



Government of Puerto Rico
Office of Management and Budget

BEAD Initial Proposal

Volume 1

Draft for Public Comment

Publication Date: September 15, 2023

Deadline for Public Comments: October 15, 2023

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1 Executive Summary

The Puerto Rico Broadband Program (PRBP) is tasked with the deployment of local and federal broadband funds, including \$334.6 million in federal Broadband Equity, Access, and Deployment (BEAD) funding for Puerto Rico through the Infrastructure Investment and Jobs Act (IIJA). This historic investment in broadband infrastructure and related digital inclusion efforts will support Puerto Rico’s vision for universal broadband access:

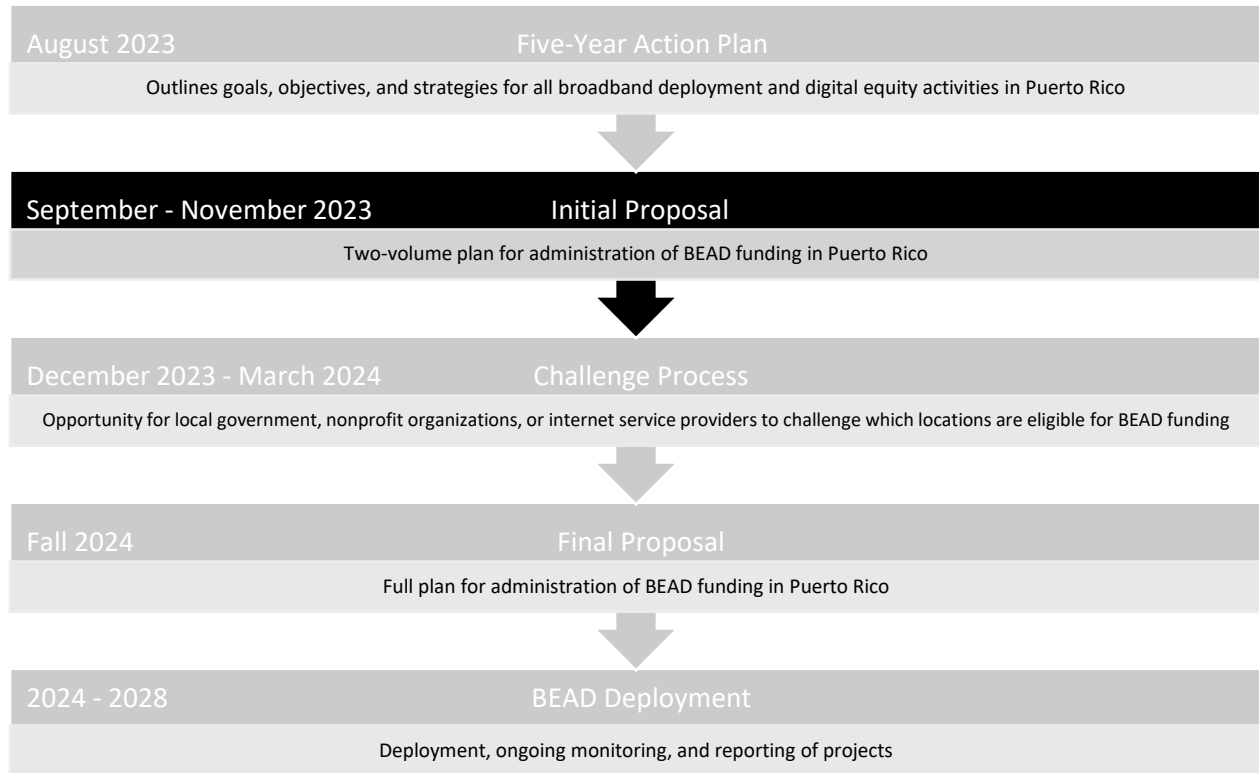
All residents, regardless of their background or location, will have access to the resources and opportunities necessary to thrive in the digital world and fully participate in modern society.

Building upon the goals, objectives, and strategies outlined in Puerto Rico’s BEAD Five-Year Action Plan, the Initial Proposal Volume 1 includes the following:

Existing funding	Existing broadband funding available to the Puerto Rico Broadband Program
Unserviced and Underserved Locations	Data the Puerto Rico Broadband Program will use to define unserved and underserved locations
CAIs	Definitions of Community Anchor Institutions (CAIs) in Puerto Rico
Deduplicate Funding	The process to deduplicate funding in Puerto Rico
Challenge Process	Puerto Rico’s plans for an evidence-based, transparent, fair, and expeditious challenge process

This Initial Proposal Volume 1 is designed to meet four of 20 BEAD program requirements from the National Telecommunications and Information Administration (NTIA). A forthcoming Initial Proposal Volume 2 will address the remaining requirements. These two volumes together will serve as Puerto Rico’s draft plan for deployment of BEAD funding and for providing reliable, affordable high-speed internet to all residents. Figure 1 below provides an overview of BEAD deployment in Puerto Rico.

