

Arizona Commerce Authority (ACA) State Broadband Office



BEAD Challenge Evidence Requirements

This document is created for guidance purpose only. Please contact ACA directly for questions not addressed in this document (broadband@azcommerce.com).

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1 EVIDENCE REQUIREMENTS FOR CHALLENGES

1.1 AVAILABILITY (SERVICE IS NOT AVAILABLE) CHALLENGE EVIDENCE – CODE A

Acceptable availability challenge submissions require the “Reason for the Challenge” to be documented, using the reason code field from the FCC Broadband Data Collection: Data Specifications for Bulk Fixed Availability Challenge and Crowdsource Data. Depending on the reason for the challenge, acceptable evidence for each Availability challenge type is provided in the table below:

Table 1: Acceptable Availability Challenge Evidence

Type	Challenge Reason	Acceptable Evidence (maximum days from evidence collection)
1	Provider failed to schedule a service installation within 10 business days of a request.	<ul style="list-style-type: none"> Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (60 days)
2	Provider did not install the service at the agreed-upon time.	<ul style="list-style-type: none"> Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (60 days)
3	Provider requested more than the standard installation fee to connect the location.	<ul style="list-style-type: none"> Text message, email, or letter from provider (365 days) Other types of evidence (365 days)
4	Provider denied the request for service.	<ul style="list-style-type: none"> Screenshot from provider website (60 days) Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (60 days)
5	Provider does not offer the technology entered above at this location.	<ul style="list-style-type: none"> Screenshot from provider website (60 days) Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (60 days)
6	Provider does not offer the speed(s) shown on the Broadband Map for purchase at this location.	<ul style="list-style-type: none"> Screenshot from provider website (60 days) Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days)

Type	Challenge Reason	Acceptable Evidence (maximum days from evidence collection)
		<ul style="list-style-type: none"> Other types of evidence (60 days) <p>For fixed wireless challenges, submit the following:</p> <ul style="list-style-type: none"> Best Server Map Heat Map (Expected Throughputs) Reference Signal Received Power (RSRP) map Signal-to-Noise Ratio (SNR) map Addresses of the challenged provider's active subscribers within the sector. Addresses of locations that currently don't receive service but could receive service within 10 business days. A signed letter should be provided by a certified Third-Party RF Engineer that has examined the information contained in the submission and can attest that, to the best of their actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct. 47 U.S.C. § 642(b)(4).
7	No wireless signal is available at this location (only for technology codes 71 and 72) ¹ .	<ul style="list-style-type: none"> Infrastructure related evidence (180 days) Screenshot from provider website (60 days) Text message, email, or letter from provider (60 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (180 days)
8	New, non-standard equipment had to be constructed at this location.	<ul style="list-style-type: none"> Infrastructure related evidence (180 days) Text message, email, or letter from provider (365 days) Voicemail transcript from provider (60 days) Documentation of phone call or in-person interaction (60 days) Other types of evidence (365 days)

ACA will review and adjudicate all challenges based on a preponderance of the evidence standard. Additionally, other evidence for availability may be submitted. Acceptance or rejection of the challenge evidence will be at the discretion of the ACA office.

1.2 AVAILABILITY (SERVICE IS AVAILABLE) CHALLENGE EVIDENCE – CODE A

These challenges may be submitted for BSLs. The ACA Office may accept the following evidence for these challenges:

- A copy of customer bill (redacted or unredacted) that shows that the location subscribed or has subscribed to the providers service (365 days).
- A screenshot from the provider website that shows service availability at that location (365 days).

¹ Code 71 – Licensed Terrestrial Fixed Wireless and code 72 – Licensed-by-Rule Terrestrial Fixed Wireless

- A copy of an offer sent to the location that provides service is now available as a standard installation (365 days).
- Geospatial, as-built diagrams or files of infrastructure deployed to provide service to the location (365 days).
- For fixed wireless service, results from a mobile test unit that demonstrate service availability and speed at the challenged location (365 days).

