



**TEXAS BROADBAND
DEVELOPMENT OFFICE**

Texas Broadband

Initial Proposal Volume I

Amended September 2024

Broadband Equity, Access and Deployment Program



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Texas Comptroller
of Public Accounts

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Volume I Initial Proposal Requirements

1.1 Existing Broadband Funding (Requirement 3)

Table 1: Sources of funding for broadband deployment and other broadband-related activities from Texas’ Five-Year Action Plan

In the table, n/a indicates that a federal agency has not released the funding amount to BDO.

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
U.S. Treasury - American Rescue Plan Act (ARPA) Capital Projects Fund (CPF)	<p>CPF provides \$10 billion to eligible governments to carry out critical capital projects that directly enable work, education and health monitoring, including remote options. The 87th Texas Legislature appropriated \$500.5 million, the state’s entire allocation of CPF funding, to the Texas Broadband Development Office (BDO) for broadband expansion purposes. The BDO plans to use CPF dollars to support multiple competitive last mile grant programs to fund broadband projects across Texas, as well as several state agency-led initiatives focused on broadband expansion. The identified projects, which are in various stages of planning and execution, include:*</p> <ul style="list-style-type: none"> • Bringing Online Opportunities to Texas (BOOT) Program - \$363.8 million • Texas State Library and Archives Commission Library Infrastructure and Facility Access - \$9.4 million • Texas Department of Transportation El Paso District Safety Rest Area Broadband Infrastructure Project - \$6 million • Texas Department of Agriculture Texas Rural Hospital Broadband Program - \$25 million • Texas Pole Replacement Program - \$75 million <p>* <i>The National Telecommunications and</i></p>	\$500.5 million	\$3.1 million	\$497.5 million

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
	<p><i>Information Administration (NTIA) Broadband Equity, Access and Deployment (BEAD) Program Challenge Process Policy Notice allows up to 120 days. Broadband offices may modify the model challenge process to span up to 120 days, if the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice.</i></p>			
<p>U.S. Treasury - Coronavirus Aid, Relief, and Economic Security Act (CARES)</p>	<p>Operation Connectivity is an ongoing partnership between Gov. Greg Abbott, the Dallas Independent School District and the Texas Education Agency to connect all 5.5 million public school students in Texas. Leveraging \$900 million in CARES funding, combined with federal, state and local sources, Operation Connectivity acquired 4.5 million devices, purchased 3.6 million keyboard e-learning devices and purchased 874,000 hotspots*. * Texas Education Agency Operation Connectivity Overview http://23.98.222.250/</p>	<p>\$900 million* * Texas Education Agency Operation Connectivity Bulk Order Form https://tea.texas.gov/texas-schools/health-safety-discipline/covid/operation-connectivity-bulk-order-faqs.pdf</p>	<p>\$900 million</p>	<p>\$0</p>
<p>Texas Broadband Infrastructure Fund (BIF)</p>	<p>The 88th Texas Legislature passed House Bill 9 creating the BIF for the purposes of developing and financing projects related to broadband and telecommunications services and 911 services, as well as providing matching funds for federal money from the Broadband, Equity, Access, and Deployment (BEAD) Program, among other items. The funding is contingent on voter approval of a constitutional amendment in the November 2023 election.* * House Joint Resolution 125 (Texas 88th R.S.). https://capitol.texas.gov/tlodocs/88R/billtext/pdf/HJ00125F.pdf#navpanes=0</p>	<p>\$1.5 billion (pending approval by Texas voters)* * Summary of Senate Bill 1238 (88th Legislative Session) https://comptroller.texas.gov/programs/broadband/about/legislation.php</p>	<p>\$0</p>	<p>\$0</p>
<p>U.S. Department of Agriculture (USDA) - ReConnect Program: Tatum Telephone Co.</p>	<p>Funds will be used to deploy a fiber-to-the-premises and hybrid-fiber-coax network to provide high-speed internet. The network will benefit 520 people, 25 businesses, one farm and two educational facilities in Panola County.</p>	<p>\$2.9 million* * For all USDA ReConnect awards, this link shows the basic information: https://www.usda.gov/reconnect/ro</p>	<p>n/a</p>	<p>n/a</p>

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
		und-four-awardees		
USDA - ReConnect Program: Legacy ISP LLC	Funds will be used to deploy a fiber-to-the-premises network, serving 10,367 people, 513 businesses, 29 farms and 39 educational facilities in Karnes and DeWitt counties.	\$21.1 million	n/a	n/a
USDA - ReConnect Program: Poka-Lambro Telephone Cooperative Inc.	Funds will be used to deploy a fiber-to-the-premises, fixed wireless and unlicensed network to provide high-speed internet to 238 people, six businesses, 39 farms and two educational facilities in Borden, Scurry and Fisher counties.	\$24.6 million	n/a	n/a
USDA - ReConnect Program: Eastex Telephone Cooperative	Funds will be used to deploy fiber-to-the-premises service to Eastex's existing customers in the socially vulnerable communities of Maydelle and Hudson Chapel within Cherokee and Anderson counties.* <i>* Eastex Telephone Cooperative ReConnect Announcement https://www.eastex.com/wp-content/uploads/Reconnect-4-Press-Release-FINAL.pdf</i>	\$25 million	n/a	n/a
USDA - ReConnect Program: Totelcom Communications LLC	Funds will be used to deploy a fiber-to-the-premises network, connecting 299 people, nine businesses, 85 farms and one educational facility in Comanche County.	\$3.9 million	n/a	n/a
USDA - ReConnect Program: Taylor Telephone Cooperative Inc.	Funds will be used to deploy a fiber-to-the-premises network to connect 1,060 people, 20 businesses, and 450 farms in Coleman, Nolan, Runnels and Taylor counties.	\$32.7 million	n/a	n/a
USDA - ReConnect Program: Big Bend Telephone Co. (BBT)	Funds will be used to deploy a fiber-to-the-premises network, connecting 98 homes, one business and five farms in Presidio and Terrell counties.	\$24 million	n/a	n/a

