

BEAD Challenge Process Rebuttal Phase Guide

What is the rebuttal phase?

There are three different phases of the BEAD Challenge Process:

1. The Challenge Phase
2. The Rebuttal Phase
3. The Final Determination Phase

During the Challenge Phase, which lasted from March 4 to April 17, internet service providers, non-profit organizations, and units of local government could submit certain types of challenges to correct the Indiana Broadband Office's (IBO) baseline map. Challenges could be made to say that an address was served even though the map said it was unserved or underserved. Challenges could also be made to say that an address was unserved or underserved, even though the map said it was served. All challenges were reviewed by the IBO.

During the Rebuttal Phase, permissible challengers can provide rebuttal evidence against challenges that were submitted during the Challenge Phase. The Rebuttal Phase is an opportunity for permissible challengers to correct any challenges they believe were made in error or are incorrect. The Rebuttal Phase will run from May 2, 2024, to June 1, 2024. **All rebuttals must be submitted by 11:59 PM on June 1.**

Who participates in the Rebuttal Phase?

All permissible challengers can participate in the Rebuttal Phase. A permissible challenger can participate in the Rebuttal Phase even if they did not participate in the Challenge Phase. Permissible challengers include:

- Internet service providers
- Non-profit organizations
- Units of local government

While all permissible challengers can participate in the Rebuttal Phase, only specific challengers can respond to certain challenges. For all provider service level challenges, only the challenged internet service provider can see and respond with a rebuttal. During the Challenge Phase, the IBO received the following provider service level challenge types:

- Availability
- Business service only
- Speed

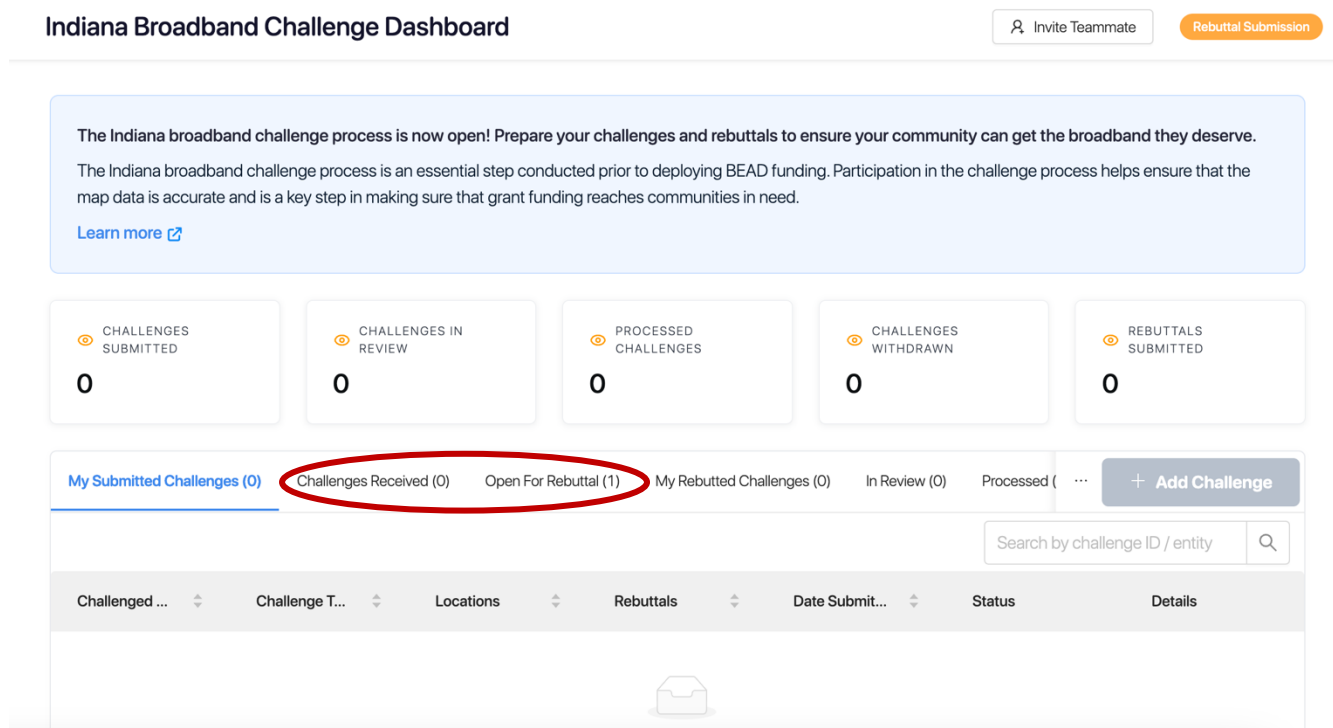
For all other challenges, any permissible challenger can see and may submit a rebuttal. The IBO received the following other challenge types that can be rebutted by all challengers:

- Location is a CAI
- Enforceable commitment
- Planned and existing service

How does rebuttal submission work?

