



Public Service Commission of Wisconsin

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Public Service Commission of Wisconsin
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June 20, 2024

Re: BEAD Challenge Process Rebuttal Period Announcement
 and Instructions

5-BCH-2024

To Challenge Process Participants:

The Commission continues to administer the Broadband Equity, Access, and Deployment (BEAD) Program Challenge Process. The Challenge Submission period opened on April 29, 2024, and concluded on May 29, 2024, at 1:30 p.m. CT. During the first 20 calendar days of this submission period, Commission staff reviewed submitted challenges for completeness and notified participants of identified errors ([PSC REF#: 502487](#)). Commission staff have now completed the comprehensive review of all submitted challenges and determined which challenges meet the required minimum level of evidence. The 30-day rebuttal period begins with the posting of this letter and the reference challenge data, and closes on **July 20, 2024, at 1:30 p.m. CT.**

A spreadsheet of all received challenges has been published to docket 5-BCH-2024 ([PSC REF#: 505863](#)), with columns indicating all challenges that were allowable and will be open to rebuttals, as well as columns indicating challenges that were not accepted and their reason for rejection, such as impermissibility, insufficient evidence, or filing errors. The BEAD Challenge Map will be updated in the coming days to indicate locations that are eligible for rebuttal due to an eligible challenge or certain pre-challenge modifications.

At this time, no challenges were eliminated because they were “moot” meaning that their resolution would not affect BEAD eligibility. Staff determined it would not be in the best interest of the BEAD program to eliminate any challenges as “moot” because they may become relevant as other factors outside the challenge process (such as enforceable funding commitments) continue to influence the final eligibility determination of each location.

The Commission received a number of informational filings submitted to docket 5-BCH-2024 that were accepted as such but not considered as a part of the challenge process.¹ The Commission also received a number of late-filed challenges that were not reviewed and are not included in the challenge process.² The tables below provide a summary of received challenges.

¹ Documents available on ERF: [502044](#), [503269](#), [503374](#), [503403](#), [503404](#), [503405](#), [503406](#),

² Documents available on ERF: [503384](#), [503385](#), [503386](#), [503387](#), [503413](#), [503414](#), [503415](#), [503416](#), [503417](#), [503418](#), [503419](#)

Table 1: Summary by Challenge Type

Challenge Type	Total Received	Total Accepted for Rebuttal
Availability (A)	16,161	15,518
Data Cap (D)	519	0
Technology (T)	143	0
Business Service Only B)	5	3
Enforceable Funding Commitment (E)	10,102	3,622
Not Enforceable Funding Commitment (N)	0	0
Planned Service (P)	1,945	823
Location is a CAI (C)	234	83
Location is not a CAI (R)	7	7
CAI Qualifying Broadband Unavailable (G)	1	1
CAI Qualifying Broadband Available (Q)	272	271
Crowdsourced Speed Test Pre-Challenge Modification (M)	14,883	14,883
Total	44,272	35,211

Table 2: Summary of Challenges by Internet Service Provider, Selected Codes

Providers with Service Challenged	Total Challenges Received	Challenges Accepted for Rebuttal by Type					
		Availability (A)	Data Cap (D)	Technology (T)	Business Service Only (B)	Crowdsourced Speed Test Pre-Challenge Modification (M)	Total Accepted for Rebuttal
Astrea	130	0	0	0	0	130	130
AT&T	13	2	0	0	0	2	4
Bertram Internet	7,320	0	0	0	0	7,320	7,320
Bug Tussel Wireless	2,410	2,409	0	0	0	0	2,409
Charter Communications	2,702	17	0	0	1	2,680	2,698