Additionally, other evidence for availability may be submitted. Acceptance or rejection of the challenge evidence will be at the discretion of the ACA office.

All evidence for Availability (Service Is Available) challenges must clearly show which BSLs it applies to and indicate:

- The type of technology that is available, and
- The download speeds, upload speeds, and latency that are available.

Critical to Note: ISPs submitting Availability – Service Is Available challenges are also responsible for submitting this data to FCC via the Broadband Data Collection (BDC) program by June 30, 2024 so that data can also be reflected in the National Broadband Map.

1.3 SPEED TEST CHALLENGE EVIDENCE – CODE S

The Arizona Commerce Authority will accept speed tests as evidence for substantiating challenges and rebuttals. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Speed Challenges must provide evidence that the download/upload speeds of the broadband service are materially lower than 100/20 Mbps. This will require multiple speed tests by the subscriber at each challenged location. Each speed challenge must consist of three measurements, taken on different days. The measurements do not need to occur on consecutive days. The median of the three tests is used to trigger the challenge.

ACA recommends the use of the following speed test applications: ACA approved speed test available in the Challenge Process portal, Ookla, M-lab Speed Test by Measurement Lab, Cloudflare Internet Speed Test, and Netflix Fast.com to conduct speed tests.

For each speed test or group of speed tests, the following required content must be validated as part of the evaluation.

Table 2: Speed Test Challenge Evidence

Requirement	Required Content
Acceptable speed test forms	<ul style="list-style-type: none"> • A reading of the physical line speed provided by the residential gateway: i.e., DSL modem, cable modem (for HFC), ONT (for FTTH), or fixed wireless subscriber module. • A reading of the speed test available from within the residential gateway web interface. • A reading of the speed test found on the service provider’s web page. • A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a commonly used speed test application. Mobile devices cannot be used to gather speed test data.

Requirement	Required Content
Speed test measurement requirements	<ul style="list-style-type: none"> The three tests must be conducted on three different days; the days do not have to be adjacent. The test results must display the time and date of each speed test conducted. The test results must include the download and upload speed results. The median (middle value) of the three tests (i.e., the second highest (or second lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download speeds. The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
Additional information requirements	<ul style="list-style-type: none"> The name and street address of the customer conducting the speed test. A certification of the speed tier the customer subscribes to. Speed tests must be accompanied by a certified attestation from the customer that states the following: “I hereby certify, under penalty of perjury, that the download and upload speed indicated in this submission are the true and correct speeds to which I subscribe at the location where the speed tests included in this submission were measured. The entry of my name above constitutes my electronic signature to this certification. Persons making willful false statements in this form can be punished by fine or imprisonment under 18 U.S.C. § 1001.” A copy of the customer’s latest internet bill (redacted or unredacted) would also provide certification of the speed tier to which the customer subscribes.
Submission requirements	<ul style="list-style-type: none"> Speed tests may be conducted by subscribers, but speed test challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider. <p><i>Note: If a particular service offering does not meet the advertised speed threshold, but is not the only service offering at that location, the eligibility status of the location may not change. For example, if a location is served by 100/20 Mbps licensed fixed wireless and 500/300 Mbps fiber, conducting a speed test on the fixed wireless network that shows a median speed of 70/10 Mbps does not change the status of the location from served to underserved because of the availability of 500/300 Mbps fiber.</i></p>

Additionally, other evidence for Speed challenges may be submitted to show lack of speed. Acceptance or rejection of the challenge evidence will be at the discretion of the ACA office.

Critical to Note: Speed Test challenges against DSL service are not required as the DSL Modification described in [Initial Proposal Volume I](#) will treat locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) delivered via DSL as “underserved.”

1.4 LATENCY CHALLENGE EVIDENCE – CODE L

The challenge for Latency requires similar evidence and process as the Speed Challenge above. ACA requires a speed test by subscriber, showing the excessive latency. Speed tests cannot predate the beginning of the challenge period by more than 60 calendar days.