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
USDA – ReConnect Program: Central Texas Telephone Cooperative	Funds will be used to deploy a fiber-to-the-premises network, connecting 647 people, 19 businesses and 151 farms to high-speed internet in Lampasas and San Saba counties.	\$19.6 million	n/a	n/a
USDA - ReConnect Program: Legacy ISP LLC	Funds will be used to deploy a fiber-to-the-premises network to connect 24,306 people, 1,064 businesses, 73 educational facilities and 40 farms to high-speed internet in Ellis and Hill counties.	\$4.8 million	n/a	n/a
USDA - ReConnect Program: Big Bend Telephone Company Inc.	Funds will be used to deploy a fiber-to-the-premises network to provide high-speed internet, connecting 64 people, one business and eight farms in Terrell, Val Verde and Brewster counties.	\$25 million	n/a	n/a
USDA - ReConnect Program: Tatum Telephone Company	Funds will be used to deploy fiber-to-the-premises broadband service, connecting 986 households, three educational facilities, two essential community facilities and one healthcare facility in Panola County.	\$4.48 million	n/a	n/a
USDA Community Connect Program: Comcell Inc.	The Community Connect Program helps rural communities extend access where broadband service is least likely to be commercially available, but where it can make a tremendous difference in the quality of life for people and businesses.	\$2.3 million	n/a	n/a
FCC - Rural Digital Opportunity Fund (RDOF) Phase I	A step toward bridging the digital divide, RDOF aims to facilitate reliable and fast internet to rural homes and small businesses. The 310,962 locations are covered by 456 bidders.	\$362.7 million* * <i>Federal Communications Commission, FCC Rural Digital Opportunity Phase I Auction State Results Summary, (Dec. 7, 2020), p. 3.</i> https://docs.fcc.gov/public/attachments/DA-20-1422A3.pdf	n/a	\$68,261.24 (2021) \$19,895,965 (2022)* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports
Connect America Fund (CAF) Broadband Loop Support (BLS)	CAF BLS provides support for voice and broadband service, including standalone broadband.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$65.7 million	n/a	n/a

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
CAF Inter-carrier Compensation Support (ICS)	Inter-carrier Compensation Recovery is the component of CAF that supports reforms to the inter-carrier compensation system, the system of regulated payments among carriers to compensate each other for the origination, transport and termination of telecommunications traffic.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$13.4 million	n/a	n/a
Alternative Connect America Cost Model (ACAM)	ACAM provides funding to rate-of-return carriers that voluntarily elected to transition to a new cost model for calculating high-cost support in exchange for meeting defined broadband build-out obligations.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$49.1 million	n/a	n/a
ACAM II	ACAM II provides funding to rate-of-return carriers that voluntarily elected to transition to a new cost model for calculating high-cost support in exchange for meeting defined broadband build-out obligations.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$31.2 million	n/a	n/a
Enhanced A-CAM	The Enhanced A-CAM program provides universal service high-cost support to participating carriers to serve consumers with 100/20 Mbps or faster broadband service to all locations served by the program, including some of the most difficult-to-reach areas of the country.	\$120.4 million	n/a	n/a
CAF High-Cost Loop (HCL)	HCL support provides support for the last mile of connection for rural companies in service areas where the cost to provide this service exceeds 115% of the national average cost per line.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$34.5 million	n/a	n/a
CAF Phase II Auction	CAF II Auction provides support to carriers to deliver service in areas where the incumbent price cap carrier didn't accept CAF Phase II model-based funding and in extremely high-cost areas located within the service areas of the incumbent	\$8.2 million	n/a	n/a

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	price-cap carriers.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports			
Frozen High-Cost Support for Competitive Eligible Telecommunications Carrier	With the advent of CAF, existing high-cost program support was frozen at December 2011 levels, and additional changes were made to existing programs to transition universal service from focusing on voice networks to supporting and expanding broadband availability.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$7 million	n/a	n/a
Rural Broadband Experiments (RBE)	RBE provides funding for experiments in price-cap areas to bring robust, scalable broadband networks to residential and small business locations in rural communities.* * https://www.fcc.gov/general/federal-state-joint-board-monitoring-reports	\$133,337	n/a	n/a
NTIA - Connecting Minority Communities Pilot Program (CMC)* * Internet for All, "Biden-Harris Administration Announces More Than \$175 Million in Internet for All Grants to 61 Minority-Serving Colleges and Universities," NTIA, Washington, D.C., Feb. 27, 2023. https://www.internetforall.gov/news-media/biden-harris-administration-announces-more-175-million-internet-all-grants-61-minority (Press release.), (Last visited July 28, 2023.)	CMC provides high-speed internet service to colleges and universities for minority students and local communities. Eligible institutions include: <ul style="list-style-type: none"> • Our Lady of the Lake University. • Paul Quinn College. • Sul Ross State University. • Jarvis Christian College. • Prairie View A&M University. • South Texas College. • Texas College. • University of Houston - Downtown. 	\$19.7 million	n/a	n/a
USDA - Small Business Innovation	Nanohmics Inc. proposes to develop and fabricate printed passive relay antennas, which may be applied alongside existing	\$106,000	n/a	n/a

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
Research	rights-of-way (e.g., roads, power lines or first responder antenna networks) in rural areas. The technology is intended to support broadband infrastructure deployment by drastically minimizing the burden of last-mile deployments. Printed antennas are inherently low-cost and simple to scale to larger production levels. As a result, this antenna product would speed the deployment of internet access nationwide.			
USDA Distance Learning and Telemedicine Loans and Grants	<p>Enable access to internet for rural communities. Funds can be used to purchase or support:</p> <ul style="list-style-type: none"> • Audio, video and interactive video equipment. • Broadband facilities used for distance learning or telemedicine (up to a certain percentage). • Computer hardware, network components and software. • Instructional programming. • Technical assistance and instruction on how to use distance learning and telemedicine equipment. <p>Eligible entities include:</p> <ul style="list-style-type: none"> • Big Bend Telephone Co. Inc. • Blossom Telephone Co. • Border to Border Communications Inc. • Central Texas Telephone Cooperative Inc. • Five Area Telephone Cooperative Inc. • Peoples Telephone Cooperative Inc. • Taylor Telephone Cooperative Inc. • Totelcom Communications LLC. 	\$71.5 million	n/a	n/a
NTIA - Tribal Broadband Connectivity Program	<p>NTIA assists Tribal governments in broadband deployment on Tribal lands, as well as for telehealth, distance learning, broadband affordability and digital inclusion.</p> <p>Eligible entities include Alabama-Coushatta Tribe of Texas and Kickapoo</p>	\$3.1 million	n/a	n/a