Providers with Service Challenged	Total Challenges Received	Challenges Accepted for Rebuttal by Type						Total Accepted for Rebuttal
		Availability (A)	Data Cap (D)	Technology (T)	Business Service Only (B)	Crowdsourced Speed Test Pre-Challenge Modification (M)		
Hillsboro Telephone Company	18	0	0	0	0	0	0	0
Lynxx Networks	9	0	0	0	0	0	0	0
Mediacom Wisconsin	519	0	0	0	0	0	0	0
Norvado	10	0	0	0	0	0	0	0
Nsight Telservices	1	0	0	0	0	0	0	0
Rise Broadband	151	110	0	0	0	40	150	150
SonicNet	1,104	0	0	0	0	1,104	1,104	1,104
TDS Telecom	101	3	0	0	0	0	3	3
T-Mobile US	7,701	5,604	0	0	0	1,632	7,236	7,236
United States Cellular Corporation	5	0	0	0	0	0	0	0
Verizon	9,356	7,373	0	0	2	1,975	9,350	9,350
Xfinity	2	0	0	0	0	0	0	0
Total	31,552	15,518	0	0	3	14,883	30,404	30,404

As indicated in Wisconsin’s approved Initial Proposal Volume 1 ([PSC REF#: 496853](#)), the Commission elected to administer area and MDU challenges for challenge types A, D and T. The area challenge modification was applied to all of a provider’s locations in a census block group (CBG) if six or more of the provider’s locations with the same technology and service offering were challenged using the same challenge code (A, D, or T). Area challenges were applied to 37 CBGs for Availability (A) challenges to licensed terrestrial fixed wireless

(technology code 71 or 72) offerings. The total availability challenges in the tables above reflect these applied area challenges.

Multiple Dwelling Unit (MDU) challenges were applied when MDUs having fewer than 15 units received one challenge (A, D, or T) meeting the required minimal level of evidence, two challenges were required for MDUs having between 16 and 24 units, and at least three challenges for MDUs with more than 24 units. An MDU challenge was applied to 116 MDU locations with fewer than 15 units that received at least one challenge that met the required minimum level of evidence, all of which were Availability (A) challenges. There were not sufficient challenges to apply an MDU challenge to any MDUs of 15 units or more.

Eligible participants can submit rebuttals through the following procedures:

- Challenges to **Availability (A), Technology (T), Data Cap (D), Business Service Only (B), CAI Qualifying Broadband Not Available (G), and any locations with an applied Measurement Crowdsourced Speed Test pre-challenge modification (M)** will only be available for rebuttal from the specific provider being challenged. Commission staff will email the provider's primary contact ([PSC REF#: 501036](#)) a spreadsheet of all challenges for rebuttal that the challenged provider will complete and upload to docket 5-BCH-2024.

Providers rebutting locations affected by an applied **area challenge** should do so in accordance with the approved [BEAD Initial Proposal Volume 1](#) (see page 12). For locations with an applied **MDU challenge**, the rebuttal must show that the inside wiring and/or wireless signal reaches all units and is of sufficient quality to support the claimed level of service for all units.

- Challenges to **Enforceable Commitments, and Planned Service** will be available for rebuttal to all eligible participants. Using the map and/or spreadsheet of all received challenges, participants will complete the rebuttal submission spreadsheet template ([PSC REF#: 505869](#)) available on the BEAD Challenge Process [website](#) and uploaded to docket 5-BCH-2024.
- For **CAI location and CAI qualifying broadband availability challenges**, eligible participants will complete the CAI rebuttal submission spreadsheet template ([PSC REF#: 505858](#)) available on the BEAD Challenge Process [website](#) and uploaded to docket 5-BCH-2024. If a provider claims qualifying gigabit service availability for a CAI any eligible participant may rebut.

At the conclusion of the 30-day rebuttal period on **July 20 at 1:30 p.m. CT**, Commission staff will review all submitted documents, compile all rebuttals, and publish an update to the

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Challenge docket 5-BCH-2024, [website](#), and [BEAD Challenge Map](#) indicating the locations that received a rebuttal and which were successful in rebutting the challenge or pre-challenge modification.

As eligible participants prepare and submit rebuttals, they should closely review the BEAD Challenge Instructions ([PSC REF#: 498666](#)), Step-by-Step Rebuttal Instructions ([PSC REF#: 505867](#)), and BEAD Challenge FAQs ([PSC REF#: 501674](#)) to ensure compliance with process requirements.

If participants have questions or require assistance, they should contact PSCBEADChallenge@wisconsin.gov as soon as practicable. Requests for assistance cannot extend the rebuttal submission deadline and participants should not expect immediate responses in the days before the deadline.

Sincerely,



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

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