Figure 1: BEAD Deployment Process in Puerto Rico



2 Existing Broadband Funding

Recognizing the challenge of coordinating efforts in progress with additional funding, the Puerto Rico Broadband Program has outlined all funding sources available for use and documented existing infrastructure programs.

Source	Purpose	Total	Expended	Available
Puerto Rico Broadband Infrastructure Fund	State funded deployment of resilient infrastructure and improved connectivity in public spaces	\$400,000,000	-	\$400,000,000
U.S. Department of the Treasury Capital Projects Fund (CPF)	Federal funding for expansion and upgrades of broadband infrastructure	\$158,000,000	-	\$158,000,000
Broadband Equity, Access, and Deployment (BEAD) Funds	Federal funding for infrastructure planning, digital inclusion	\$334,614,151	-	\$334,614,151

	initiatives, and deployment projects			
State Digital Equity Planning Grant	Federal funding for identification of barriers to digital equity and strategies for addressing them	\$781,987	-	\$781,987

Table 1 outlines funding available for use by the Puerto Rico Broadband Program. Coordination between federal and local entities will continue throughout the implementation phases of the BEAD Program, State Digital Equity Program, and others described below.

Table 1: Existing Broadband Funding Sources

Source	Purpose	Total	Expended	Available
Puerto Rico Broadband Infrastructure Fund	State funded deployment of resilient infrastructure and improved connectivity in public spaces	\$400,000,000	-	\$400,000,000
U.S. Department of the Treasury Capital Projects Fund (CPF)	Federal funding for expansion and upgrades of broadband infrastructure	\$158,000,000	-	\$158,000,000
Broadband Equity, Access, and Deployment (BEAD) Funds	Federal funding for infrastructure planning, digital inclusion initiatives, and deployment projects	\$334,614,151	-	\$334,614,151
State Digital Equity Planning Grant	Federal funding for identification of barriers to digital equity and strategies for addressing them	\$781,987	-	\$781,987

The Federal Government has launched multiple initiatives to spur both public and private investment in broadband infrastructure, with each initiative advancing a different broadband technology. These efforts will enhance resiliency and redundancy in telecommunication networks in Puerto Rico. The PRBP is also in the process of awarding local funds to provide resilient infrastructure and create opportunities for residents to access free Wi-Fi in public spaces.

Below,

Table 2 outlines existing broadband and related infrastructure programs in Puerto Rico. Puerto Rico Broadband Infrastructure Funds (PRBIF) programs will operate alongside federally funded

broadband programs to accelerate growth and support expansion efforts in broadband access. To date, the Puerto Rico Broadband Program has launched two programs through the PRBIF.

Puerto Rico will complement, rather than duplicate, the obligations that carriers Claro and Liberty have through the Federal Communications Commission (FCC) under the *Uniendo a Puerto Rico* Program, a federal commitment to extend broadband service universally across the island.

Table 2: Existing Broadband and Related Infrastructure Programs

Source	Purpose	Total
FCC <i>Uniendo a Puerto Rico</i>	High quality, resilient deployment to all municipalities	\$412.2 million in restoration, fixed and mobile support
USDA ReConnect	High-speed broadband to rural homes, businesses, farms, ranches, and community facilities	\$8.7 million to VPNet to connect 1,200 homes and 7 public schools in Patillas and Arroyo
FEMA Disaster Recovery	Restoration of roads, bridges, public utilities, water control facilities, public buildings, parks, and risk mitigation	\$8.8 billion in Road to Recovery, \$2.4 billion in Road to Resilience projects
PRBIF Public Wi-Fi and Wireless Broadband & Resilient Power and Hardening	Deployment and operation of public Wi-Fi hotspots and additional infrastructure supporting fixed and mobile wireless broadband service	\$50 million allocated
	Design and implementation of resilient back-up power and hardened infrastructure to key telecommunications facilities	\$15 million allocated

3 Unserved and Underserved Locations

To generate an updated file of unserved and underserved locations in Puerto Rico, the Puerto Rico Broadband Program first downloaded a copy of all Fixed Broadband Availability Data from the National Broadband Map on July 26, 2023. Data provided by technology type were then unified by unique Broadband Serviceable Location (BSL). To determine the overall BEAD status of each location, an additional column was created that indicated whether the highest-speed, lowest-latency offering of Reliable Broadband Service at a given location met Fully Served, Underserved, or Unserved BEAD requirements.

