FARMERS INDEPENDENT TELEPHONE COMPANY	
FRONTIER COMMUNICATIONS PARENT, INC.	
GREAT PLAINS COMMUNICATIONS LLC	
HILLSBORO TELEPHONE CO	
LAKELAND COMMUNICATIONS GROUP, LLC DBA LAKELAND COMMUNICATIONS	
LAVALLE TELEPHONE COOPERATIVE	
LOCAL2U	
LTD BROADBAND	
LYNX NETWORKS	

MARQUETTE-ADAMS TELEPHONE COOPERATIVE, INC	
MEDIACOM	
METRONET	
MHTC	
MIDCO	
NELSON COMMUNICATIONS COOPERATIVE	
NEXTGEN COMMUNICATIONS, LLC	
NORTHWOODS COMMUNICATIONS TECHNOLOGIES	
NORVADO, INC	
NSIGHT TELSOURCES	
NTERA, LLC	
PIERCE PEPIN COOPERATIVE SERVICES	
PRICE COUNTY TELEPHONE COMPANY	
REEDSBURG UTILITY COMMISSION	
RESOUND NETWORKS	
RICHLAND-GRANT TELEPHONE COOPERATIVE, INC	
RUTLAND TOWNSHIP	
SIREN TELEPHONE COMPANY	
SOMERSET TELEPHONE COMPANY, INC	
SONICNET, INC	
SPECTRUM MID-AMERICA, LLC	
STARWIRE TECHNOLOGIES, LLC	
T-MOBILE USA, INC.	
TDS	
TELEPHONE AND DATA SYSTEMS, INC.	
TOWN OF SEVASTOPOL	
TRI-COUNTY COMMUNICATIONS COOPERATIVE, INC	
UNITED STATES CELLULAR CORPORATION DBA USCELLULAR	
UPNETWI, LLC	
USI FIBER	
VERIZON	
VERNON COMMUNICATIONS COOPERATIVE	
VIRTU BROADBAND, LLC	
WASHINGTON ISLAND ELECTRIC COOPERATIVE	
WHITEWATER WIDEBAND, LLC	
WIN, LLC	
WISPER ISP, LLC	
WITTENBERG TELEPHONE COMPANY, INC	
XIBER, LLC	
ZITEL LLC	