

Appendix C

R2302016 ALJ/TJG/smt

From: NTIA Grant Applications <grantapp@ntia.gov>
Sent: Friday, March 8, 2024 8:33 AM
To: Ellis, Maria <Maria.Ellis@cpuc.ca.gov>
Cc: chall@ntia.gov; rmadison@ntia.gov; swalters@ntia.gov; mmaclatchie@ntia.gov
Subject: [EXTERNAL] Updates Required: NTIA BEAD Grant Program, Applicant ID: GRN-000278 - Volume 1

Dear Eligible Entity,

Your submission to NTIA's Broadband Equity Access and Deployment (BEAD) Program (Applicant ID:GRN-000278, Federal Award ID:05-20-B278) is currently in the review process. While undergoing review, NTIA identified one or more issues where information or documentation is missing or incomplete regarding your Volume 1. To complete review, the information below the body of this e-mail needs to be addressed.

Your application in the NTIA Grants Portal will be re-opened to allow you to address the requested item(s) below. Please address the item(s) below and resubmit in the Portal by 3/15/2024 at 11:59 PM PDT.

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If extenuating circumstances will prevent you from submitting the required materials by the deadline above, please reply to this e-mail or send an e-mail to grantapp@ntia.gov requesting an extension of the deadline. In the e-mail, please explain those extenuating circumstances.

Your prompt response will support us in conducting a full review of your submission in line with the BEAD Grant Program timeline. Pursuant to Section IV.B.5.d of the Notice of Funding Opportunity, an Eligible Entity's failure to remedy deficiencies in a timely manner may result in a delayed timeline, pushing back the approval of the submission.

If further guidance or discussion of the issues identified below is needed, please respond to this e-mail with any questions.

Thank you in advance for your timely completion of these updates.

Sincerely,

The Broadband Equity Access and Deployment (BEAD) Program Team
National Telecommunications and Information Administration

To complete the review, the following information needs to be addressed:

Category	Deficiency	Additional Information
<p>04 Challenge Process Model Adoption and Modifications to Reflect Data Not Present</p>	<p>Describe any modifications to the National Broadband Map's list of eligible locations to reflect data not present in the National Broadband Map, if applicable.</p>	<p>1.4.2a The Eligible Entity has revised these pre-challenge modifications and re-categorized them upon re-submission. This section now includes the following modifications: DSL Modification 1, DSL Modification 2, Low-Speed Fixed Wireless Modification, Cellular Fixed Wireless Modification, and Speed Test Modification. This review factor will be left open to accommodate the requested changes in 1.4.2b.</p>
<p>04 Challenge Process Model Adoption and Modifications to Reflect Data Not Present</p>	<p>Include a reasonable justification for each modification that each proposed modification better reflects the locations eligible for BEAD funding, if applicable.</p>	<p>1.4.2b The modifications proposed by the Eligible Entity require additional information and/or revision. - DSL Modification 1: This justification is sufficient and allowed. No revisions are required. - DSL Modification 2: The Eligible Entity's proposed DSL Modification 2 is non-compliant. The Eligible Entity can only modify DSL locations with the use of the NTIA module DSL Modification (number 1) to "underserved" under the template. Please remove this modification in order to be compliant. - Speed Test Modification: A portion of the Eligible Entity's pre-challenge Speed Test Modification is non-compliant. Under the heading, "5.1 Modifications to reflect data not present in the National Broadband Map," and section titled, "Speed test modification" that describes the pre-challenge process, the Eligible Entity should delete references to gathering data via smartphone or historical "data collected by the CPUC in connection with another CPUC grant program challenge or objection process." This revision would bring the</p>

