Alabama Broadband Map

Bulk Challenge Process Guidelines for

Internet Service Providers and Government Entities

Release 1.0



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# Bulk Challenge Process Overview

The Alabama Broadband Map has been developed through the cooperation and support of numerous internet service providers (ISPs) that deliver service across the state. To improve its accuracy, the Alabama Department of Economic and Community Affairs’ (ADECA) Broadband Map Bulk Challenge Process enables ISPs and political subdivisions of Alabama to petition for changes to service availability data at multiple addresses.

## Who Can Challenge?

ISPs that currently offer service in Alabama and political subdivisions of Alabama, such as county and local governments, can submit map challenges.

## What Map Information Can Be Challenged?

ISPs and political subdivisions may challenge service availability data at multiple addresses through the Broadband Map Bulk Challenge Process. To submit a challenge, ISPs and political subdivisions of Alabama must provide information about each challenged location and submit evidence demonstrating that the map ***overstates***[[1]](#footnote-2) the available service in a census block in any of the following ways:

* *Reduced Availability* – the percentage served in a census block should be reduced
* *Slower Speed* – the speed category of a census block should be reduced to a lower speed category
* *Different Technology* – the technology offered in a census block to provide broadband should be changed to a different technology

## When Can a Map Challenge Be Submitted?

Eligible entities may submit a challenge at any time. However, challengers should be aware of the timing of Alabama Broadband Map updates, the Alabama Broadband Accessibility Fund (ABAF) grant program cycle, and any other Alabama broadband grant programs that may utilize map data.

For the 2023 ABAF grant round, ADECA will accept map challenges until November 21, 2022. Note that there will be limited time available before the grant application window closes and the review process begins. ADECA expects to process all challenges submitted with the evidence necessary for an Expedited Review, as described below. However, mapping challenges that may require additional information or evidence may not be completed before grant decisions are made.

In future ABAF grant rounds, map challenges must be submitted before the relevant ABAF round’s Letter of Intent submission deadline. Challenges submitted after this period **will not be reviewed until awards for that ABAF grant cycle are made**.

Challengers that plan to include challenged areas in their grant applications are strongly encouraged to submit their challenges well in advance of an ABAF Letter of Intent submission window. If a challenge submission requires additional information, ADECA may not have adequate time to process the challenge before the end of the ABAF grant application evaluation period—which could lead to the challenged areas in an application being deemed ineligible.

Generally, those map challenges submitted outside of an ABAF grant cycle but during the Alabama Broadband Map update window **will not be reviewed until all providers have submitted their service availability updates to the map and the map update is complete.**

# What Evidence Is Required for a Map Challenge?

This section describes the information and types of evidence that a challenger can include to support its challenge and proposed revisions to the map. ADECA understands that not all challengers will be able to provide the same level of evidence to validate a challenge. As a result, there are two challenge review levels (Table 1).

The Normal Review process has been designed for localities or ISPs that may lack the resources to satisfy specialized filing requirements. These potential challengers are invited to conduct surveys of residents in the challenged area, provide evidence of individual locations’ service availability, and/or submit residents’ signed testimonials of service availability that differ from ISPs’ claims displayed on the map.

In contrast, the Expedited Review process has been designed for organizations that have access to the engineering and GIS resources necessary to provide network infrastructure engineering details and address mapping information. It requires evidence similar to the data required by the Federal Communications Commission’s (FCC) Broadband Data Collection challenge process.[[2]](#footnote-3)

Table 1: Information Required for Each Challenge Review Type

|  |  |  |
| --- | --- | --- |
| **Challenge Description** | **Normal Review** | **Expedited Review** |
| General description of nature of challenge | **X** | **X** |
| Census blocks impacted | **X** | **X** |
| Methodology used to identify challenged info | **X** | **X** |
|   |  |  |
| **Authorized Signature Letter** |  |  |
| Verifying belief in accuracy by authorized representative | **X** | **X** |
|   |  |  |
| **Address Information** |  |  |
| Corrected broadband info for challenged addresses | **X** |  |
| Info identifying all addresses in each census block | **\*** |  |
| All requested info for each address in all census blocks | **\*** | **X** |
|   |  |  |
| **Additional Evidential Materials** |  |  |
| Engineering field study (on-site engineering inspection) | **\*** | **X** |
| Engineering diagram | **\*** | **\*** |
| Broadband availability survey or individual statements | **\*** |  |
| Broadband speed testing | **\*** |  |

**X** - required

\* optional but highly encouraged

# The Map Challenge Review Process

ADECA will review each map challenge it receives. As a first step, ADECA will analyze how much additional information may be required to validate a challenge. After ADECA has conducted this initial Threshold Analysis, it will identify one of the three outcomes:

* If the submission complies with the Expedited Review filing requirements and needs no further information, it will be handled as an Expedited Review, which places it on a potentially faster review timeline.
* If the submission provides some valid and supported evidence for the map challenge but needs additional information, ADECA may contact the challenger to discuss its submission and next steps. ADECA may suggest additional ways to gather more evidence, may decide to discuss the situation with the challenged ISP(s), or may suggest that the challenger and challenged ISP(s) attempt to work toward a consensus. Note that some submissions in this category may remain in the Threshold Analysis stage as ADECA encourages the challenger to gather more information or reach out to the challenged ISP(s). Once the evidence submitted reaches the level of proof necessary for a Challenge Review, it will move to the Normal Review.
* If the submission provides insufficient evidence to meet the Threshold Analysis and demonstrate that this is a substantive and valid challenge, ADECA may reject the challenge. ADECA is only able to evaluate a submission if there is some form of evidence that allows ADECA to analyze the validity and authenticity of the challenge. This minimum standard has been adopted to avoid frivolous map challenges and focus on challenges supported by evidence.