Below, Table 3 displays the overall counts and frequency of Broadband Serviceable Locations by BEAD Service Type using the December 31, 2022 dataset (version 7/12/23).

Table 3: BEAD Service Type of Broadband Serviceable Locations in Puerto Rico

<i>Broadband Serviceable Locations</i>
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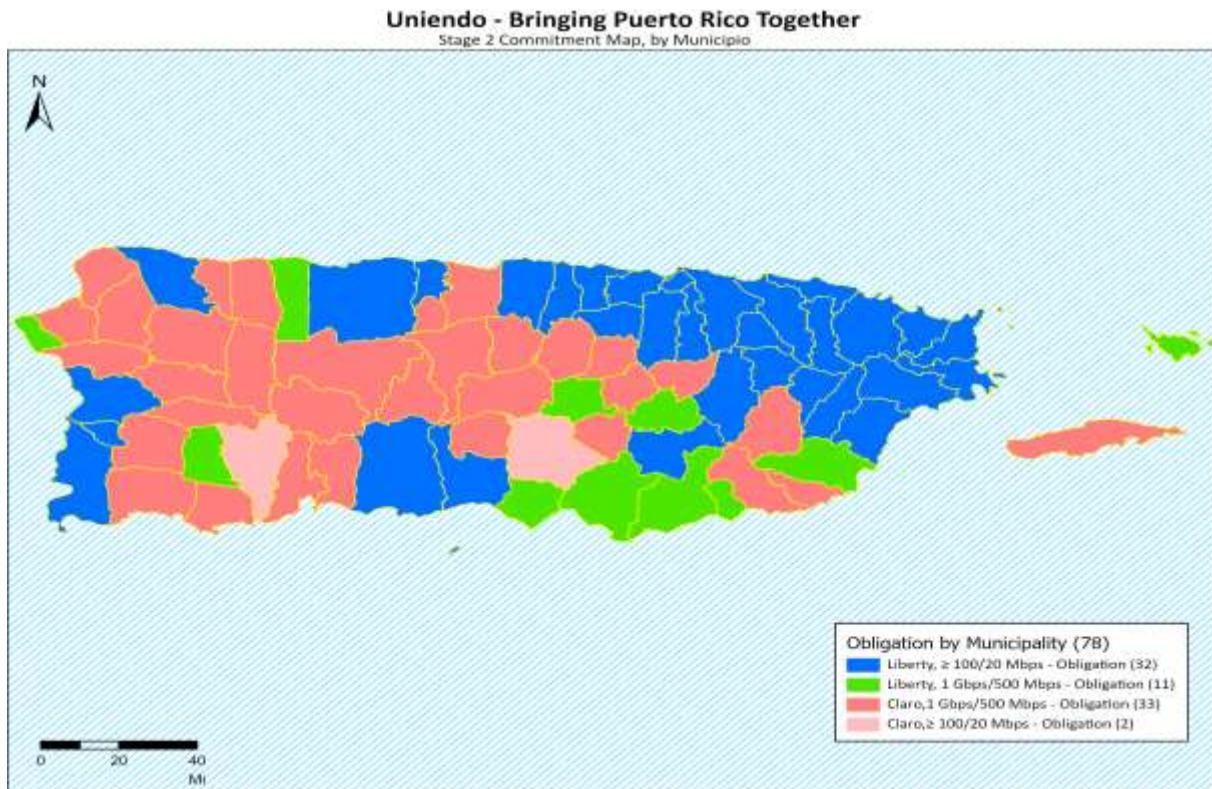
BEAD Service Type	Count	Percentage (%)
Served	1,083,038	94.3%
Underserved	3,375	0.3%
Unserved	61,871	5.4%

Island-Wide Funding Commitment:

In 2018, the FCC established the *Uniendo a Puerto Rico* (Bringing Puerto Rico Together) Fund to provide high quality, resilient deployment and restore gains eliminated by devastating Hurricanes Irma and Maria in 2017. Between Stage I and Stage II, the FCC pledged \$178.3 million to provide long-term resilient broadband access to all Puerto Rican households.

