



**INITIAL PROPOSAL Vol. 1 DRAFT**

**Table of Contents**

[**Introduction 3**](#_30j0zll)

[**1.1 Existing Broadband Funding 4**](#_p4wyivvwaxdo)

[**1.2 Unserved/Underserved 4**](#_1fob9te)

[1.3 Community Anchor Institutions 5](#_lnxbz9)

[Defining Anchor Institutions in Guam 5](#_1ksv4uv)

[1.4 Challenge Process (Requirement 7) 9](#_z337ya)

[1.1.1 Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7. 9](#_2jrnr9pn6d7i)

[Modifications to Reflect Data Not Present in the National Broadband Map 9](#)

[1.1.2 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. 9](#)

[Deduplication of Funding 10](#)

[1.1.3 Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments. 10](#_w2xfp12rpkyx)

[1.1.4 Describe the process that will be used to identify and remove locations subject to enforceable commitments. 10](#)

[1.1.5 List the federal, state, or territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding. 11](#)

[1.1.6 Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process. 11](#)

[**1.5 Volume I Public Comment 21**](#_120bwhpy7yjz)

Internet For All

# Introduction

**Buenas yan Håfa Adai! Welcome to the initial proposal presented by Guam’s Office of Infrastructure Policy and Development (OIPD). This proposal serves as the first volume in a two-part strategic plan aimed at mapping out Guam's digital future for the next five years. Our ambition is clear-cut: to ensure that every resident of Guam, irrespective of their geographic location or economic standing, has the ability to connect to free high-speed public internet or an affordable private broadband service.**

Our vision is Connectivity for All, and this proposal is designed to articulate the roadmap to that vision. It outlines comprehensive strategies, objectives, and tactics to bridge digital divides, strengthen infrastructure, and align with the standards set by the Broadband Equity, Access, and Deployment (BEAD) program. This proposal aims to encapsulate every facet required to transform our ambition into reality.

We invite you to review this initial proposal, which will soon be followed by a second volume containing further details and technical specifications. We value your input and encourage public comment as we collaboratively shape a digital future for Guam that is both inclusive and forward-looking.

Let’s come together to build a connected Guam for everyone. We appreciate your involvement in this crucial endeavor.

# 1.1 Existing Broadband Funding

Table 1: Broadband Funding

| Source | Description | Total | Expended | Available |
| --- | --- | --- | --- | --- |
| Name of federal agency/ other source of funding |  | $ | 0 | $ |
| USDA | Reconnect 2 | $29,767,3520 | Unknown | Unknown |
| NTIA | BEAD planning | $1,250,000 | $77,000 | 1,250,000 |
| NTIA | DE Planning | $150,000 | 0 | $150,000 |
| NTIA | BIP | $12,770,692.18 | Unknown | Unknown |
| NTIA | BEAD | $156,831,733.59 | 0 | $156,831,733.59 |
| FCC | ACP Outreach | $383,586.00 | 0 | $382,586.00 |

# 1.2 Unserved/Underserved

**Unserved and Underserved Locations:**

Unserved means service under 25 Mbps down, 3 Mbps up, and sub-100 ms latency. Another definition of unserved is not getting the broadband service you pay for or if you cannot afford it at all. Recommendations for improving broadband to unserved and underserved locations and addressing Community Anchor Institutions (CAIs) needs are welcome. We intend to take a community-centered approach, prioritizing technical requirements and existing infrastructure. Post-allocation, we will determine our challenge process and our mapped priorities. There is a need to focus on community needs, education, access, and affordability, considering the actual situation in Guam, not merely what is shown in potentially faulty maps.

**We recognize that everyone in our community is classified as 'unserved.' We intend to change this, and we're willing to explore all means to do so. Whether it's expanding wireless access, building out fiber-to-home connections, understanding the importance of the ‘last mile’ build-outs, or embracing innovative solutions that may arise, we are committed to ensuring that every Guamanian has access to reliable and affordable high-speed internet.**

The table, from the latest version of the CostQuest Data, can be found [here.](https://drive.google.com/file/d/1DfLZcRBX-5j36J30Ihu5spBzav-BCyTY/view?usp=sharing) (<https://drive.google.com/file/d/1DfLZcRBX-5j36J30Ihu5spBzav-BCyTY/>)

# 1.3 Community Anchor Institutions

#### Defining Anchor Institutions in Guam

**Introducing Community Anchor Institutions**

Community Anchor Institutions (CAIs) are special entities characterized by three foundational pillars: a physical location accessible to the public, a team devoted to public service, and a mission committed to societal or communal well-being. Often, these spaces are multifaceted, ranging from indoor to outdoor settings, where public gatherings and events can take place. These venues may be singular or part of a larger organization, but each one can individually qualify as a CAI.

Unlike mere public spaces, CAIs have a team committed to a mission that serves the public in some capacity. This could be anything from education and health services to cultural preservation. In this respect, they differ from places like monuments, which, although accessible, do not usually have staff focused on a defined public-serving mission.