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	Traditional Tribe of Texas.* * Tribal Broadband Connectivity Program, Round One Recipients. https://broadbandusa.ntia.doc.gov/funding-programs/tribal-broadband-connectivity/award-recipients#K			
NTIA - Broadband Infrastructure Program	Program directed toward encouraging partnerships between a state, or one or more political subdivisions of a state, and providers of fixed broadband service to support broadband infrastructure deployment, especially rural areas. Eligible funding awarded to: Sabine County.	\$12.7 million	n/a	n/a
NTIA - Middle Mile Grant Program; Concho Valley Electric Cooperative (CVEC)	As part of the NTIA Middle Mile Grant Program, CVEC will expand middle-mile infrastructure into underserved areas of Tom Green and Coke counties.	\$3.3 million* * https://broadbandusa.ntia.gov/funding-programs/enabling-middle-mile-broadband-infrastructure-program/funding-recipients	n/a	n/a
NTIA - Middle Mile Grant Program: Zayo LLC	Zayo will construct a new, 644-mile underground middle-mile fiber route from El Paso to Dallas.	\$55.1 million	n/a	n/a
NTIA - Middle Mile Grant Program: Zayo LLC.	Zayo will create new access points along its existing 822-mile, five-state underground middle-mile fiber route. The route runs from Dallas to Atlanta.	\$13.7 million	n/a	n/a
NTIA - Middle Mile Grant Program: ENMR Telephone Cooperative	ENMR Telephone Cooperative will enhance its existing network's infrastructure by creating alternate paths and increasing resiliency and bandwidth with upgrades and new fiber routes. It includes the construction of five new fiber segments, one of which completes a fiber ring linking Kermit, Texas to Jal, New Mexico in the southern edge of the middle mile network.	\$49.9 million	n/a	n/a

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
U.S. Department of Commerce - Economic Adjustment Assistance	<p>Program includes construction and non-construction activities to assist communities in becoming more economically competitive.</p> <p>Eligible entities include:</p> <ul style="list-style-type: none"> • City of Farmersville. • City of Monahans. • Deep East Texas Council of Governments. • East Texas Council of Governments. • Gulf Coast Economic Development District Inc. • County of Medina. • Rural Capital Area Workforce Development Board Inc. • Town of Prosper. 	\$18.7 million	n/a	n/a
NTIA - State and Local Implementation Grant Program	Created under the Middle-Class Tax Relief and Job Creation Act of 2012, the grant program assists entities as they plan for the nationwide public safety broadband network. Eligible funding awarded to: Texas Department of Public Safety.	\$4.8 million	n/a	n/a
NTIA - Broadband Technology Opportunities Program	<p>Program administered by NTIA to deploy broadband infrastructure, enhance public computer centers and encourage sustainable adoption of broadband service. Eligible funding awarded to: Mexican Institute of Greater Houston Inc.*</p> <p>*https://www2.ntia.doc.gov/sites/default/files/grantees/factsheetxmexicaninstituteofgreat erhoustoninc.pdf</p>	\$2.0 million	n/a	n/a
U.S. Department of Commerce - Measurement and Engineering Research and Standards	Resilient mobile broadband communication and edge computing for FirstNet. Eligible funding awarded to: Texas A&M Engineering Experiment Station.	\$1.8 million	n/a	n/a

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
U.S. Department of Interior, Indian Affairs - Tribal Broadband Grant	The Alabama-Coushatta Tribe of Texas has been awarded funding to explore developing or extending broadband services in its communities to spur economic development and commercial activity, create opportunities for self-employment, enhance educational resources and remote learning opportunities, and meet emergency and law enforcement needs.	\$175,000	n/a	n/a
Institute of Museum and Library Services - National Leadership Grants	The Arlington Public Library will expand its digital literacy offerings to serve more community members and address the digital divide at the local level.	\$40,000	n/a	n/a
Public Utility Commission of Texas - Texas Universal Service Fund (High-Cost Programs)	<p>The Texas Universal Service Fund (TUSF) was established in 1987 and supports 11 programs to ensure Texans have affordable access to voice services.</p> <p>TUSF is funded by a statewide uniform charge or assessment, payable by telecommunications providers that are allowed to recover the amount of assessment from retail consumers.</p> <p>High-Cost Programs mainly help telecommunications providers offer landline service at reasonable rates in high-cost-to-serve rural areas of Texas.</p> <p>These programs include:</p> <ul style="list-style-type: none"> • Texas High-Cost Universal Service Plan. • Small and Rural Incumbent Local Exchange Company Universal Service Plan. • Additional Financial Assistance. • Public Utility Regulatory Act § 56.025 Make-Whole Provision. • IntraLATA Support. • High-Cost Uncertified. 	<p>\$182 million*</p> <p>* Public Utility Commission of Texas, 2023 Biennial Agency Report (January 2023), pp. 64-65. https://ftp.puc.texas.gov/public/puct-info/agency/resources/reports/leg/2023_Biennial_Agency_Report.pdf (Last visited July 28, 2023.)</p>	<p>\$182 million*</p> <p>* Public Utility Commission of Texas, 2023 Biennial Agency Report (January 2023), pp. 64-65. https://ftp.puc.texas.gov/public/puct-info/agency/resources/reports/leg/2023_Biennial_Agency_Report.pdf (Last visited July 28, 2023.)</p>	

Source Name of federal agency/other source of funding.	Purpose Indicate whether the broadband funding program was federal, state/territory or locally funded.	Total amount of funds awarded by the listed source.	Expended Total amount of funds expended to date.	Available Total amount of remaining funds available to date.
Public Utility Commission of Texas - Texas Universal Service Fund (Social Service Programs)	Social Service Programs provide financial assistance for voice services for low-income consumers and support programs for Texans with disabilities, such as relay services for hearing-impaired consumers. These programs include: <ul style="list-style-type: none"> • Lifeline. • Texas Relay Service. • Specialized Telecommunications - Assistance Program. • Audio Newspaper Program. • Tel-Assistance Support. 	\$21.8 million* * Kyle Madsen, <i>ROW Utilities Manual</i> , Texas Department of Transportation, §11. (Nov. 28, 2022), http://onlinemanuals.txdot.gov/txdotmanuals/utl/broadband_initiatives.htm (Last visited July 28, 2023.)	\$21.8 million	

1.2 Unserved and Underserved Locations (Requirement 5)

1.2.1 Attachment: As a required attachment, submit one CSV file with the location IDs of each unserved location, including unserved locations in applicable Tribal Lands.