All rebuttals must be submitted through the Challenge Portal, which is accessible at apply.connectindiana.com for permissible challengers who have already registered. Once logged into the portal, permissible challengers can see the challenges available for rebuttal on their Challenge Portal Dashboard.

Internet service providers will see two different rebuttal tabs on their dashboards. The first tab will indicate “Challenges Against Service,” which are provider service level challenges that only the challenged provider can see and rebut. The second tab shows all other challenges that all permissible challengers can rebut.



Permissible challengers can only submit rebuttal evidence in alignment with the challenges they wish to rebut. Challengers can use the same evidence for multiple rebuttals but will need to submit that evidence within each challenge.

Once a permissible challenger selects a challenge to rebut, the process for submitting the rebuttal is very simple.

1. Select the locations within the challenge that you are rebutting. This could include all locations or a subset of locations within the challenge.
2. Upload your rebuttal evidence and write a short description of the evidence or any other information the Indiana Broadband Office should know for Final Determinations.
3. Complete the attestation that all information submitted is true to the best of your knowledge.

What challenge information can permissible challengers see?

Permissible challengers can see basic information about all challenges that are available for their rebuttal. The portal will show the following information for each challenge:

- Entity that submitted the challenge
- When the challenge was submitted
- The challenge type
- A generic description of the challenge type
- The provider being challenged (if applicable)
- The technology being challenged (if applicable)
- All locations included in the challenge

Permissible challengers cannot see the evidence that was submitted with the challenge. Regardless of the challenge evidence submitted, rebuttal evidence guidance remains the same.

Below is an example of the information that will be available for review:

Indiana Broadband Challenge Map

Rebuttal Submission

Layers Zones

TERRITORY

Zone boundaries
Boundaries of your zone areas

DEMAND POINTS

Broadband serviceable locations
Fabric map of broadband serviceable locations

BEAD ELIGIBILITY (PRE-CHALLENGE)

Unserved Underserved
 Served Funded

BUILDING TYPE

Residential Business
 Residential & Business Enterprise
 Group Quarters

COMMUNITY ANCHOR INSTITUTIONS

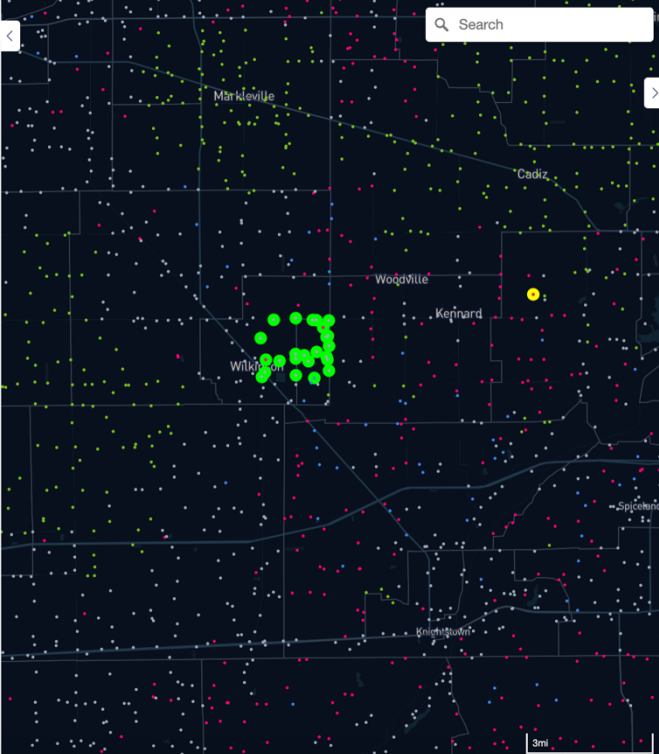
Schools Higher Education
 Library Government Buildings
 Healthcare Provider Public Safety
 Community Support Org Public Housing
 Unclassified CAI