Following a bidding process, winning providers Liberty and Claro committed to providing at least 100/20 Mbps service to more than 2/3 of their awarded locations and gigabit service to at least 30% of their awarded locations. All locations must be serviced with committed speeds by 2028, with interim deployment milestones met in the preceding three years. Commitments include a minimum monthly usage allowance of 200 GB and a maximum roundtrip broadband and voice latency of 100 milliseconds. Figure 2 below highlights deployment obligations of each service provider by municipality.

Figure 2: Map of Existing *Uniendo a Puerto Rico* Deployment Obligations



Source: Federal Communications Commission

As a result of this island-wide existing federal funding commitment, all 65,246 locations in Puerto Rico considered Unserved or Underserved are considered to be funded; these locations are not eligible for additional BEAD deployment funding.

4 Community Anchor Institutions

Based on the statutory definition of “community anchor institution” (CAI) as defined in 47 USC 1702 (a)(2) (E), PRBP applied the definition of “community anchor institution” to mean a:

- School
- Library
- Health clinic/center
- Hospital/other medical provider
- Public safety entity
- Public housing organization (including agencies and HUD-assisted housing organizations)
- Community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to
 - Low-income individuals
 - Unemployed individuals

- Children
- The incarcerated
- Aged individuals.¹

This definition applies to all locations across the territory. There are no Tribal Lands in the Territory.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E):

1. Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

PRBP used the following criteria to create seven additional subcategories of community support organizations not specifically listed in the statutory definition: “whether the community support organization facilitates greater use of broadband service by vulnerable populations.”²

Justifications for including these additional subcategories are provided below.

Community Centers: Puerto Rico has over 150 Technology Centers across the island, which act as community hubs for technology, devices, internet access, and in-person technical assistance. As discussed further in the Puerto Rico Digital Equity Plan, PRBP plans to utilize these centers—and construct additional ones—as a core part of its efforts to close the Puerto Rican digital divide. Community centers serve all members of the community, including but not limited to members who are low-income, unemployed, over 60, or are children.

Public Plazas: Town squares and other large public plazas serve as an integral fabric of many Puerto Rican communities. Public plazas offer a free, clean, and safe gathering space to all Puerto Ricans regardless of their age or socioeconomic status. Additionally, Puerto Rico’s temperate climate and unique culture make these public *plazas* an ideal space to offer free, high-speed, and high-capacity Wi-Fi to large numbers of people, similar to public library outdoor spaces in many mainland communities. Meeting Puerto Ricans where they are, in these popular public spaces will facilitate greater use of broadband service by all Puerto Ricans with existing internet-accessible devices, including

¹ 47 USC § 1702 (a)(2)(E), <https://www.govinfo.gov/content/pkg/USCODE-2021-title47/pdf/USCODE-2021-title47-chap16-subchapl-sec1702.pdf>.

² 47 USC § 1702 (a)(2)(E), <https://www.govinfo.gov/content/pkg/USCODE-2021-title47/pdf/USCODE-2021-title47-chap16-subchapl-sec1702.pdf>.

but not limited to community members who are low-income, unemployed, over 60, or are children.

Senior Centers: Senior Centers, nonprofit and for-profit housing organizations in Puerto Rico, meet housing needs of the low-income aging community across the island. Providing these high-capacity centralized locations with high-speed broadband will help facilitate broadband use by the aged low-income populations.

Places of Worship: Places of worship serve as key community anchors in both urban and rural Puerto Rico. In addition to serving a religious role for nearly half of Puerto Ricans, places of worship in Puerto Rico also serve as community gathering spaces for non-religious activities. These activities include but are not limited to assistance in the provision of benefits, housing, and other social services; low- or no-cost meals; childcare; and as physical meeting spaces for community or communal activities.³ In both urban and rural areas, these programs offer support to many underserved populations, such as those who are low-income, unemployed, over 60, or children. Places of worship that serve a vulnerable population and currently lack access to gigabit service will be included as CAI locations, according to evidence provided during public comment.

Offices of Government Entities: At all levels of government, offices may be involved in the facilitation of greater broadband service to all Puerto Ricans, including but not limited to members who are low-income, unemployed, over 60, or are children. Government offices will be included where public comment provides evidence that the site directly serves a vulnerable population and currently lacks access to gigabit service.

Correctional and Rehabilitation Facilities: Puerto Rico's correctional and rehabilitation facilities provide education, healthcare, and other community support services to a vulnerable Digital Equity covered population—Puerto Rico's incarcerated population. With a high population density and few rights to change physical space outside facilities, high-capacity broadband access is critical to access advanced educational and healthcare services not available inside facilities, attend remote hearings or meetings with attorneys, and gain access to forthcoming Digital Equity Act resources.