		<p>section into compliance and align to the requirements already adopted by the Eligible Entity in Section 1.4.6 of the BEAD Model Challenge Process which, "governs the use of speed tests for both the regular challenge process and pre-challenge modifications." In that section, CPUC has adopted model language that acknowledges acceptable speed tests include only: 1) readings from a residential gateway, residential gateway web interface, service provider's web page, or test performed on a laptop or desktop computer; and 2) speed tests may not be older than 60 days from the start of the challenge period. - Low Speed Fixed Wireless Modification: The Eligible Entity's proposed Low Speed Fixed Wireless Modification is non-compliant. The proposal does not provide any representative subsamples of actual measures or speed test data within particular and the defined geographic areas they are attempting to modify. Please remove this modification in order to be compliant. - Cellular Fixed Wireless Modification: The Eligible Entity has adopted language provided by NTIA for a cellular fixed wireless access (CFWA) modification. The CFWA modification is sufficient but requires the addition of one sentence at the end of the second bullet, "A capacity of 5 Mbps for each claimed location is considered sufficient." This sentence was missing from the draft language provided to the Eligible Entity, though it is required.</p>
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PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
505 VAN NESS AVENUE | SAN FRANCISCO, CALIFORNIA 94102

February 23, 2024

Susan Walters, Regional Director - West
Robyn Madison, Regional Director - Northern Plains
Marina MacLatchie, Federal Program Officer - California
Chris Hall, Federal Program Officer - Iowa
Office of Internet Connectivity and Growth
National Telecommunications Administration (NTIA)
U.S. Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230
BroadbandUSA@ntia.gov

Re: Request for further clarification for Initial Proposal Volume 1 curing

Dear NTIA BEAD Program Team,

We appreciate the NTIA's timely response to CPUC's BEAD Initial Proposal Volume 1 (IPV1) and the feedback for curing received on February 6, 2024. We have incorporated the feedback and requests for additional information. To ensure clarity on the direction provided by NTIA, we are submitting this communication concurrently with our cured IPV1 and kindly request written responses to the questions and issues outlined below.

In the most recent set of curing comments on IPV1 provided by NTIA to identify issues where information or documentation is missing or incomplete, the following feedback was received regarding DSL Modification 2 under Box 1.4.2b:

"NTIA's DSL pre-challenge modification template allows the Eligible Entity to change a location from served to underserved only. Recategorization of this type does not provide enough evidence, though it may be possible to achieve the desired results through speed tests or other methods during the Challenge Process itself."

In the cured version of the IPV1, we provide additional information from the Federal Communications Commission's (FCC) Measuring Broadband America Fixed Broadband Twelfth Report, published January 6, 2023, indicating that objective and rigorous testing methodologies utilized by the FCC demonstrate that advertised or claimed DSL speeds rarely meet or exceed actual speeds delivered to customers. This evidence adds to documentation and evidence present in the latest version of the IPV1, which highlights the findings of the CPUC's recent Network Examination of the AT&T and Frontier copper networks indicating that claimed speeds are likely to exceed actual speeds experienced by customers.

These multiple sources of objective data provide ample evidentiary basis to substantiate the CPUC's proposed DSL Modification 2, which would presume locations for which providers have claimed to deliver speeds only slightly above the "unserved" threshold, up to 30/5 Mbps, are actually receiving speeds below the "unserved" threshold of 25/3 Mbps. This modification is consistent with the CPUC's and NTIA's longstanding efforts to phase

out legacy copper network infrastructure, and it does not seek to modify in any way the unserved threshold established in the Infrastructure Investment and Jobs Act (IIJA). Furthermore, the modification would enable providers to submit evidence through the upcoming Challenge Process substantiating their claimed speeds. While NTIA has noted that the Challenge Process could be a venue for challenges to the claimed speeds, this is unlikely to be feasible for communities most affected by low-speed legacy copper-based technologies (DSL). These communities lack reliable broadband necessary to participate in the web-based challenge process anticipated in IP Volume 1. Instead, adopting DSL Modification 2 will appropriately place the burden of proof on providers to substantiate their claims, rather than the communities affected by disinvestment in future-ready infrastructure themselves, who may be among the most in need of BEAD investments.