UNIT COUNT

1 5 10 15 20 50+

ANCHOR INSTITUTION

Not a CAI CAI



IN-1000 Initial Processed

Details Locations 1 Rebuttals

SUBMITTED BY:

SUBMITTED ON:
18 Apr '24 at 3:22 pm

INITIAL REVIEWED ON:
18 Apr '24 at 3:23 pm

REBUTTED ON:
18 Apr '24 at 3:26 pm

CHALLENGE TYPE:
Planned Service

CHALLENGE TYPE DESCRIPTION:
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.

TECHNOLOGY:
Optical Carrier / Fiber To The Premises

SERVICE AVAILABILITY:
Business and Residential

ADVERTISED DOWNLOAD SPEED:
100 Mbps

ADVERTISED UPLOAD SPEED:
100 Mbps

What evidence is needed for a rebuttal?

Rebuttal evidence is very similar to the evidence accepted during the Challenge Phase. The chart below describes example evidence for each possible rebuttal type. Only speed challenge rebuttals have specific evidentiary requirements – all other rebuttal types may be substantiated with a wide range of evidence. If you have questions about a specific evidence type and if it would be acceptable during the Rebuttal Phase, please reach out to the Indiana Broadband Office at IBOChallenge@IOT.IN.GOV.

Type	Description	Example Evidence
Availability	If rebutting an availability challenge, you are submitting evidence that service at or above 100/20 is available at the location for a standard installation fee and within 10 days of a request.	<ul style="list-style-type: none"> • A copy of the customer’s bill • A screenshot of your website showing that the service is available • Proof of correspondence with the customer that shows service is now available • A map showing that the address is clearly within the service area
Speed	If rebutting a speed challenge, you must have countervailing speed test evidence showing sufficient speeds at or above 100/20.	Speed challenge rebuttals require proof of three speed tests taken on three different days
Business Service Only	If rebutting a business service only challenge, you are submitting evidence that residential service is also available at the location.	<ul style="list-style-type: none"> • Any evidence that the service listed in the BDC is available at the location and marketed to consumers • A screenshot of the provider website showing that residential service is available • A copy of correspondence with the location that includes an offer for residential service
Enforceable Commitment	If rebutting an enforceable commitment challenge, you are submitting evidence that the provider will be unable to meet the commitment.	<ul style="list-style-type: none"> • Any documentation that the provider has defaulted on the commitment • Any documentation that the provider is not building out the commitment to a BEAD-sufficient level • Any documentation that the provider is otherwise unable to meet the commitment

<p>Planned or Existing Service</p>	<p>If rebutting a planned or existing service challenge, you are providing evidence that the provider does not serve that location or is no longer planning to build to that location.</p>	<ul style="list-style-type: none"> • Any documentation that the provider is no longer planning that deployment • Any documentation that the deployment will not be complete by June 30, 2024 • Any documentation that the deployment will not meet the required technology or performance requirements
<p>Location is a CAI</p>	<p>If rebutting a CAI challenge, you are providing evidence that the location is not actually a community anchor institution.</p>	<ul style="list-style-type: none"> • Any evidence that the location does not fall within the definitions of a CAI set by the IBO • Any evidence that the location is no longer in operation

When are rebuttals reviewed?

Any location that receives both a challenge and rebuttal will enter a “disputed” state. All disputed locations will be reviewed during the Final Determinations Phase, which will begin on June 2 and end on July 1. Rebuttal evidence will be reviewed for the first time during the Final Determinations Phase, so please ensure that your submission is complete and has as much evidence as possible.

During the Final Determination Phase, it is likely that the IBO will review locations that have both sufficient challenge evidence and sufficient rebuttal evidence. In these instances, the IBO will consider all evidence to make a determination on the location’s eligibility for BEAD funding. In short, even with sufficient rebuttal evidence, a challenge may still be sustained (and vice-versa).

What happens to challenged locations that do not receive a rebuttal?

If a location receives a challenge, but no rebuttal evidence is submitted during the Rebuttal Phase, the challenge will automatically be sustained after the Rebuttal Phase is complete. In these instances, the challenge will not be re-reviewed during Final Determinations.