Table 2 (below) outlines ADECA’s responses in the Threshold Analysis and Challenge Review stages. Once a challenge submission progresses to the Challenge Review stage, the challenged ISP(s) is sent the relevant challenge evidence and is given a certain amount of time to respond with its own evidence to support its original service availability claims. After this period has lapsed, ADECA will evaluate the available evidence, decide whether it will perform its own supplemental discovery, and ultimately determine which availability information will be provided on the Alabama Broadband Map.

The Expedited Review sends the challenger’s evidence to the challenged ISP(s) more quickly and provides 10 business days for challenged ISP(s) to submit evidence supporting their original claims. In contrast, the Normal Review is designed to encourage cooperation with the challenged ISP(s) and provides the challenged ISP(s) with more time (20 business days) to evaluate why a challenger may have conflicting evidence.

Table 2: ADECA Responses to the Threshold Analysis and Challenge Review Stages

|  |  |  |  |
| --- | --- | --- | --- |
| **ADECA Responses** | **Threshold****Analysis** |  | **Challenge Review** |
|  | **Normal****Review** | **Expedited Review** |
| Will review submission, identify level of evidential detail, and decide whether/when to move to Challenge Review stage | **X** |  |  |  |
| May interview and ask questions of the challenger if necessary | **X** |  |  |  |
| May reach out to ISP(s) to discuss potential mischaracterization of availability | **X** |  | **X** | **X** |
| May work with challenger to identify next steps to improve challenge submission | **X** |  |  |  |
| Will provide the evidence to the ISP(s) upon reaching the Challenge Review stage |  |  | **X** | **X** |
| Will encourage discussion between challenger and challenged ISP(s) and opportunity to find consensus before evaluating relative merits of conflicting claims |  |  | **X** |  |
| Will require the ISP(s) to respond with evidence defending its claim within 20 business days after ADECA has sent the challenge notification  |  |  | **X** |  |
| Will require the ISP(s) to respond with evidence defending its claim within 10 business days after ADECA has sent the challenge notification |  |  |  | **X** |
| If a sufficient question of accuracy is raised, ADECA may, at its sole discretion, conduct its own supplemental discovery if sufficient time and resources are available | **X** |  | **X** | **X** |

Note that if a map challenge is successful, those census blocks will be identified and the challenged ISP will have the opportunity to provide additional information for any locations placed on this list. ADECA will make a final determination regarding the data to be shown on the map.

# How to Submit a Map Challenge

## Complete the Map Challenge Submission Form

Complete the challenge submission form on ADECA’s website at <https://adeca.alabama.gov/broadband/>.

* Provide the required organizational information, challenge details, and evidence submissions
* Indicate whether the challenge is related to a planned ABAF grant application by the challenger
* Attach challenge submission materials in a single zip file and email to broadband.fund@adeca.alabama.gov.

## Required Map Challenge Submission Materials

1. **Written description of challenge (pdf)**
	* Type/nature of challenge
	* Census block(s) impacted
	* Methodology used to identify service availability at the addresses within the impacted census block(s)
	* A description of each of the additional materials included in the challenge and how each of them supports the challenge
	* Identify the skills, training, expertise, and/or prior experiences of any personnel or organizations providing technical or statistical analysis for the challenge
	* Any other pertinent information that describes the challenge or that the challenger would like to highlight; ISPs are encouraged to include pictures of maps, information tables, and other diagrams explaining the analysis and findings
2. **Authorized signature letter (pdf)**

Letter verifying belief in the accuracy of the corrected data and the accuracy of the methods employed for the challenge. The letter must be signed by an authorized representative of the organization submitting the challenge.

1. **Address information**

To be given Expedited Review, the challenge submission must include all requested information for each address in each included census block, even if the challenger does not intend to challenge each address.

For Normal Review, the challenge submission must include requested update information for each challenged address. If possible, the challenge submission also should try to include information identifying all addresses in each included census block, even if it does not have service information for locations not included in the challenge.

Challengers have two submission format options, providing the requested information in either shapefile or Excel spreadsheet formats.