1.2.2 Attachment: As a required attachment, submit one CSV file with the location IDs of each underserved location, including underserved locations in applicable Tribal Lands.

1.2.3 Date Selection: Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations.

Publication date: November 28, 2023

1.3 Community Anchor Institutions (Requirement 6)

1.3.1

Based on the statutory definition of “community anchor institution” (CAI) in 47 USC 1702 (a)(2)(E), the BDO applied the definition of CAI to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization or Tribal

housing organization) or community support organization that facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, children, the incarcerated and aged individuals.

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):

Whether the community support organization facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, children, the incarcerated and aged individuals.

The following definitions and sources were used to identify the types of CAIs:

Schools: All K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools.” All facilities used by The Windham School District, which is responsible for providing educational opportunities in high-demand fields to men and women who will rejoin our Texas communities and workforce following incarceration. These opportunities are offered at correctional facilities in the state and appear in the CAI dataset with the name of the correctional facility followed by Windham. The Windham School District is an entity that is separate and distinct from the Texas Department of Criminal Justice.

Libraries: All libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association.

Health clinic, health center, hospital or other medical providers: The list of health clinics, health centers, hospitals and other medical providers that have a Centers for Medicare and Medicaid Services certification number.

Public safety entity: The list includes entities such as firehouses, emergency medical service stations, police stations and public safety answering points (PSAP), based on records maintained by the state and units of local government. The list of PSAPs includes all those in the FCC PSAP registry (the 911 Master PSAP Registry).

Institutions of higher education: All of these institutions have an NCES ID in the category “college,” including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities or other educational institutions.

Public housing organizations: Public housing organizations were identified by contacting the Public Housing Agencies for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database.

Community support organizations: The BDO included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The BDO included senior centers and job training centers in this category. In general, a community support organization is an organization that provides in-person digital skills training, in-person technical support services or functions as a public computing center in a physical location in Texas that is not already categorized in the above CAI definitions. The U.S. Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder. The National Council on Aging helped identify senior centers.

In each case, the BDO drew upon state, Tribal, local government and community stakeholders to identify additional eligible CAIs that were not contained in the data sources listed above. In addition, the BDO engaged stakeholders throughout the public engagement process to ensure eligible CAIs were identified. Task force and working group members, including associations representing multiple entities, were asked to share relevant data to identify CAIs. The BDO also deployed the Digital Resources Mapping Tool survey to any entity in the state that provided digital opportunity support and/or facilitated greater use of broadband services. Entities that identified their organization as a CAI in their survey responses were analyzed for inclusion in the CAI list. Finally, the BDO will use the Initial Proposal public comment period to identify and include other relevant institutions meeting the CAI criteria.

- Other organizations that wish to notify the state that they play a role in facilitating greater use of broadband service and meet the definition provided will have an opportunity to be included in the eligible CAI list as part of the challenge process.

To assess the network connectivity needs of the types of eligible CAIs listed above, the BDO took the following steps:

Engaged government agencies

The BDO engaged Texas agencies to understand what records they have available regarding relevant CAIs’ one gigabit per second (Gbps) broadband service availability. Reliable availability data for all CAIs was difficult to obtain. In the case of libraries, the BDO was able to obtain limited speed test data, which were used as a cross-reference to help indicate availability. Similarly, in the case of schools, the BDO was only able to obtain some availability data based on FCC E-rate participation. Because these data do not capture what is available for each location, the BDO performed an analysis to estimate the availability to each CAI and expects that these estimates will be refined and improved through the public comment and/or challenge process.

Engaged relevant umbrella organizations and nonprofits

The BDO engaged with umbrella and nonprofit organizations that work with CAIs to coordinate and obtain broadband service availability data. Specifically, the BDO requested information related to

availability needs from the member organizations across all geographic regions. As with government agencies, it was difficult to get comprehensive, reliable information. Consequently, the BDO performed an analysis to estimate the availability to each CAI and expects that these estimates will be refined and improved through the public comment and/or challenge process.

Regarding the availability analyses, the CAI dataset was assigned the highest available broadband service (measured by Megabits per second or “Mbps”) download speed and broadband technology, as per the BEAD guidelines. The speed and technology data are either actual or an estimate. Actual values were pulled from broadband serviceable location (BSL) data where a corresponding BSL directly matched (spatially coincident) with a CAI (shared Location ID). Estimated speed and technology were captured based on the CAI’s proximity to locations with known speed data. To accomplish this, contiguous Thiessen polygons were generated for like BSL speed and technology data. The Thiessen polygons were spatially joined with the CAI data. The speed and technology attributes were then coded onto the CAI locations for the corresponding Thiessen polygon.

Using the responses received and the analysis described above, the BDO developed the list of those CAIs that do not have adequate broadband service, attached in Question 1.3.2.

- 1.3.2 **Attachment:** As a required attachment, submit the CSV file (named cai.csv) that lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the Eligible Entity’s knowledge.

The attached .csv file shows CAIs identified by the BDO as of Dec. 14, 2023.

The current .csv list of CAIs is a draft based on the definition provided. The BDO will use the public comment period and challenge process to refine the list as needed.

1.4 Challenge Process (Requirement 7)

NTIA BEAD Model Challenge Process Adoption

- 1.4.1 **Yes/No Box:** Select if the Eligible Entity plans to adopt the NTIA Challenge Process Model for Requirement 7.

Yes

- 1.4.2 **Text Box:** If applicable, describe any modifications to classification of broadband serviceable locations in the Eligible Entity’s jurisdiction as “served,” “underserved,” or “unserved,” and provide justification for each modification.

NTIA BEAD Model Challenge Process Answer:

The following response is a model response for the proposed modifications to the set of locations on the National Broadband Map identified as eligible for BEAD funding and subject to the challenge process and the associated justifications for each modification. If the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process, it must copy and paste at least one of the Model modules outlined below into the appropriate response textbox.

[Optional Module 1: No Modifications]

The Eligible Entity will not make additional modifications.

Deduplication of Funding

1.4.3 **Yes/No Box:** Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Yes

1.4.4 **Text Box:** Describe the process that will be used to identify and remove locations subject to enforceable commitments.