Latency challenges must provide evidence that the round-trip latency of the broadband service exceeds 100ms for any service subscription tier. This will require multiple speed tests by the subscriber at each challenged location, showing the excessive round-trip latency. The measurements do not need to occur on consecutive days. The median of the three tests is used to trigger the challenge.

ACA recommends the use of the following speed test applications: ACA approved speed test available in the Challenge Process portal, Ookla, M-lab Speed Test by Measurement Lab, Cloudflare Internet Speed Test, and Netflix Fast.com to conduct speed tests.

For each speed test or group of speed tests submitted, the following required content must be validated as part of the evaluation:

Table 3: Latency Challenge Evidence

Requirement	Required Content
Acceptable speed test forms	<ul style="list-style-type: none"> • A reading of the physical line speed provided by the residential gateway: i.e., DSL modem, cable modem (for HFC), ONT (for FTTH), or fixed wireless subscriber module. • A reading of the speed test available from within the residential gateway web interface. • A reading of the speed test found on the service provider's web page. • A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using speed test applications from the list of applications approved by NTIA.
Speed test measurement requirements	<ul style="list-style-type: none"> • The three tests must be conducted on three different days; the days do not have to be adjacent. • The test results must include the time and date of each speed test conducted. • The test result must include the latency results. • The median (middle value) of the three tests (i.e., the second highest (or second lowest) for round-trip latency) is used to trigger a latency-based (L) challenge, for either upload latency or download latency. • The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.
Additional information requirements	<ul style="list-style-type: none"> • The name and street address of the customer conducting the speed test. • A certification of the speed tier the customer subscribes to. Speed tests must be accompanied by a certified attestation from the customer that states the following: "I hereby certify, under penalty of perjury, that the download and upload speed indicated in this submission are the true and correct speeds to which I subscribe at the location where the speed tests included in this submission were measured. The entry of my name above constitutes my electronic signature to this certification. Persons making willful false statements in this form can be punished by fine or imprisonment under 18 U.S.C. § 1001." • A copy of the customer's latest internet bill (redacted or unredacted) would also provide certification of the speed tier to which the customer subscribes. • A consent that grants the non-profit organization or local unit of government submitting the challenge on behalf of an individual (the Challenger), the ACA Office, any contractors supporting the challenge process, and the service provider being challenged access to the information provided in the challenge.

Requirement	Required Content
Submission requirements	<ul style="list-style-type: none"> Speed tests may be conducted by subscribers, but latency challenges must be gathered and submitted by units of local government, nonprofit organizations, or a broadband service provider. Subscribers submitting a speed test must indicate the speed tier they are subscribing to.

Additionally, other evidence for latency challenges may be submitted to show the round-trip latency of the broadband service exceeds 100ms for any service subscription tier. Acceptance or rejection of the challenge evidence will be at the discretion of the ACA office.

1.5 DATA CAP CHALLENGE EVIDENCE – CODE D

A Data Cap Challenge refers to service plans marketed by providers to customers that impose an unreasonable capacity allowance on data usage. An unreasonable capacity allowance is defined as a data cap that falls below the monthly capacity allowance of 600 GB as listed in the FCC 2023 Urban Rate Survey². The evaluator may accept any of the following forms of evidence that indicates a monthly data cap of less than 600 GB has been imposed on a customer. The evidence cannot predate the beginning of the challenge period by more than 180 calendar days.

- Screenshot from provider website.
- Text message, email, or letter from the provider.
- Voicemail transcript from provider.
- Documentation of phone call or in-person interaction.
- Terms of Service or Service Description
- End-User contract or offer.
- Other evidence to demonstrate that an unreasonable capacity allowance on data usage has been imposed on a customer.