**Option 1 – Shapefile-based submission:** Provide a shapefile that identifies the following attributes that the challenger believes to be correct for the addresses in the included census blocks:

* + Address in the following format (one column for each):
		- Street Address
		- Unit Number
		- City
		- State
		- Zip Code
	+ Latitude
	+ Longitude
	+ FCC Technology Code[[3]](#footnote-4)
	+ Maximum download speed in Mbps
	+ Maximum upload speed in Mbps
	+ Latency (if available)

**Option 2 – Excel-based submission:** In a single tab of an Excel workbook, provide a list of the broadband serviceable addresses being challenged. For each address, provide as much as possible of the following data that the challenger believes to be correct. Provide one column for each data type.

* + Census block number
	+ Address in the following format (one column for each):
		- Street Address
		- Unit Number
		- City
		- State
		- Zip Code
	+ Latitude
	+ Longitude
	+ FCC Technology Code[[4]](#footnote-5)
	+ Maximum download speed in Mbps
	+ Maximum upload speed in Mbps
	+ Latency (if available)

If possible, in a separate tab of the same workbook, provide a list of ***all*** broadband serviceable addresses within the area being challenged. For each address, provide the following data in separate columns:

* + Census block number
	+ Address in the same format as above
	+ Latitude
	+ Longitude

## Additional Evidential Submission Materials

To be given Expedited Review, the challenge submission must include direct evidence of the services available at each location. This level of proof will require an engineering field study (see number 1 below) and can be supplemented by any other of the forms of evidence described below.

ADECA recognizes that not all challengers may be capable of conducting an engineering field study, so it invites challengers to submit an address-based broadband availability survey or collection of individual statements of broadband availability at residences (see number 3 below) to receive Normal Review.

1. **Engineering field studies (on-site inspections)**

Engineering field studies will be given significant weight. These inspections require that technicians go to the relevant areas in person, evaluate the broadband infrastructure and equipment in those areas, and assess the capabilities of the identified infrastructure. When performing these field studies, ADECA urges providers to put processes in place to ensure that all technicians respect property, remain within the right-of-way, and otherwise comply with all applicable laws.

The submitted field study should discuss specific findings. Findings may include:

* No service equipment is available in a way that would allow an existing ISP to connect each household within 10 days.
* Existing equipment and infrastructure are insufficient to meet claimed speeds to residents in an area. If possible, this finding should be supported with photos of equipment and facilities.
* Performance characteristics of the equipment and facilities in the area would not meet claimed service availability or performance levels identified on the map.
1. **Engineering diagrams**

Challengers may submit engineering diagrams with sufficient detail about network structure and electronics employed to demonstrate performance standards. These diagrams will be given weight to the extent that they provide sufficient information about the network components used and their related performance characteristics. These diagrams can be used to identify the likely performance characteristics at various stages of the network.

1. **Broadband availability survey or collection of individual statements of broadband availability**

Challengers may collect residents’ statements about broadband availability at their residences. When grouped in an organized manner, a series of resident claims that contradict an ISP’s claimed level of offered services may be sufficient to prompt ADECA to look more closely into an ISP’s claims. This type of evidence is strengthened significantly if accompanied by statements made by an ISP to individual residents, such as saved images of emails or online chat conversations between the resident and the ISP, that demonstrate a claimed level of service is not available at the resident’s location. Alternatively, the challenger may gather signed statements made by residents explaining their experiences with the ISP(s), describing systematic problems with their services, lack of service availability, or speeds less than those claimed on the Alabama Broadband Map. All signed statements should be accompanied by each resident’s full name, address, and a contact phone number to verify authenticity.

1. **Broadband speed tests/performance studies**

**ADECA will consider speed tests as supplemental evidence, but due to the potential for many factors to interfere with their accuracy, they cannot be the only form of evidence submitted for a challenge.**

Proof of service at claimed speeds by the challenger or the existing ISP will be weighted based on how the tests are conducted. Speed tests properly conducted on outside infrastructure or at the customer premises by a trained technician will be attributed more weight, particularly when accompanied by a field inspection. The ISP may want to reference the FCC’s established speed test process, which represents a high standard of accuracy;[[5]](#footnote-6) however, strict compliance with its procedures is not necessary to contribute to the overall challenge claim.

# Contact ADECA with Questions

Challengers are encouraged to contact ADECA with additional questions about these materials or other aspects of the challenge submission process. Information submitted with a challenge may be publicly accessible, so challengers should discuss any confidentiality concerns with ADECA prior to submission.

1. Please note that if the map ***understates*** the available service in a census block or at any individual address, the ISP offering the understated service should contact ADECA to amend its most recent broadband mapping update submission. These updates remain the primary means for ISPs to correct their own availability data on the map. [↑](#footnote-ref-2)
2. More information regarding the FCC’s Broadband Data Collection process can be found at <https://www.fcc.gov/BroadbandData>. [↑](#footnote-ref-3)
3. <https://www.fcc.gov/general/technology-codes-used-fixed-broadband-deployment-data>. [↑](#footnote-ref-4)
4. <https://www.fcc.gov/general/technology-codes-used-fixed-broadband-deployment-data>. [↑](#footnote-ref-5)
5. More information on the FCC’s acceptable speed test procedures and criteria can be found in *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (July 6, 2018) and *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109 (Oct. 31, 2019). [↑](#footnote-ref-6)