CAIs aren't just limited to what one might traditionally consider public service locations, they can also include cultural heritage sites dedicated to preserving local history and traditions, houses of worship that serve as spiritual and community support centers, and even hubs of innovation where people can collaborate and create, such as maker spaces or community tech labs.

In sum, a CAI's overarching mission can span a wide range of public services. It's this mission that sets them apart from purely commercial or informal gathering spaces. Whether it's a specialized institution serving a particular demographic, like a veterans' center, or a more universally accessible place like a library, the core purpose remains the same: to serve the community in ways that go beyond mere commerce or socialization.

**Guam’s Definition of Community Anchor Institution (CAI)**

The National Telecommunications and Information Agency (NTIA) provides guidelines for what constitutes a "Community Anchor Institution," but it also affords Guam some flexibility to adapt these definitions based on local needs. Factors like operational status or size can influence whether an agency or organization meets the criteria to be recognized as a Community Anchor Institution in Guam. The territory can also expand on existing categories, though it should be mindful of certain restrictions, such as those pertaining to purely religious or business-focused entities, as these may not be eligible for specific federal funding.

One area where Guam could consider expanding its definition of Community Anchor Institutions involves organizations dedicated to the preservation and promotion of indigenous cultures. The current NTIA framework may not fully capture these types of groups due to its focus on tribal organizations, which don't precisely align with Guam's indigenous community structures. Thus, it would be beneficial for Guam to include these culture-promoting organizations in its local guidelines, provided they maintain a physical space for community activities.

In addition to the NTIA's guidelines, Guam has taken steps to tailor the definition of Community Anchor Institutions to better fit the unique needs of its community. Notably, the island includes public-serving first responder locations such as fire stations, police stations, and emergency medical service facilities. These institutions are critical for maintaining public safety and well-being, thus making them essential hubs within the community.

Moreover, considering the importance of tourism to Guam's economy, locations of significant travel and economic impact are also designated as Community Anchor Institutions. This includes key transit points like airports and seaports, as well as centers of economic activity that are highly frequented by tourists. These locations not only serve as gateways to the island but also play an indispensable role in sustaining the local economy.

By broadening the scope of what constitutes a Community Anchor Institution in Guam, we aim to create a more inclusive, comprehensive, and locally-relevant framework that reflects the multifaceted needs and characteristics of our island community.

These organizations serve as hubs for digital access in their communities and often have specialized technology needs and require affordable, high-speed, reliable broadband connections to provide their services effectively.

**About the CAI Database and Process**

The Guam Office of Infrastructure Policy and Development (OIPD) is currently developing a database with data dimensions for each Organization and each Location relevant to the agreed upon definition.

One Organization is presumed to have one or more Locations in the CAIs Database model. Aspects of each Community Anchor Institution currently being collected by the Office include:

**Organization Dimension:**

* Name of entity
* Categorization according to perceived mission

**Location Dimension:**

* Local “Branch” Name
* Physical address where available
* Geopositioning data
* Service data, where available, from the FCC National Broadband Map

During the Verification process, the Office will coordinate with other government agencies and the Governor’s Office as required, in order to settle on specific guidelines for what will and will not be considered a Community Anchor Institution. The minimal effect of these guidelines will be to confirm which entities will be eligible for funding consideration for Broadband (and possibly Digital Equity) programs.

***Survey***

As the list of Community Anchor institutions is established, the Office of Infrastructure Policy and Development continues to determine which Community Anchor Institutions are served with Gigabit Access. Along with basic institutional information, the form will include survey questions such as:

* How much internet bandwidth does your organization have at this location, total?
* What type of service (if any) does your organization have at this location?
* How much does your organization pay for internet service each month? Annually?
* Which internet service provider does your institution utilize?
* Does your organization offer free wireless internet to the public or visitors/users from the public?

The list will be adjusted as time goes on as we receive feedback from the surveyed population. The survey for single-location CAIs will be delivered as a Google form to all listed institutions and is pictured below.

**Value of Community Anchor Institution Data beyond Broadband**

***Funding Opportunities:*** Having a full and well-maintained database of Community Anchor Institutions will make Guam agencies and institutions like the Office of Infrastructure Policy and Development more capable of planning for and responding to new funding opportunities as they come available. The database can be especially critical in identifying and developing partnership opportunities based upon constituency and geographic alignments.

***Information Technology/Cybersecurity:*** Information Technology organizations like Guam’s OTECH frequently need to engage with CAIs in order to deliver notices and advice, communicate the availability of new service classes or Information Technology resources, and advise on current cybersecurity conditions. While in some states the office of Information Technology manages its own database of CAIs, it will make sense in Guam for the list to be made public through an organization that regularly issues data communications for the public.