The BDO will enumerate locations subject to enforceable commitments by using the BEAD Eligible Entity Planning Toolkit, and consult at least the following data sets:

- The Broadband Funding Map published by the FCC pursuant to Infrastructure Investment and Jobs Act § 60105.
- 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.

The BDO will review state and local data collections of existing enforceable commitments. Note that the only relevant enforceable commitments foreseen from the state of Texas are those funded by the Bringing Online Opportunities to Texas (BOOT) program, funded by the CPF. For local commitments, inquiries regarding local enforceable broadband commitments are currently underway. Some Texas communities have used local ARPA funds for broadband projects, but whether these projects created enforceable commitments that affect BEAD eligibility has not yet been determined. The BDO will continue to monitor and maintain an inventory of broadband projects and collect sufficient data to determine if the commitments will be met at the appropriate technical specifications to affect the list of BSLs eligible for BEAD funding throughout the challenge and subgrantee selection process.

The BDO will make a best effort to create a list of BSLs subject to enforceable commitments based on state/territory or local grants or loans. If necessary, the BDO will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The BDO will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

The BDO 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 state or local program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the BDO will reach out to the provider to verify the deployment speeds of the binding commitment. The BDO will document this process by requiring providers to certify the actual broadband speeds deployed.

The BDO will draw on these provider certifications, along with its existing database on state and local broadband funding programs' binding agreements, to determine the set of Texas and local enforceable commitments.

- 1.4.5 **Attachment:** As a required attachment, submit the list of the federal, state/territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

The BDO has provided a list of federal, state and local programs under Requirement 3 that will be further analyzed to determine which program constitutes enforceable commitments that affect the set of locations eligible for BEAD funding.

Challenge Process Design

- 1.4.6 **Text Box:** Describe the plan to conduct an evidence-based, fair, transparent and expeditious challenge process.

Based on the NTIA BEAD Challenge Process Policy Notice, as well as the BDO's understanding of the goals of the BEAD Program, the proposal represents a transparent, fair, expeditious and evidence-based challenge process. Note that the process description here closely follows the BEAD Model Challenge Process with slight modifications.

Permissible Challenges

The BDO will allow challenges only on the following grounds:

- The identification of eligible CAIs, as defined by the BDO.
- CAI BEAD eligibility determinations.
- BEAD eligibility determinations for existing BSLs.
- Enforceable commitments.
- Planned service.

Permissible Challengers

During the BEAD Challenge Process, the BDO will allow challenges from nonprofit organizations, units of local and Tribal governments and internet service providers (ISPs).

Challenge Process Overview

The challenge process conducted by the BDO will include four phases, spanning 120 days. The four phases are outlined in the table below and include:

- Challenge Phase (28 days)
- Rebuttal Phase (28 days)
- Final Determination Phase (56 days)
- Preparation of NTIA Submission (8 days)

Challenge Process Timeline Summary

Table 2: Challenge Process Timeline

Activity	Period Length
Upon approval from NTIA, the BDO will 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.	N/A - will remain online throughout the challenge process
All Texas BEAD Challenges will be presented online. No Personally Identifiable Information will be exposed.	N/A - will remain online throughout the challenge process
Challenge Phase: Publication of Eligible Locations and Submission Window	14 days
Challenge Phase: Review	24 days
All Texas BEAD Challenges will be posted online, and the Rebuttal Period will be announced. This posting is to adhere to the BEAD Challenge Process Policy requirement for Transparency.	N/A - will remain online throughout the challenge process
Rebuttal Phase: Submission Window	14 days
Rebuttal Phase: Review	24 days
Final Determination Phase	8 days
Preparation of NTIA Submission: The BDO will prepare the report of challenge process outcomes to submit to the NTIA for review and approval.	35 days
TOTAL BEAD CHALLENGE PROCESS FOR THE STATE OF TEXAS	120 days

After completion of the BEAD challenge process, results will be submitted to the NTIA for review and approval of challenge process determinations.

Challenge Process Timeline Details

1. **Publication of Eligible Locations:** Prior to beginning the Challenge Phase, the BDO will publish the set of locations eligible for BEAD funding, consisting of the locations resulting from the activities outlined in sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice. The office will also publish locations considered served, as they may be challenged. The publication is tentatively scheduled for release on November 26, 2024. The ultimate start date will be dependent on approval by NTIA and noticed to all parties ahead of time.

2. **Challenge Phase:** During the Challenge Phase, challengers will be able to submit challenges through the BDO's online challenge portal. The URL for the portal will be public-facing and housed on the BDO website. Challenges will be visible to the ISP whose service availability and performance is being contested. ISPs will be notified of challenges through an automated email that will be sent after a challenge is submitted and will include related information about timing for the ISP's response. (The portal will also recommend users to preserve a screenshot as evidence.) After this stage, the location will enter the "challenged" state.
 - a. **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 BSL. 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 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 broadband office will 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.
 - b. **Timeline:** Challengers will have 14 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, CAIs and existing enforceable commitments are posted. To meet this deadline, challengers are encouraged to familiarize themselves with FCC maps and collect evidence in advance of the challenge process launch. The periods are tentatively planned for December 3 to December 17, 2024, for the challenge receipt window, and December 17, 2024 to January 2, 2025 for review and initial validation by the BDO.
 - c. **Review:** The challenge portal will enable verification by a BDO reviewer trained in the administration of the BEAD challenge process that the address provided can be found in the Fabric and is a BSL. Reviewers will need to look up the incoming challenged addresses from the Fabric database. Some manual intervention may be needed to deal with file inconsistencies, such as different address spellings, and limited curing of challenges with challengers may take place. The challenge portal will enable reviewers to confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service, by requiring from the challenger a full specification of the service being challenged. The challenge portal will confirm that the email address is reachable by sending a confirmation message to the listed contact. For scanned images, the challenge portal will *not* determine whether the quality is sufficient to enable optical character recognition (OCR). However, the BDO has access to another system that can perform OCR if necessary. For availability challenges, the BDO will manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and that the document is unredacted and dated.

3. **Rebuttal Phase:** An ISP may rebut the challenge of a location or area. Rebuttal of location challenges will be limited to affected ISPs. If an ISP submits a rebuttal, the challenge will be marked as being “disputed”. An ISP rebutting a challenge will be required to provide documentation demonstrating that the location or area should not be reclassified. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. If an ISP claims gigabit service availability for a CAI or a unit of local government disputes the CAI status of a location, the CAI may rebut. All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges. An ISP may also agree with the challenge, and thus transition the location to the “sustained” state. ISPs must regularly check their email, or potentially other challenge portal notification methods that may be developed, for notifications regarding submitted challenges.