Job Training Centers: Job training centers are identified as an encouraged subcategory by NTIA Initial Proposal Volume I guidance. Centers offer training referrals, career counseling, job listings, and similar employment-related services to all Puerto Ricans, including low-income and unemployed residents.⁴

³ "Religion in Latin America: Widespread Change in a Historically Catholic Region" (Pew Research Center, November 13, 2014), <https://web.archive.org/web/20160112133742/http://www.pewforum.org/files/2014/11/Religion-in-Latin-America-11-12-PM-full-PDF.pdf>.

⁴ "American Job Centers," U.S. Department of Labor, accessed July 28, 2023, <http://www.dol.gov/general/topic/training/onestop>.

Definitions and Data Sources: The following definitions and data sources were used to identify Puerto Rican community anchor institutions:

Schools: An initial list of K-12 schools across the island was derived from the National Center for Educational Statistics. Schools that were listed as “Elementary and Secondary Schools” in the NAICS description were included. Additionally, an initial list of Head Start childcare facilities was derived from the Hunter College Center for Puerto Rican Studies RebuildPR Web Map.⁵

Libraries: PRBP surveyed municipalities in early 2023 to create a preliminary, island-wide list of libraries. PRBP welcomes communications from libraries not initially included.

Institutions of Higher Education: A list of higher education institutions was derived from the National Center for Educational Statistics. Institutions that were listed as “Colleges, Universities, and Professional Schools” or “Other Technical and Trade Schools” were included.

Health Clinics and Hospitals: An initial list of healthcare facilities—including hospitals, V.A. healthcare facilities, and EMS stations—was derived from the Hunter College Center for Puerto Rican Studies RebuildPR Web Map and the U.S. Department of Veterans Affairs.⁶ An additional list of health clinics and other facilities was derived from the 2018 Directory of Health Facilities from the Puerto Rico Department of Health.⁷

Public Safety Entities: Public safety entities in Puerto Rico include law enforcement entities, fire departments, and entities involved in natural disaster shelter and response. An initial list of local law enforcement locations was derived from the Department of Homeland Security’s Homeland Infrastructure Foundation-Level Data.⁸ A list of fire department locations was derived from the Government of Puerto Rico Fire Department website.⁹ An initial list of natural disaster response shelters—primarily utilized during hurricanes—was derived from the Hunter College Center for Puerto Rican Studies

⁵ *Rebuild Puerto Rico Web Map* (Center for Puerto Rican Studies, Hunter College, September 15, 2020), <https://centropr.hunter.cuny.edu/tools/rebuildpr-webmap/>.

⁶ *Rebuild Puerto Rico Web Map* (Center for Puerto Rican Studies, Hunter College, September 15, 2020), <https://centropr.hunter.cuny.edu/tools/rebuildpr-webmap/>.

“Location of Health Facilities in Puerto Rico,” November 3, 2021, https://www.va.gov/directory/guide/fac_list_by_state.cfm?State=PR&dnum=All.

⁷ “Directorio de Facilidades de Salud de Puerto Rico” (Government of Puerto Rico Department of Health, September 2018), <https://web.archive.org/web/20210630125118/http://www.salud.gov.pr/Servicios-al-Ciudadano/Documents/DIRECTORIO%20Facilidades%20de%20Servicios%20de%20Salud%202018.pdf>.

⁸ *Local Law Enforcement Locations* (U.S. Department of Homeland Security, February 2, 2021), <https://hifld-geoplatform.opendata.arcgis.com/datasets/geoplatform::local-law-enforcement-locations/explore?location=18.174611,-66.337661,9.84>.

⁹ “Negociado de Bomberos de PR,” 2021, <https://www.bomberos.pr.gov/>.

RebuildPR Web Map.¹⁰ Finally, safety-critical locations necessary for the expeditious movement of large numbers of people and goods to and from Puerto Rico’s outlying islands—Puerto Rico’s ferry terminals, seaports, Tren Urbano stations, and airports—were generated from a combination of the Department of Homeland Security’s Homeland Infrastructure Foundation-Level Data and the Puerto Rico Port Authority.¹¹

Public Housing Entities: An initial list of public housing entities was derived from the Government of Puerto Rico Department of Public Housing, which serves as an island-wide repository.¹²

Community Support Organizations: PRBP added seven additional subcategories to the statutory definition of Community Support Organizations: community centers, public plazas, senior centers, correctional and rehabilitation facilities, places of worship, job training centers, and government offices. A list of eligible community centers and senior centers were provided by the Government of Puerto Rico Department of State and its contractors. A list of large public plazas was derived from the Hunter College Center for Puerto Rican Studies RebuildPR Web Map.¹³ A list of job training centers was derived from the American Job Center Finder through CareerOneStop.¹⁴ A list of Puerto Rico’s correctional facilities was collected from the Government of Puerto Rico Department of Corrections and Rehabilitation.¹⁵ Government offices will be included where public comment provides evidence that the site directly serves a vulnerable population and currently lacks access to gigabit service.