If the information and reasoning summarized above, which is further explicated in the cured version of IPV1, is insufficient for NTIA's approval process, the CPUC respectfully requests that NTIA provide a clear, written explanation of what the threshold for determining sufficiency will be, or a clear written communication indicating that the modification will not be accepted for specific reasons.

As you are aware, the CPUC follows a deliberative, transparent process for our rulemaking proceedings, including Rulemaking (R.) 23-02-016 to implement the BEAD program. NTIA's determination of whether or not to approve specific elements of our proposed Initial Proposal is directly relevant to this deliberative process, and it is necessary for the CPUC to be able to clearly indicate what elements of the proposed Initial Proposal were disallowed due to NTIA's own determination. We look forward to your response.

Sincerely,



Maria Isabel Ellis
Deputy Director for Broadband, Communications Division
NTIA Authorized Organizational Representative
California Public Utilities Commission

CC: Commissioner Darcie Houck
Robert Osborn, Director, Communications Division

R2302016 ALJ/TJG/smt

From: NTIA Grant Applications <grantapp@ntia.gov>
Sent: Tuesday, February 6, 2024 10:43 AM
To: Ellis, Maria <Maria.Ellis@cpuc.ca.gov>
Cc: chall@ntia.gov; rmadison@ntia.gov; swalters@ntia.gov; mmaclatchie@ntia.gov
Subject: [EXTERNAL] Updates Required: NTIA BEAD Grant Program, Applicant ID: GRN-000278 - Volume 1

Dear Eligible Entity,

Your submission to NTIA's Broadband Equity Access and Deployment (BEAD) Program (Applicant ID:GRN-000278, Federal Award ID:05-20-B278) is currently in the review process. While undergoing review, NTIA identified one or more issues where information or documentation is missing or incomplete regarding your Volume 1. To complete review, the information below the body of this e-mail needs to be addressed.

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If extenuating circumstances will prevent you from submitting the required materials by the deadline above, please reply to this e-mail or send an e-mail to grantapp@ntia.gov requesting an extension of the deadline. In the e-mail, please explain those extenuating circumstances.

Your prompt response will support us in conducting a full review of your submission in line with the BEAD Grant Program timeline. Pursuant to Section IV.B.5.d of the Notice of Funding Opportunity, an Eligible Entity's failure to remedy deficiencies in a timely manner may result in a delayed timeline, pushing back the approval of the submission.

If further guidance or discussion of the issues identified below is needed, please respond to this e-mail with any questions.

Thank you in advance for your timely completion of these updates.

Sincerely,

The Broadband Equity Access and Deployment (BEAD) Program Team
National Telecommunications and Information Administration

To complete the review, the following information needs to be addressed:

Category	Deficiency	Additional Information
03 Community Anchor Institutions	Provide a reasonable basis on which the Eligible Entity determined that a CAI category not specifically outlined facilitates greater use of broadband service by vulnerable populations.	1.3.1.d The Eligible Entity now lists head-starts, family services, and community action agencies among the type of community support organizations included in their modified definition of a CAI. The narrative list now better reflects the attachment. They have also described the type of services performed at such locations and the vulnerable population(s) reached. The definition of a "cultural center" is still unclear, along with the specific facilities this definition corresponds to within the attachment. See corresponding curing language in 1.3.2.
03 Community Anchor Institutions	Submit a CSV file that identifies each eligible CAI location under the jurisdiction of the Eligible Entity that requires broadband service, using the data format provided by NTIA in Appendix A of the BEAD Challenge Process Policy Notice.	1.3.2 Attachment: The attachment has addressed the required mandatory fields such as address, broadband need, and explanation for those categories that are new. The majority of these requests have been resolved. The Eligible Entity still needs to describe in its narrative which of the new locations it considers to be a cultural center, and which services are being provided there. Between the narrative and the attachment, this definition is still unclear. The attachment requires completion of Broadband Availability (Column O) for a handful of newly proposed CAI's under the category Community Support Organizations (Column A, Category C). If Broadband Availability is unknown for the potential reasons now described in the narrative, please fill these cells with N/A.
04 Challenge Process Model Adoption and	Describe any modifications to the National Broadband Map's list of eligible locations	1.4.2a The Eligible Entity has revised these pre-challenge modifications and re-categorized them upon re-