1.6 TECHNOLOGY CHALLENGE EVIDENCE – CODE T

The technology challenge is triggered when the provider for a specific BSL does not provide the same technology as the one included in the ACA challenge process map, therefore the technology indicated for this location is not offered. The evaluator may accept any of the following forms of evidence that indicates the technology type listed on the map included in the ACA challenge portal (DSL, Fiber, Fixed wireless, etc.) is not actually available at the challenged location. The evidence cannot predate the beginning of the challenge period by more than 180 calendar days:

- Infrastructure knowledge/evidence, including manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.
- Screenshot from provider website showing the type of technology use for the specific location.
- Text message, email, or letter from the provider.
- Voicemail transcript from provider.
- Documentation of phone call or in-person interaction.

² [DA-22-1338A1.pdf \(fcc.gov\)](#)

- Terms of Service or Service Description.
- End-User contract or offer.
- Other evidence to demonstrate that the type of technology indicated for a selected location is not available.

1.7 BUSINESS SERVICE ONLY CHALLENGE EVIDENCE – CODE B

The business only challenge is triggered when the BSL is residential, but the service offered at that location is marketed or available only to businesses. The evaluator may accept any of the following forms of evidence that indicates the **only** service offered at that BSL is for businesses only. The evidence cannot predate the beginning of the challenge period by more than 180 calendar days:

- Screenshots from the FCC BDC dataset that shows the provider only reporting to serve businesses for challenged locations.
- Screenshot from provider website showing the type of service available for the specific location.
- Text message, email, or letter from the provider.
- Voicemail transcript from provider.
- Documentation of phone call or in-person interaction.
- Terms of Service or Service Description.
- End-User contract or offer.
- Other evidence to demonstrate that challenged location has business only type of service.

1.8 ENFORCEABLE COMMITMENT CHALLENGE EVIDENCE – CODE E

As part of the deduplication process, ACA is required to identify all BSLs that already were awarded funding through federal, state, and local broadband grant programs. The deduplication process applies to programs that require broadband providers to offer services with speeds of at least 100/20 Mbps. The Enforceable Commitment Challenge allows qualified organizations to prove that a location previously lacking these services, now has a commitment (funding through a grant) for the required infrastructure deployment and service.

The evaluator may accept evidence that indicates the challenged BSLs already has a funded commitment for infrastructure and service. The evidence must include **all** the following information:

- Authorization letter and/or executed agreement with funding entity that includes:
 - Required download and upload speeds in Mbps for deployment.
 - Technology used for deployment.
 - List of funded locations and if available methodology used to match awarded locations to Fabric IDs.
- An attestation from the service provider that confirms that the round-trip latency of service will be under 100ms. An attestation from the service provider that confirms the planned network will be fully deployed to the challenged locations by the dates required in the award agreement.
- Type of service to be made available: residential service, business service, or both.
- If the challenge includes locations on Tribal Lands, the challenger will need to attach a legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue.

- Other evidence to demonstrate that an unreasonable capacity allowance on data usage has been on imposed on a customer.

1.9 NOT PART OF ENFORCEABLE COMMITMENT CHALLENGE EVIDENCE – CODE N

The Not Part of Enforceable Commitment Challenge allows challengers to provide evidence that a location is not or no longer covered by an Enforceable Commitment, as indicated by ACA as part of the deduplication process and displayed on the challenge portal map.

The evaluator may accept any of the following as evidence for this challenge type:

- Declaration by service provider subject to the enforceable commitment that they are no longer capable of meeting their commitments.
- Documentation that the provider has defaulted on the commitment or is otherwise unable to meet their grant commitments. This may include:
 - Public notice of default published by the funding agency.
 - Copy of the default notice sent to the provider.
- Documentation that less than 100% of locations in the area subject to the enforceable commitment are covered by that commitment.
- If locations are on Tribal lands, the Tribal Government may challenge based on a failure of the provider to obtain consent from the Tribal Council for the application and/or receiving the award.
- Other evidence to demonstrate a location is not or no longer covered by an Enforceable Commitment.

1.10 PLANNED SERVICE CHALLENGE EVIDENCE – CODE P

The Planned Service Challenge will be triggered if a provider has or plans to deploy infrastructure and service to the challenged locations based on the following requirements:

The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.

