

How Libraries Can Participate in the State BEAD Challenge Process to Upgrade their Broadband Connectivity

The FCC National Broadband Map and BEAD Program

In 2021 Congress passed the Broadband DATA Act, directing the Federal Communications Commission (FCC) to publish a national broadband map for use when allocating future broadband funding. Later in 2021, Congress appropriated \$42.45 billion to the [Broadband Equity, Access and Deployment \(BEAD\) Program](#). These dollars will be allocated to U.S. states and territories (collectively, “states”) to fund broadband projects that will bring internet access to unserved, underserved, and eligible community anchor institution (CAI) locations (like libraries) based on the FCC’s Map. The BEAD program calls for libraries and other CAIs to have access to high-speed (gigabit) broadband connections, if they do not already have such access.

Is My Library “On the Map”?

Unfortunately, the [FCC’s Map](#) does not automatically designate all CAIs as “broadband serviceable locations.” So, while the library’s location itself may be on the map, it might not show any information about *what broadband services* are currently available to that location. If the state uses *only* the FCC’s Map to identify broadband project areas to fund with BEAD dollars, the library might not be classified as either unserved or underserved - making it an ineligible location for build-out projects.

Fortunately, there is an opportunity to “correct” the FCC Map’s treatment of CAIs at the state level. The BEAD Program requires states to create a separate inventory of CAI locations that are eligible for BEAD-funded projects. These inventories are included as part of each state’s BEAD [Initial Proposal Volume I](#), and the Initial Proposal must be approved by the National Telecommunications and Information Administration (NTIA). All states have now submitted their Vol. I documents to the NTIA and you can track progress of NTIA’s approval [here](#).

Once approved, a state will then publish the full set of locations that are potentially eligible for BEAD funding, as well as locations considered served. The service status of these locations can be *challenged* through a state challenge process.

Why Does The State Challenge Process Matter for Libraries?

This is the last opportunity for libraries to be included in BEAD funded build-out projects that will start next year. Your institution is eligible to be part of a BEAD project if the state’s dataset (which could be a map or other materials) shows that symmetrical gigabit-level broadband service is not available to that location. Unfortunately, if the state’s dataset shows your library as “served” or shows no information at all, your library could be passed over (ignored) by the company that receives

broadband funding for that area. **The company receiving BEAD funds will not be allowed to provide gigabit broadband service to your library if the library is not on the state’s list of eligible CAIs.**

NOTE: The focus here is whether your library has ACCESS to symmetrical gigabit broadband service, not about the AFFORDABILITY of the access. If gigabit service is available, your locale is considered “served” for the purposes of BEAD funding, even if you don’t purchase it.

The State Challenge Process

Who Can Submit a State Challenge? Units of local and Tribal governments, nonprofits, and broadband service providers can submit a challenge to the state broadband office.

When is the Deadline to Submit a Challenge? Each state establishes its own timeline for filing challenges after NTIA approves their Initial Proposal. Many states will open a 30-day window for submitting challenges in the months of February through May. A few states have already completed their challenge processes, like Louisiana and Virginia, but most states will be opening their challenge windows in the next few months. NTIA tracks the challenge process [here](#).

What Do I Do Now?

Review your state broadband office’s website for information about its BEAD challenge process. Your [state broadband office has a web page](#) dedicated to the BEAD Program and its challenge process.

- Look for *requirements* to submit a challenge.
 - *Do you need to pre-register or create a profile to access the challenge portal?*
- Look for *resources* about the challenge process.
 - *Many states hold webinars or publish guidebooks/FAQ’s about the process.*
- Note the dates of the challenge window.

Call your state broadband office. [Get in touch with your state broadband office](#) to clarify any information you saw on their website, and to ask additional questions like:

- How do I locate my library’s location once I’m in the portal?
 - *Is there a state “map,” “list,” or other documentation I should look at?*
- What are the steps I need to follow to file a state challenge?
 - *Do I need to obtain a license from CostQuest to access data within the portal?*
- What evidence do I need to give you with my challenge?
 - *How do I prove that my location does not have access to gigabit broadband?*
- Am I eligible to submit a challenge?
 - *I’m not a nonprofit or a unit of local government. Who can help me file a challenge?*
- What type of rebuttal process are you using?
 - *How and when would I rebut a provider’s challenge regarding broadband at my library?*

Request a (free) CostQuest License. A library *might need* to obtain a **Tier E license** from CostQuest to submit a challenge, depending on the state’s requirements. If one is required, this CostQuest [guidance](#) and NTIA [webpage](#) can help you understand how to obtain the license. Allow yourself ample time to review these materials and request the license as soon as possible.

Gather evidence for your challenge. Typically, a state will allow four challenge types related to CAIs like libraries:

1. A location is not classified as a CAI, but should be.
 - a. *E.g. A location is shown as a business or residence, but is a library.*
2. A location is classified as a CAI, but should not be.
 - a. *E.g. A location is classified as a CAI because it used to be a library, but that location closed down or has moved.*
3. A CAI location is listed as “served” but in reality it cannot obtain qualifying broadband.
 - a. *The library cannot acquire symmetrical (same upload and download speeds) gigabit broadband service.*
4. A CAI location can obtain qualifying broadband.
 - a. *This could be a challenge submitted by a service provider or other claiming that the library can acquire symmetrical gigabit service. If the library cannot acquire gigabit service at this location, it should rebut the provider’s challenge.*

In all instances, **you will be required to submit evidence to back up your challenge.** Ask your state broadband office about what evidence you will need to submit.

File your challenge. File as EARLY as you can within the challenge window so there is time to correct the challenge or your materials if asked by the state’s broadband office before the deadline passes.

Keep track of the challenge status. A challenged location is subject to rebuttal. For example, a library might file a challenge claiming that it cannot access gigabit broadband, which a service provider can then rebut. Additionally, the service provider can be the one to file an *original* challenge against a library - claiming that gigabit service *is* available at that location. A unit of local government or provider can also dispute the CAI status of a location.

Regardless of whether your library files a challenge, you should be aware if someone else has challenged the availability of broadband at your location. If their claim is incorrect, you should challenge that claim by filing a rebuttal. **Ask your state broadband office what kind of rebuttal process it is using.** The answer will inform you how and when you would need to file a rebuttal.

Filing a rebuttal causes the location to be “disputed,” giving the state the final determination to declare the challenge “sustained” or “rejected.” If a challenge is not rebutted, or a service provider agrees with the challenge, it is “sustained.”

SHLB, COSLA, and the American Library Association are hosting a free webinar on Wednesday, February 21, 2024 at 4:00 pm EST regarding the state challenge process, specifically for libraries. We encourage you and your libraries to attend. Please register [here](#).

If you have any questions about this process, we urge you to first contact your state broadband office and review any materials they have. You can also reach out to Kristen Corra with SHLB by emailing kcorra@shlb.org.