<p>Modifications to Reflect Data Not Present</p>	<p>to reflect data not present in the National Broadband Map, if applicable.</p>	<p>submission. This section now includes the following modifications: DSL Modification 1, DSL Modification 2, Low-Speed Fixed Wireless Modification, Cellular Fixed Wireless Modification, and Speed Test Modification. This review factor will be left open to accommodate the requested changes in 1.4.2b.</p>
<p>04 Challenge Process Model Adoption and Modifications to Reflect Data Not Present</p>	<p>Include a reasonable justification for each modification that each proposed modification better reflects the locations eligible for BEAD funding, if applicable.</p>	<p>1.4.2b The modifications proposed by the Eligible Entity require additional information and/or revision. - DSL Modification 1: This justification is sufficient and allowed. No revisions are required. - DSL Modification 2: NTIA's DSL pre-challenge modification template allows the Eligible Entity to change a location from served to underserved only. Recategorization of this type does not provide enough evidence, though it may be possible to achieve the desired results through speed tests or other methods during the Challenge Process itself. - Speed Test Modification: Please include the following sentence to accurately reflect the availability of rebuttal as described in the model language. "As described below, such speed tests can be rebutted by the provider during the rebuttal period." - Low Speed Fixed Wireless Modification: See below - Cellular Fixed Wireless Modification: See below Specific to the Cellular Fixed Wireless Access (CFWA) modification, NTIA has developed language that would allow an Eligible Entity to treat locations served exclusively by CFWA as "underserved" prior to the Challenge Process. It is discussed here and model language follows below. The</p>

		<p>BEAD NOFO requires each Eligible Entity to develop and describe in its Initial Proposal a transparent, evidence-based, fair, and expeditious challenge process under which a unit of local government, nonprofit organization, or broadband service provider can challenge a determination made by the Eligible Entity in the Initial Proposal as to whether a particular location or community anchor institution within the jurisdiction of the Eligible Entity is eligible for grant funds. In your Initial Proposal, you have indicated a desire to make a pre-challenge process modification that would re-classify as underserved broadband serviceable locations that are currently considered served in the National Broadband Map (NBM) only due to availability of cellular fixed wireless access (CFWA or cellular FWA). NTIA will allow Eligible Entities to make this type of pre-challenge modification conditioned upon the requirement that the Eligible Entity also affords providers an opportunity to rebut or challenge the modification. To successfully rebut such a modification, the Eligible Entity must determine that the provider has demonstrated : (1) it is providing 100/20 Mbps service at the locations in question, and (2) it has sufficient network capacity to provide service to at least 80% of claimed locations. The following response is a model response describing the proposed pre-challenge modification, the rebuttal requirement, and the standard by which you will adjudicate rebuttals. You can copy and paste</p>
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		<p>this module into the appropriate text box within your Initial Proposal to indicate your intent to proceed with a pre-challenge modification along the lines described above. Pre-Challenge Modification Module (IP) The broadband office will treat as “underserved” locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) due solely to the availability of Cellular Fixed Wireless Access (CFWA) as “underserved.” The broadband office has determined that this modification, and the corresponding rebuttal opportunity, will assist the office in determining the availability of networks with sufficient capacity to meet the expected consumer demand for qualifying broadband in the relevant area. The broadband office has determined that [insert number from version of NBM used for IP] BSLs are affected by this modification. The affected CFWA provider will have an opportunity to rebut this modification. To successfully rebut this modification, the cellular fixed wireless provider must demonstrate that it: o is providing 100/20 Mbps or better service at the relevant locations; and o has sufficient network capacity to simultaneously serve (i.e., as concurrently active subscribers) at least 80% of claimed locations in the relevant coverage areas. As one option for making such a showing, a provider may describe how many fixed locations it serves from each cell tower and the amount</p>
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		of per-user averaged bandwidth it uses for capacity planning.
06 Challenge Process Design	Outline an approach that ensures sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges.	1.4.6.p During the initial round of curing, the Eligible Entity clarified that a CAI may rebut any CAI classification challenges; however, under the heading "Rebuttal Phase," the following one-sentence omission remains after the initial round of curing: "All types of challengers may rebut planned service (P) and enforceable commitment (E) challenges."
08 Volume I Public Comment	Describe the comments received during the Volume I public comment period and how the Eligible Entity incorporated feedback in its submitted version of the Initial Proposal.	1.5.1c The Eligible Entity indicates each response to individual public comments is available in a Local Coordination Tracker, located as an attachment to Initial Proposal Volume II, Appendix A. Please include this information directly in the submission of Volume I by copying the information into the textbox in the grants portal submission, or by providing a brief synopsis in a few sentences.