The evaluator may accept evidence that indicates service is planned for the challenged BSLs. The evidence must include **all** the following documentation: Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for and/or obtained.

- Information related to the Planned Service such as:
 - Required download and upload speeds in Mbps for deployment.
 - Technology used for deployment.
 - List of locations and if available methodology used to match awarded locations to Fabric IDs.
- An attestation from the service provider to confirm the following:
 - Round-trip latency of service will be under 100ms.
 - Service will be deployed to the challenged locations by the timeframe set above with the described technology, speeds, and latency parameters.
- Other evidence that the deployment is progressing as planned to meet the deadlines listed above, which should at least include:

- Planned network diagrams.
- Copies of construction contracts and invoices.
- A legally binding affidavit from the provider 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 deployment will be completed, which must be on or before June 30, 2024.
- If the challenge includes locations on Tribal Lands, challenger will need to attach a legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue.
- Other evidence can be submitted that indicates service is planned for the challenged BSLs.

Critical to Note: ISPs submitted Planned Service challenges are also responsible for submitting this data to FCC via the BDC program by June 30, 2024, so that data can also be reflected in the National Broadband Map.

1.11 LOCATION IS A CAI CHALLENGE EVIDENCE – CODE C

The evidence submitted for this challenge type must include **at least** the information listed below:

- Official entity name of the institution.
- The type of CAI, selecting from the categories listed above.
- Explanation of how the institution facilitates greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals.
- Evidence that the location falls within the definitions of CAIs established by ACA in the Arizona's BEAD Initial proposal Volume I. This can include:
 - Registration documents
 - Contact information to confirm CAI Status
 - Eligibility for FCC e-Rate or Rural Health Care Program

Critical to Note:

- 1 *This challenge type does not need to apply to existing BSLs, Challengers may submit new locations not currently identified as BSLs in the challenge portal map by emailing broadband@azcommerce.com. The email must include the below minimum evidence to be a valid challenge and include in the subject line "CAI – Location addition".*
- 2 *Challenges for a missing CAI not shown on the map should be submitted to ACA directly via email (broadband@azcommerce.com), including reasons of adding such location as a CAI. CAIs included in ACA's BEAD Initial Proposal Vol 1 list may be added, removed, or revised, e.g., status change from served to unserved, only through the Challenge Process. This can be done through the CAI Template that is provided on the ACA's webpage or collected and documented in other channels available to all eligible challengers. The final list of CAIs must be labeled as such and posted during the Final Determination Phase, meaning that they cannot be added as BSLs but can be listed as eligible CAIs.*

1.12 LOCATION IS NOT A CAI CHALLENGE EVIDENCE – CODE R

Any Challenger can submit a challenge that a location is not a CAI. Similar to the above challenge, the status of a location identified as a CAI in the challenge portal may also be challenged. If successful, this challenge will remove the location from the CAI BEAD eligibility list.

The evaluator may accept **any** of the following types of evidence:

- Location is a residence as documented by:
 - Property records or real estate listing showing the property as a single-family or multi-family dwelling.
 - Utility bills in the name of the occupant(s) showing usage consistent with residential occupancy.
 - Rental or lease agreement for the property.
 - Internet, cable, or phone bills (redacted or unredacted) indicating the location as a residential address.
- Location is a non-CAI business as documented by:
 - Screenshot of business's website including their location (address)
 - Business registration documents such as a business license or tax identification number.
 - The property being listed as a commercial property in property records or real estate listings.
 - Photo of address and signage indicating the name and type of business at the location.
 - Business cards or promotional materials that list the location as the business address.
 - Invoices, receipts, or other financial documents referring to the location as the business address.
- Institution does not fall under the CAI definition and listed categories of CAI types (identify the institution type that the location should be listed as)
- Evidence that demonstrates that the location is no longer in operation:
 - Local news source indicating closure of CAI.
 - Confirmation from local government CAI is no longer in operation.
- Other evidence that the location is not a CAI.