The BDO conducts monthly Texas Industry Broadband Roundtables with ISPs and expects to establish other additional ISP outreach channels where appropriate. In general, the BDO understands that it is critical to ensure communication and engagement with the broadband industry throughout the challenge process. The BDO actively engages the industry through monthly roundtables and has raised awareness of the BEAD Program activities through a variety of overlapping task forces, one of which is focused on the industry. The BDO will leverage its contacts and outreach experience to ensure it has current and appropriate contact information for ISPs to ensure that they are kept up to date on developments and receive adequate notice of challenges.

- a. **Timeline:** ISPs will have 14 calendar days from notification of a challenge to provide rebuttal information to the BDO. The window for receiving rebuttal evidence is tentatively planned for January 2 to January 16, 2025. ISPs are encouraged to plan challenge rebuttal processes in advance so that they can respond expeditiously when they are notified of challenges.
4. **Final Determination Phase:** During the Final Determination phase, the BDO will make final determinations regarding location classification. Based on the evidence submitted by both challengers and ISPs, the BDO will either sustain or reject challenges.
 - a. **Timeline:** Following intake of challenge rebuttals, the BDO will make final challenge determinations, post determinations on its website and forward the determinations to NTIA within 8 calendar days of the challenge rebuttal, this time period being necessitated by the large scale of the state. Limited curing of rebuttal evidence may take place as part of the review and final determination process. The challenge review process will occur on a rolling basis as challenges and rebuttals are received. This process is tentatively planned for January 16 to January 24, 2025, if necessary but may conclude earlier if all determinations are made before the scheduled end date.

Evidence and Review Approach

To ensure each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the BDO will review all applicable challenge and rebuttal information in detail without bias, before deciding to sustain or reject a challenge. The BDO 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 BDO will ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The BDO will also require that all reviewers submit affidavits to ensure there is no conflict of interest in making challenge determinations.

(SUBMITTED AS PDF FOR Section 1.4.6.1 Challenge Process Design Acceptable Evidence Attachment)

As referenced in the BEAD Challenge Policy Process Notice provided by the NTIA, the BDO will require substantive evidence for challenges and rebuttal:

Table 3: 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.	<ul style="list-style-type: none"> • Screenshot of ISP webpage. • A service request was refused within the last 180 days (e.g., an email or letter from ISP). • Lack of suitable infrastructure (e.g., no fiber on pole). • A letter or email dated within the last 365 days that an ISP failed to schedule a service installation or offer an installation date within 10 business days of a request.* • * A standard broadband installation is defined in the Broadband DATA Act (47 U.S.C. § 641(14)) as “[t]he initiation by a provider of fixed broadband internet access service [within 10 business days of a request] in an area in which the provider has 	<ul style="list-style-type: none"> • ISP shows 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 ISP submits evidence that service is now available as a standard installation (e.g., via a copy of an offer sent to the location). <p>(Note: This text differs slightly from the Model Challenge Process language because the word “provider,” which can have many different meanings in state government documents, was</p>

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			<p>not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.”</p> <ul style="list-style-type: none"> • A letter or email dated within the last 365 days indicating that an ISP requested more than the standard installation fee to connect this location or that an ISP quoted an amount in excess of the ISP’s standard installation charge to connect service at the location. <p>(Note: This text differs slightly from the Model Challenge Process language because the word “provider,” which can have many different meanings in state government documents, was replaced with “ISP.”)</p>	replaced with “ISP.”)
D	Data cap	<p>The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”).*</p> <p>* An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB listed in the FCC 2023 Urban Rate Survey (FCC Public Notice DA 22-1338, December 16, 2022). Alternative plans without unreasonable data caps cannot be business-oriented plans that are not commonly sold to residential locations. A successful challenge may not change the status of the location to unserved or underserved if the same provider offers a service plan without an unreasonable capacity</p>	<ul style="list-style-type: none"> • Screenshot of ISP webpage. • Service description from ISP to consumer. 	ISP 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.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
		allowance or if another provider offers reliable broadband service at that location.		
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.	ISP has opposing evidence from their network management system showing an appropriate residential gateway that matches the ISP service.
B	Business service only	The location is residential, but the service offered is marketed or available only to businesses.	Screenshot of ISP webpage.	ISP documentation that the service listed in the FCC's Broadband Data Collection program 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 ISP (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 ISP for the location(s) at issue. When the enforceable commitment involves an obligation to deploy at a speed below 100/20, the ISP can escalate its service commitment by the process described after this table.	Documentation that the ISP has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., has gone out of business).
P	Planned service	The challenger has knowledge that broadband will be deployed at this location by May 30, 2025, without an enforceable commitment.	<ul style="list-style-type: none"> Construction contracts or similar evidence of ongoing deployment, along with evidence that all necessary permits have been applied for or obtained. Contracts or a similar binding agreement between the BDO and the ISP 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.e., a separate federal grant program), including the expected date 	Documentation showing that the ISP is no longer able to meet the commitment (e.g., has gone out of business), permitting is unlikely to be obtained in time to meet the deployment deadline or that the planned deployment does not meet the required technology or performance requirements.

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
			deployment will be completed, which must be on or before May 30, 2025.	
N	Not part of enforceable commitment	This location is in an area that is subject to an enforceable commitment to less than 100 percent of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)	Declaration by ISP subject to enforceable commitment.	
C	Location is a CAI	The location should be classified as a CAI.	Evidence that the location falls within the definitions of CAIs set by the BDO.* * For example, eligibility for FCC e-Rate or Rural Health Care program funding or registration with an appropriate regulatory agency may constitute such evidence, but the Eligible Entity may rely on other reliable evidence that is verifiable by a third party.	Evidence that the location does not fall within the definitions of CAIs set by the BDO 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.	Evidence that the location does not fall within the definitions of CAIs set by the BDO or is no longer in operation.	Evidence that the location falls within the definitions of CAIs set by the BDO or is still operational.
ESC	Escalating Service Commitments	The challenger offers to deploy broadband service, to speeds that is faster than required by a preexisting enforceable commitment. Escalation must be completed by June 31, 2025. A location will not be reclassified as served without a signed commitment.	Evidence of network assets and/or broadband infrastructure already deployed by the challenger to the area. Evidence of the fulfillment of a previous enforceable commitment(s) signed by the challenger.	Documentation showing that the ISP is unable to meet the commitment (e.g., has gone out of business), permitting is unlikely to be obtained in time to meet the deployment deadline or that the planned deployment does not meet the required technology or performance requirements. The BDO may enter into a binding agreement with the provider that reflects the new, higher speed

Code	Challenge Type	Description	Specific Examples	Permissible rebuttals
				commitment and consider the locations in that area served with the higher speed.