R2302016 ALJ/TJG/smt

From: NTIA Grant Applications <grantapp@ntia.gov>

Date: January 12, 2024 at 3:30:09 PM PST

To: "Osborn, Robert B." <robert.osborn@cpuc.ca.gov>, "Ellis, Maria" <Maria.Ellis@cpuc.ca.gov>

Cc: chall@ntia.gov, rmadison@ntia.gov, swalters@ntia.gov, mmaclatchie@ntia.gov

Subject: [EXTERNAL] Updates Required: NTIA BEAD Grant Program, Applicant ID: GRN-000278 - Volume 1

Dear Eligible Entity,

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If further guidance or discussion of the issues identified below is needed, please respond to this e-mail with any questions.

Thank you in advance for your timely completion of these updates.

Sincerely,

The Broadband Equity Access and Deployment (BEAD) Program Team
National Telecommunications and Information Administration

To complete the review, the following information needs to be addressed:

Category	Deficiency	Additional Information
01 Existing Broadband Funding	Use the template provided to attach a list of funding sources the Eligible Entity has available for broadband deployment and other broadband-related activities, including funding from the Eligible Entity.	<p>1.1.1 Attachment: The attachment appears to include a complete list of existing funding sources, identifies the source of the funds, and whether they are managed by CPUC or another agency; however, the attachment does not appear to follow the formatting requirements of the NTIA template and requires explanation of data not included. Specific curing needs include: - Funding source categorization (e.g., state or federal) is not included under the purpose column as is shown in the NTIA template - The "Available" column has been left blank for Tribal Broadband Connectivity Program (Row 12) - The "Expended" and "Available" columns have been left blank for NTIA Enabling Middle Mile and California State Open Access Middle Mile (Rows 14 and 15) - There are cells marked "N/A" under "Expended" and "Available" without explanation provided. In these instances, please use an asterisk (*) or other notation and list the explanation/justification in a cell below the existing chart or in the cell itself. This is acceptable if the Eligible Entity does not know the expended amount of a program outside of their jurisdiction.</p>
01 Existing Broadband Funding	Use the template provided to attach a list of funding sources the Eligible Entity has available for broadband deployment and other broadband-related activities, including funding from the federal government.	<p>1.1.1 Attachment: The attachment appears to include a complete list of existing funding sources, identifies the source of the funds, and whether they are managed by CPUC or another agency; however, the attachment does not appear to follow the formatting requirements of the NTIA template and requires explanation of data not</p>

included. Specific curing needs include: - Funding source categorization (e.g., state or federal) is not included under the purpose column as is shown in the NTIA template - The "Available" column has been left blank for Tribal Broadband Connectivity Program (Row 12) - The "Expended" and "Available" columns have been left blank for NTIA Enabling Middle Mile and California State Open Access Middle Mile (Rows 14 and 15) - There are cells marked "N/A" under "Expended" and "Available" without explanation provided. In these instances, please use an asterisk (*) or other notation and list the explanation/justification in a cell below the existing chart or in the cell itself. This is acceptable if the Eligible Entity does not know the expended amount of a program outside of their jurisdiction.