Engaged relevant umbrella organizations and nonprofits: As stated in the above subsections, the Puerto Rico Broadband Program (PRBP) faces extraordinary data quality limitations. As a result, PRBP has and will continue to engage nonprofit organizations and sector partners to obtain island-wide availability needs. These include soliciting feedback on the list of Puerto Rican Community Anchor Institutions.

¹⁰ *Rebuild Puerto Rico Web Map* (Center for Puerto Rican Studies, Hunter College, September 15, 2020), <https://centropr.hunter.cuny.edu/tools/rebuildpr-webmap/>.

¹¹ U.S. Department of Homeland Security, “Homeland Infrastructure Foundation-Level Data,” <https://hifld-geoplatform.hub.arcgis.com/>.

Rolando Rivera, “Aereo - Aeropuertos” (Puerto Rico Port Authority, June 20, 2018), <https://docs.pr.gov/files/Puertos/Documents/Aereopuertos.pdf>.

Rolando Rivera, “Maritimo - Puertos Maritimos” (Puerto Rico Port Authority, June 20, 2018), <https://docs.pr.gov/files/Puertos/Documents/Puertos%20Maritimos.pdf>.

Note: A GIS dataset of Tren Urbano stations shall be provided to PRBP by DTOP privately at a later date.

¹² Government of Puerto Rico Department of Public Housing, “Directory of Residential Housing,” accessed July 28, 2023, <https://www.avp.pr.gov/residenciales-directorio.aspx>.

¹³ *Rebuild Puerto Rico Web Map* (Center for Puerto Rican Studies, Hunter College, September 15, 2020), <https://centropr.hunter.cuny.edu/tools/rebuildpr-webmap/>.

¹⁴ “American Job Centers in Puerto Rico,” CareerOneStop, 2023, <https://www.careeronestop.org/LocalHelp/AmericanJobCenters/find-american-job-centers.aspx?location=Puerto Rico>.

¹⁵ “Facilities” (Government of Puerto Rico Department of Corrections and Rehabilitation, 2022), <http://dcr.pr.gov/localizaciones/>.

A partial list of partners engaged by PRBP is provided below; a complete list of ongoing coordination is maintained by PRBP.

- American Association of Retired Persons (AARP)
- *Tecno Abuelos*
- *Asociación Puertorriqueña de Diabetes*
- *Defensoría de Personas con Impedimentos*
- *Asociación Mayagüezana de Personas con Impedimentos*
- *Asociación Salud Primaria/Centros 330*
- *Asociación Alzheimer*
- *Asuntos del Tercer Sector*
- Next Level Innovation
- FCT | UFCW Local 481
- IBEW 222
- Internet Society
- Data Access
- *Movimiento Una Sola Voz*
- Safenet Corp.

Engaged government agencies: PRBP has also coordinated and engaged with Puerto Rico's 78 municipalities and other government entities. Each of these entities have played a vital role in building out a complete list of CAIs, including identification of school buildings, public housing, and health clinics without Gig-symmetrical service.

A list of ongoing engaged government agencies is below:

- All 78 municipalities
- Department of Economic Development (DDEC, for its Spanish acronym)
- Office for Socioeconomic and Community Development (ODSEC, for its Spanish acronym)
- Department of Education (PRDE, for its Spanish acronym)
- Department of Housing (Vivienda, as commonly referred to in Puerto Rico)
- Telecommunications Bureau (NET)
- Department of Public Safety (DSP, for its Spanish acronym)
- Puerto Rico Permit Management Office (OGPe, for its Spanish acronym)
- Department of Transportation and Public Works (DTOP / ACT, for its Spanish acronym)
- Department of Corrections and Rehabilitation (DCR, for its Spanish acronym)
- Puerto Rico Innovation and Technology Service (PRITS)
- Veterans Attorney's Office
- Office for the Protection and Defense of Persons with Disabilities

Using these data, PRBP will compile a list of eligible community anchor institutions without access to gigabit service.