Justification for Later Date of Planned Service Commitments:

In the above table, the deadline for successful challengers with planned service commitments to complete those commitments has been revised to November 30, 2024, as opposed to the previous deadline of June 30, 2024, as per the NTIA-provided Model Challenge Process.

There are several reasons behind this change:

- Alignment with BEAD Challenge Process: Placing the deadline on June 30, 2024 would coincide with the BEAD challenge process, making it inappropriate to classify these challenges as planned service commitments. Challenges initiated around this time would more accurately be considered present service challenges.
- Policy Rationale: The policy rationale underlying planned service commitment challenges suggests the need for a slightly later completion deadline. This approach aims to avoid subsidizing deployments that are already underway with private capital or funding overbuilds for the same area, which would be wasteful.
- Risk of Coverage Gaps: While delaying the deadline beyond June 30, 2025, could potentially prevent future publicly-subsidized overbuilders, it also risks leaving coverage gaps if planned service commitments are not met. The BEAD Program operates within a brief window, and waiting longer could result in missed opportunities to secure alternative solutions.

By setting the completion deadline to June 30, 2025, the BDO aims to synchronize it with the launch of the second BEAD NOFO of the subgrantee selection process. This enables the BDO to reincorporate challengers who fail to fulfill their commitments back into the pool of BEAD eligible locations for bidding by other providers.

Although perfect alignment with the second NOFO cannot be guaranteed due to several timeline uncertainties, setting a specific deadline is essential for providers considering planned service challenges. This deadline ensures clarity and enables providers to determine the feasibility of meeting deployment commitments within the given timeframe.

Additionally, allocating resources for verifying planned service commitment fulfillments in November, rather than June, allows the BDO to manage its broadband mapping and data collection resources more

effectively, especially considering the demands of the main BEAD challenge process.

Escalating Service Commitments

The Challenge Process Policy Notice specifies the following:

If a provider offers to deploy broadband service to an area that is faster than what was required by a preexisting enforceable commitment, Eligible Entities [states] may, but are not required to, enter into a binding agreement with the provider that reflects the new, higher speed commitment and consider the locations in that area served with the higher speed.

A footnote on this text elaborates:

For example, a provider has a binding commitment only to provide 25/3 Mbps service under a federal, state or local program but intends to install network facilities capable of delivering 100/20 Mbps service to meet that binding commitment and to offer 100/20 Mbps or greater service over those facilities.

Challenges to BEAD eligibility based on an ISP's escalation of a service commitment must be initiated during the first 14-day window of the challenge process, after which the remainder of the 120-day challenge process timeline will be reserved for negotiations that should result in a well-defined contractual obligation to deploy. Any provider that seeks to achieve an accepted Escalating Service Commitments challenge must first execute an agreement with the BDO indicating that that the challenger will not to default on the service commitment or otherwise fail to fulfill any such deployment obligation. If the challenge is accepted, the agreement is executed and the locations are removed from BEAD consideration but the provider/challenger fails to uphold this pledged commitment, the penalty for breach of this agreement shall be monetary in form at an amount equal to the total investment cost of providing fiber to all defaulted locations, as measured by NTIA's Eligible Entity Planning Toolkit that relies on a conservative "greenfield build" cost model by making assumptions about network deployment methodologies and costs.

There may be cases where ISPs have pre-existing commitments to deploy broadband to unserved and underserved locations that commit them to deploy at speeds less than the 100/20 Mbps, an eligibility speed threshold for the BEAD Program. These providers may wish to commit to deploying to the higher 100/20 Mbps standard to help the state meet its BEAD Program goals and ensure those locations are not sought after by competitors. An ISP with a preexisting funded commitment can have an incentive to escalate its service commitment, even without additional funding, to avoid being overbuilt by a BEAD-subsidized competitor, or because it already planned to deploy infrastructure capable of delivering 100/20 Mbps, so that meeting the escalated service commitment does not require additional capital investment. If such cases do arise, the BDO foresees clear and substantial advantages by accepting a commitment from the currently deploying ISP.

To make such areas subject to BEAD competition would result in less desirable outcomes. It would be

less advantageous for taxpayers if the same already-funded ISP competes for and wins additional BEAD funds for an area where they were willing to commit to 100/20 Mbps deployment without any further federal or state deployment subsidy. If, instead, another ISP won the area, thereby receiving additional public funding to deploy to the same places where the first ISP is still committed to deploy, there would be two subsidized broadband services in an area where even one service might hardly be commercially sustainable. If the ISP is willing to escalate its service commitment to 100/20 Mbps, that represents the most fair, reasonable, and efficient outcome.

Consistent with the Challenge Process Policy Notice, where a provider is willing to upgrade the network that is under construction so it meets the BEAD Program's 100/20 Mbps standard, the BDO will accept challenges based on enforceable commitments for *less* than 100/20 Mbps *if* the provider agrees to escalate its service commitment and sign the agreement mentioned above to ensure it will complete deployment by Dec. 31, 2024. If the deployment commitment is not completed on time, the provider will be subject to pay liquidated damages in the agreed amount.

Transparency Plan

To ensure the challenge process is transparent and open to public and stakeholder scrutiny, the BDO 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 BDO 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 ISPs. As detailed in Texas' Five-Year Action Plan, the BDO has engaged in vigorous stakeholder outreach, including among local governments, to raise awareness and prepare them to participate as needed. It will reactivate these vectors of communication to ensure effective and far-reaching distribution of the information that the challenge window is being launched, and about how to participate. Relevant stakeholders can sign up on the BDO website for challenge process updates and newsletters. They can engage with the BDO by using a designated email address, which will be announced on or before the launch of the challenge process. As mentioned above, challenged ISPs will be notified by automated email of the challenges to their coverage claims.