02 Unserved and Underserved Locations

Identify the publication date of the National Broadband Map that was used to identify the unserved and underserved locations. The Eligible Entity must use the first National Broadband Map edition of the month within the acceptable range (i.e., cannot predate the Initial Proposal submission by more than 59 days) .

1.2.3 Please confirm the date chosen by California for its BDC version. NTIA has determined that all unserved and underserved data submitted are valid based on the 11/28/2023 version of the BDC. The date listed for the submitted files is 11/15/2023 and needs to be adjusted to reflect the date 11/28/2023. New attachments are NOT needed.

03 Community Anchor Institutions

Describe how the statutory definition of "community anchor institution" was applied.

1.3.1.a The reviewer believes the Eligible Entity applied the statutory definition of the term "community anchor institution," with one exception. The phrase, "historically black colleges and universities," was not included under the heading "Institutions of Higher Education". A search of HBCU's in California appears to indicate the presence of at least one, (e.g. Charles

03 Community Anchor Institutions	Provide a reasonable basis on which the Eligible Entity determined that a CAI category not specifically outlined facilitates greater use of broadband service by vulnerable populations.	<p>R. Drew University of Medicine and Science) and thereby requires inclusion of the phrase to adhere to the statutory definition.</p> <p>1.3.1.d The reviewer believes that the Eligible Entity has identified categories of CAIs present in the attachment that expand on the statutory definition, but these categories are not discussed in the narrative aside from cultural centers (see additional comments below in Section 1.3.2 Attachment). As the model language indicates, "An Eligible Entity must identify any sources of identification for types or categories of institutions it chooses to include as CAIs." The Initial Proposal did not provide a basis for which the Eligible Entity determined cultural centers facilitate greater use of broadband by vulnerable populations." To include additional types of CAI's or facilities, additional explanation is needed to understand the full scope of categories that may have been added to the attachment, what vulnerable population(s) would benefit from the advent of broadband service, and the process and rationale for determining their inclusion.</p>
03 Community Anchor Institutions	Submit a CSV file that identifies each eligible CAI location under the jurisdiction of the Eligible Entity that requires broadband service, using the data format provided by NTIA in Appendix A of the BEAD Challenge Process Policy Notice.	<p>1.3.2 Attachment: The reviewer believes the Initial Proposal includes the required attachment, but Broadband Availability (Column O) has been left blank for several of the new proposed categories of CAI. There are also categories of CAI captured in the spreadsheet that are not introduced and justified in the narrative (e.g., head starts, a community action agency, family services, etc.) The Eligible Entity should describe in its narrative how these locations were determined for</p>

inclusion, under what modified definition of CAI they have been included, and which vulnerable populations will benefit from broadband service at the location. In formatting the attachment, Columns A (CAI Type), B (Entity Name), N (Need) are required, and at least one of either F (location ID) or G/H/I/J (Address) and K/L (longitude/latitude) are required. Entity name, CMS number and FRN are encouraged. For new CAI categories, explanation and broadband availability is required.

04 Challenge
Process Model
Adoption and
Modifications to
Reflect Data Not
Present

Describe any modifications to the National Broadband Map's list of eligible locations to reflect data not present in the National Broadband Map, if applicable.

1.4.2a The Eligible Entity proposes the following modifications: DSL Modification 1, DSL Modification 2, Low-Speed Fixed Wireless Modification, and Speed Test Modification. This review factor will be left open to accommodate the requested changes in 1.4.2b.

04 Challenge
Process Model
Adoption and
Modifications to
Reflect Data Not
Present

Include a reasonable justification for each modification that each proposed modification better reflects the locations eligible for BEAD funding, if applicable.