5 Challenge Process

Throughout the last year, internet service providers and residents challenged data on broadband serviceable locations and availability in the FCC’s Broadband DATA maps. Upon approval from the NTIA, the Puerto Rico Broadband Program (PRBP) will launch its own BEAD Challenge Process to give nonprofit organizations, units of local governments, and broadband service providers the opportunity to challenge whether a location or Community Anchor Institution should be eligible for BEAD funding. The sections below describe the Puerto Rico Broadband Program’s proposed challenge process.

NTIA BEAD Model Challenge Process Adoption

To ensure a robust and comprehensive challenge process for the locations eligible for BEAD funding, the Puerto Rico Broadband Program will adopt the NTIA’s BEAD Model Challenge Process.

Modifications

Locations currently classified as unserved and underserved in the National Broadband Map are significantly impacted by existing commitments, including the *Uniendo a Puerto Rico* Program for universal service. Considering these commitments, the Puerto Rico Broadband Program (PRBP) will not make additional modifications to the classification of broadband serviceable locations.

Deduplication of Funding

The Puerto Rico Broadband Program (PRBP) will use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments. The Puerto Rico Broadband Program will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. Puerto Rico and local data collections of existing enforceable commitments.

The Puerto Rico Broadband Program (PRBP) will make a best effort to create a list of broadband serviceable locations subject to enforceable commitments. If necessary, the Puerto Rico Broadband Program (PRBP) will translate polygons or other geographic designations (e.g., a municipality or utility district) describing the area to a list of Fabric locations. The broadband program will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

The Puerto Rico Broadband Program (PRBP) 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. In situations in which the program did not

specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the Puerto Rico Broadband Program (PRBP) will reach out to the provider to verify the deployment speeds of the binding commitment. The Puerto Rico Broadband Program (PRBP) will document this process by requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed.

The Puerto Rico Broadband Program (PRBP) will draw on these provider agreements, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of Puerto Rico and local enforceable commitments.

Table 4 lists the programs that will be analyzed to remove the enforceable commitments from the set of locations eligible for BEAD funding.

Table 4: Deduplication of Funding Programs

Source	Purpose	Total
FCC <i>Uniando a Puerto Rico</i>	Federal	2020
USDA ReConnect	Federal	2022

Challenge Process Design

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the Puerto Rico Broadband Program's understanding of the goals of the BEAD program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process.

Permissible Challenges

The Puerto Rico Broadband Program will only allow challenges on the following grounds:

- The identification of eligible community anchor institutions, as defined by PRBP,
- Community anchor institution BEAD eligibility determinations,
- BEAD eligibility determinations for existing broadband serviceable locations (BSLs),
- Enforceable commitments, or
- Planned service.

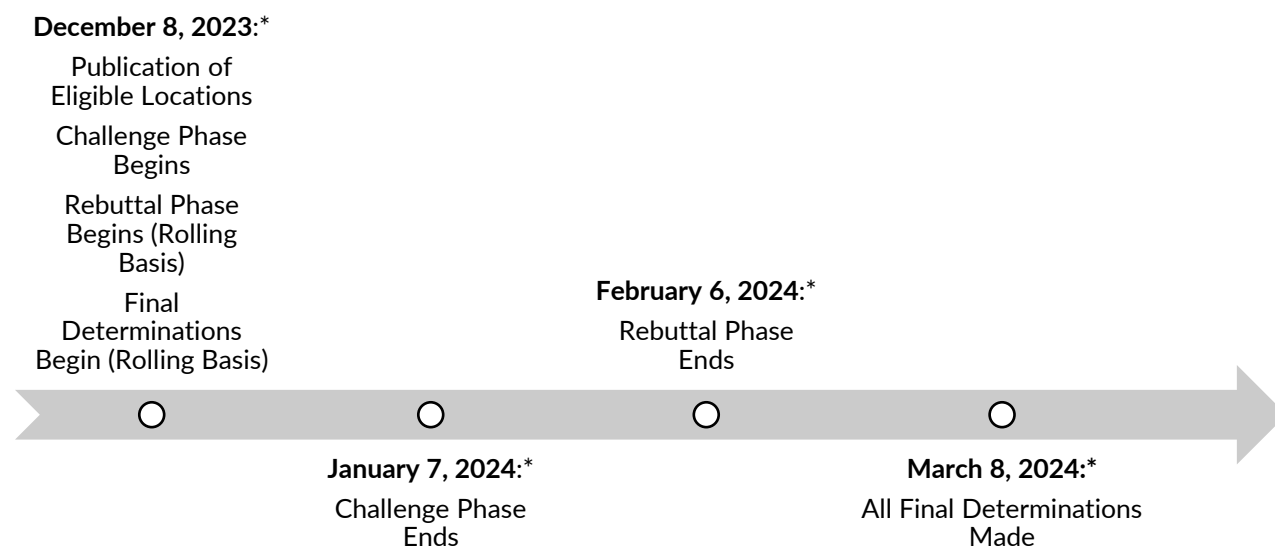
Permissible Challengers

During the BEAD Challenge Process, the Puerto Rico Broadband Program will only allow challenges from nonprofit organizations, units of local governments, and broadband service providers.