Beyond actively engaging relevant stakeholders, the BDO will also post information regarding all submitted challenges and rebuttals before final challenge determinations are made, including:

- The ISP, nonprofit or unit of local government that submitted the challenge.
- The FCC Location IDs of challenged BSL.
- Identity of affected ISPs.
- The type of challenge (e.g., enforceable commitments or speed).
- A summary of the challenge, including whether a provider submitted a rebuttal.

The BDO 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, the BDO will review all challenges and rebuttals to ensure PII is removed prior to posting them to the website. Additionally, guidance will be provided to all challengers as to which information they submit may be posted publicly.

The BDO will treat information submitted by an existing ISP designated as proprietary and confidential consistent with applicable state and federal law. Submitters who assert information they are providing should be exempt from disclosure under state open records or privacy laws will be given the opportunity to clearly mark the information as privileged or confidential. Information not clearly marked as confidential will be made publicly available.

No special Texas rules or laws concerning PII need to be flagged at this time, but the portal development will be handled by developers who are familiar with state protocols.

1.5

Volume I Public Comment

- 1.5.1 **Text Box:** Describe the public comment period and provide a high-level summary of the comments received during the Volume I public comment period and how they were addressed by the Eligible Entity. The response must demonstrate the following:
- a. The public comment period was no less than 30 days; and
 - b. Outreach and engagement activities were conducted to encourage feedback during the public comment period.

The BDO posted the Initial Proposal, Volume 1, and the Initial Proposal, Volume 2 for public comment on Nov. 2, 2023. The CAI list was also posted for review. The public comment period remained open until Dec. 4, 2023. The public comment portal allowed commenters to review the documents, select section(s) on which to provide feedback, and submit feedback. The portal link was posted on the BDO's website and shared out in all outreach materials.

The BDO engaged in outreach and engagement activities to promote the public comment period and ensure stakeholder groups and residents had the opportunity to review the documents and provide feedback. Key activities included:

- BDO GovDelivery email to around 8,000 contacts on Nov. 2.
- Email to the statewide working group, regional working groups, and taskforces on Nov. 2.
- Promotion to Local Government Roundtable on Nov. 2.
- Promotion to Industry Roundtable on Nov. 28.
- Social media promotion, including LinkedIn and X (formally Twitter) posts.
- Ongoing support and technical assistance to support public comment period through responses to the plan4broadband@cpa.texas.gov email.

The BDO received 109 unique comments from Texas residents and organizations. The majority of comments were made on behalf of organizations, including:

- Internet service providers
- Community-based organizations
- Local governments
- Labor unions
- Civil rights organizations
- State legislative offices
- Institutions of higher education
- Libraries
- K-12 school districts
- Economic development organizations and chambers of commerce
- Broadband coalitions
- State agencies
- Housing authorities
- Organizations representing covered populations

Many of the respondents also participated in outreach and engagement activities, including as part of the stakeholder groups, listening tours, and survey promotion.

The BDO received thoughtful feedback, with several comments prompting alterations, clarifications or additions to the Initial Proposal. Those changes, as well as discussion around other key themes from the public comment period, are described below.

Existing Broadband Programs

Commenters identified additional existing broadband funding sources; those have been added to the table in Section 1.1. The BDO continues to identify other existing broadband programs to update this list.

CAI List

Several commenters provided proposed entities for inclusion on the CAI list. The BDO will be accepting all proposed additions to the CAI list during the challenge process. Organizations and residents are encouraged to submit these and any other entities for consideration during that time. More information on how to add CAIs to the list during the challenge process will be shared in the future.

While no changes to the CAI definition were made, the BDO clarified that the Windham School District is considered a school for the purposes of the CAI definition, and its educational facilities have been added to the CAI list.

MDU Challenge

Many commenters discussed the importance of connectivity in Multi-Dwelling Units (MDU). The BDO remains fully committed to advancing broadband connectivity for all Texans, including those that reside in MDUs.

The BDO conducted extensive stakeholder engagement through the development of the BEAD Initial Proposal draft and incorporated the required elements of the National Telecommunications and Information Administration's (NTIA) Model Challenge Process in full to allow Texans the ability to engage in a robust, expeditious and evidence-based challenge process. In regard to the points made about the MDU Challenge Module, the BDO is keenly aware that some Texans who are represented as "served" through federal mapping efforts may in reality be "unserved" due to the nature of federal standardized reporting, wherein if service is available in one part of the building, the whole building is marked as served.

Technical barriers present challenges which must be considered for an effective solution to support MDU connectivity and are not easily addressed by the optional MDU Challenge Module and Area Challenge in the BEAD program. For example, the issue of poor connectivity within an MDU could be due to the inadequacy or age of inside wiring in these facilities. The BEAD program is not designed to address issues of who owns and maintains the inside wiring, for example, but provides funding for infrastructure to advance connectivity. Similarly, the standard tools used by the BEAD program to estimate costs for deployment would not incorporate the economics of internal wiring and would further constrain funding that is already considered insufficient to connect all Texans, resulting in vastly incompatible funding requests and cost estimates for capital improvements to these often privately owned facilities.

Public housing organizations, which serve covered populations identified through the DEA and represent many of the MDUs likely to be regarded as unserved, are considered in the Initial Proposal, Volume 1. The current community anchor institution (CAI) list includes public housing buildings as CAIs and are considered eligible for funding through the BEAD program after the state has ensured connecting all unserved and underserved locations. The BDO recognizes the important role public housing organizations play in communities and encourages these entities to use the BEAD challenge process administered by the BDO to ensure the CAI list correctly reflects their status as being connected to reliable internet. Other public and non-profit MDU affordable housing entities can also use the challenge process to demonstrate that they meet the definition of community-support organization. Strengthening the CAI list will support the BDO as it implements the BEAD program and considers infrastructure projects with other funding sources highlighted above.

Challenge Process Timeline

Several commenters discussed the challenge process timeline, including commenters who agreed with the current timeline and others who proposed different amounts of time for challenge-related activities. In an effort to complete the challenge process effectively for all, the BDO keeps the timeline as proposed.

Optional Attachment: As an optional attachment, submit supplemental materials to the Volume I submission and provide references to the relevant requirements. Please note that only content submitted via text boxes, certifications and file uploads in sections aligned to Initial Proposal requirements in the NTIA Grants Portal will be reviewed.