1.4.2b The modifications proposed by the Eligible Entity require additional information and/or revision. - DSL 2: The Eligible Entity needs to describe the data they have gathered related to this modification and how it is sufficiently rigorous and reliable. The Eligible Entity must also explain what analysis they applied to determine the 5,829 locations should be treated as "unserved" instead of "underserved". - Low Speed Fixed Wireless: The Eligible Entity's proposed modification for Low-Speed Fixed Wireless is insufficient as it lacks supportive evidence. The proposal does not include representative subsamples of actual measures or speed test data within particular and defined geographic areas the EE wishes to modify in order to reclassify 36,887 locations. - Speed

Test 2: The Eligible Entity's pre-challenge Speed Test Modification that attempts to treat locations as "unserved" instead of "underserved" does not align with the BEAD Model Challenge process model and therefore needs additional explanation and supportive evidence.

1.4.4. The Initial Proposal includes language that deviates from the Model Challenge Process and requires additional explanation. The language in question begins, "The CPUC plans to be as flexible as possible in considering any funding from programs that will take effect after the challenge process begins but before the grant program is run..." This language requires greater specificity in order to guarantee it is not in conflict with the BEAD NOFO, or rephrasing is suggested to ensure location eligibility does not change after the conclusion of the challenge process and prior to deployment. For example, the BEAD NOFO (pg. 36) stipulates, "In identifying an Unserved Service Project or Underserved Service Project, an Eligible Entity may not treat as "unserved" or "underserved" any location that is already subject to an enforceable federal, state, or local commitment to deploy qualifying broadband as of the date that the challenge process described in Section IV.B.6 of this NOFO is concluded." Separately, the Eligible Entity should explicitly state that consideration of other broadband programs for use as matching dollars will only occur if allowed by applicable laws and regulations.

05 Deduplication of Funding Include a process to remove locations subject to enforceable commitments.

06 Challenge Process Design	Describe a challenge process that allows challenges from nonprofit organizations.	1.4.6.b The Initial Proposal indicates challenges from non-profit organizations will be allowed, though it has added the qualifier "in good standing." If this language was intended, please explain what factors will be used to determine whether a non-profit meets the qualification of "in good standing," and the rationale for its inclusion.
06 Challenge Process Design	Indicate whether or not the Eligible Entity plans to adopt the area challenge module or describe an alternative approach to conduct an area challenge.	1.4.6.m The Initial Proposal indicates that the Eligible Entity will conduct an area challenge, however there are deviations from the Model: - The proposal modifies "no fewer than 10...must be identified" to "no fewer than 10%" - The proposal omits "For MDU challenges, the rebuttal must show that the inside wiring is reaching all units and is of sufficient quality to support the claimed level of service." If these deviations from the model are intended, the Eligible Entity should provide a justification and rationale.
06 Challenge Process Design	Outline an approach that ensures sufficient opportunity and time is given to all relevant parties to initiate, rebut, and substantiate challenges.	1.4.6.p The Initial Proposal does not outline an approach that ensures sufficient opportunity is given to all parties to rebut challenges, as it is outlined in the Model Challenge Process. In its current form, the Initial Proposal allows only the challenged service provider to rebut whereas the Model indicates that CAIs can rebut CAI classification challenges and all types of challengers can rebut planned service and enforceable commitment challenges. If these omissions are intended, the Eligible Entity should provide a justification and rationale.
08 Volume I Public Comment	Describe the comments received during the Volume I public comment period and how the Eligible Entity	1.5.1c The Initial Proposal includes significant detail to describe the feedback received by the Eligible Entity during the public comment period. The

incorporated feedback in its submitted version of the Initial Proposal.

Eligible Entity describes the type of feedback, the relevant section of the Initial Proposal to which it applied, and a general description of who provided the feedback; however, the Eligible Entity does not discuss how the feedback was incorporated in the submitted version of the Initial Proposal (e.g. a high-level overview of which comments were accepted, which were declined, and a rough rationale or methodology for doing so).

End of Appendix C