Challenge Process Overview

The challenge process conducted by the Puerto Rico Broadband Program will include four phases, spanning 90 days. Figure 3 below outlines a tentative timeline for Puerto Rico’s BEAD Challenge Process.

Figure 3: Tentative BEAD Challenge Process Dates



*All dates subject to change in accordance with NTIA approvals.

1. Publication of Eligible Locations:

Prior to beginning the Challenge Phase, the Puerto Rico Broadband Program (PRBP) will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). The office will also publish locations considered served, as they may be challenged.

2. Challenge Phase:

During the Challenge Phase, the challenger will submit the challenge through Puerto Rico Broadband Program (PRBP) challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related 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 portal will verify that the address provided can be found in the Fabric and is a broadband serviceable location. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable

broadband service. The challenge portal will confirm that the email address is reachable by sending a confirmation message to the listed contact email. For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the Puerto Rico Broadband Program (PRBP) will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document 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.

3. 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 Puerto Rico Broadband Program.

4. Final Determination Phase:

During the Final Determination phase, the Puerto Rico Broadband Program (PRBP) 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 Puerto Rico Broadband Program (PRBP) 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.

Evidence & Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the Puerto Rico Broadband Program (PRBP) will review all applicable challenge and rebuttal information in detail without bias before deciding to sustain or reject a challenge. The Puerto Rico Broadband Program (PRBP) 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 Puerto Rico Broadband Program (PRBP) plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges

submitted. The Puerto Rico Broadband Program (PRBP) will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations.

For examples from the NTIA of acceptable evidence for BEAD Challenges and Rebuttals, see Table 5 in the Appendix.

Transparency Plan

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the Puerto Rico Broadband Program (PRBP) 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. This documentation will be posted publicly for at least a week prior to opening the challenge submission window. The Puerto Rico Broadband Program (PRBP) also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Relevant stakeholders can visit the Puerto Rico Broadband Program (PRBP) website <https://www.smartisland.pr.gov/> for challenge process updates and newsletters. The Puerto Rico Broadband Program (PRBP) will engage with stakeholders about the challenge process through a designated email address and will notify providers of challenges by email.

Beyond actively engaging relevant stakeholders, the Puerto Rico Broadband Program (PRBP) will also post all submitted challenges and rebuttals before final challenge determinations are made, including:

- the provider, nonprofit, or unit of local 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 speed), and
- a summary of the challenge, including whether a provider submitted a rebuttal.

The Puerto Rico Broadband Program (PRBP) will 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, Puerto Rico Broadband Program (PRBP) will review the basis and summary of all challenges and rebuttals to ensure PII is removed prior to posting them on the Smart Island website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

The Puerto Rico Broadband Program (PRBP) 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 open records laws or is protected under applicable privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

6 Appendix

Table 5: Examples of Acceptable Evidence for BEAD Challenges and Rebuttals

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
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.
S	Speed	The actual speed of the service tier falls below the unserved or underserved thresholds.	Speed test by subscriber, showing the insufficient speed and meeting the	Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own

			requirements for speed tests.	network management system.
L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements.
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.	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 available only to businesses.	Screenshot of provider webpage.	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.	Enforceable commitment by service provider (e.g., authorization letter).	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 at this location by June 30,	<ul style="list-style-type: none"> • Construction contracts or similar evidence of on-going deployment, along with evidence 	Documentation showing that the provider is no longer able to meet the commitment (e.g., is

		2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.	<p>that all necessary permits have been applied for or obtained.</p> <ul style="list-style-type: none"> • Contracts or a similar binding agreement 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 be completed, which must be on or before June 30, 2024. 	no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements.
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.)	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 definition of CAIs in Puerto Rico.	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	Evidence that the location does not fall within the definitions of CAIs set by the Puerto Rico	Evidence that the location falls within the definitions of CAIs set by the Eligible

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		no longer in operation.	Broadband Program or is no longer in operation.	Entity or is still operational.
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