***Public Safety:*** Since many CAIs have some role to play in sheltering the community and keeping residents safe, public safety officers and organizations will benefit from having a list of CAIs available to improve their work. For example, a Guam Police or Attorney General’s office team seeking to engage the public in outreach about a problematic trend in public safety might turn to the CAIs database in order to get a good feel for where they might best be able to engage the public. Or, during an emergency, local and national crisis response teams might use the available database to publish public safety evacuation and shelter maps. Making these processes more efficient and thorough could have a tangible impact on real public safety.

***Public Transparency:*** Having a clean, thoughtfully developed, and well-communicated database will serve the public through increased transparency of which organizations are or are formally considered as Community Anchor Institutions. Such a database may provoke public comment and response, which itself will be valuable in maintaining and refining data, and increasing public confidence in government processes. To date, we have identified 190 anchor institutions throughout the island with more to come.

**To view the full public list, please visit:** [**cai.xlsx**](https://1drv.ms/x/s!Aq0FeGoMcIRmoi-1k9LsWzU6hSPs)



*Above: Sample of the Anchor Institution Directory.*

# 1.4 Challenge Process (Requirement 7)

**NTIA BEAD Model Challenge Process Adoption**

### Select if the Eligible Entity plans to adopt the NTIA BEAD Model Challenge Process for Requirement 7.

**NTIA BEAD Model Challenge Process Answer:**

Eligible Entities must indicate their plan to adopt the NTIA BEAD Model Challenge Process answer in question 1.4.1 by selecting “Yes.”

☒ Yes

☐ No

### Modifications to Reflect Data Not Present in the National Broadband Map

### 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 broadband office 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.” This modification will better reflect the locations eligible for BEAD funding because it will facilitate the phase-out of legacy copper facilities and ensure the delivery of “future-proof” broadband service.

The broadband office will treat as “underserved” locations that the National Broadband Map shows to be “served” if rigorous speed test methodologies (i.e., methodologies aligned to the BEAD Model Challenge Process Speed Test Module) demonstrate that the “served” locations actually receive service that is materially below 100 Mbps downstream and 20 Mbps upstream. This modification will better reflect the locations eligible for BEAD funding because it will consider the actual speeds of locations.

### Deduplication of Funding

### Select if the Eligible Entity plans to use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

**NTIA BEAD Model Challenge Process Answer:**

The BEAD Eligible Entity Planning Toolkit is a collection of NTIA-developed technology tools that, among other things, overlay multiple data sources to capture federal, state, and local enforceable commitments. Eligible Entities adopting the Model must indicate their plan to use the BEAD Eligible Entity Planning Toolkit by selecting “Yes.”

☒ Yes

☐ No

### Describe the process that will be used to identify and remove locations subject to enforceable commitments.

**NTIA BEAD Model Challenge Process Answer:**

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

1. The Broadband Funding Map published by the FCC pursuant to IIJA § 60105.[[1]](#footnote-0)
2. Data sets from state broadband deployment programs that rely on funds from the Capital Projects Fund and the State and Local Fiscal Recovery Funds administered by the U.S. Treasury.
3. Territory and local data collections of existing enforceable commitments.

The broadband office 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 broadband office will translate polygons or other geographic designations (e.g., a county or utility district) describing the area to a list of Fabric locations. The broadband office will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.[[2]](#footnote-1)

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

The broadband office drew on these provider agreements, along with its existing database on state and local broadband funding programs’ binding agreements, to determine the set of territorial and local enforceable commitments.

### List the federal, state, or territorial, and local programs that will be analyzed to remove enforceable commitments from the set of locations eligible for BEAD funding.

**Example Response:**

If adopting the NTIA BEAD Model Challenge Process, Eligible Entities must list any state or territorial and local programs that will be used to identify existing enforceable commitments. Eligible Entities should use the example attachment to guide the format of the file submitted for 1.4.5.

Deduplication of Funding Programs

[BEAD Initial Proposal\_Volume I\_Deduplication of Funding Programs Template.xlsx](https://1drv.ms/x/s!Aq0FeGoMcIRmojeoXGb2ttxPYMmA?e=7uJoo2)

**Challenge Process Design**

### Describe the plan to conduct an evidence-based, fair, transparent, and expeditious challenge process.

**NTIA BEAD Model Challenge Process Answer: Yes**

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

**Permissible Challenges**

The broadband office will only allow challenges on the following grounds:

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

**Permissible Challengers**

During the BEAD Challenge Process, the broadband office will only allow challenges from nonprofit organizations, units of local and tribal governments, and broadband service providers.

**Challenge Process Overview**

The challenge process conducted by the broadband office will include four phases, spanning 90 days[[3]](#footnote-2):

1. **Publication of Eligible Locations**: Prior to beginning the Challenge Phase, the broadband office will publish the set of locations eligible for BEAD funding, which consists of the locations resulting from the activities outlined in Sections 5 and 6 of the NTIA BEAD Challenge Process Policy Notice (e.g., administering the deduplication of funding process). The office will also publish locations considered served, as they may be challenged.
2. **Challenge Phase**: During the Challenge Phase, the challenger will submit the challenge through the broadband office challenge portal. This challenge will be visible to the service provider whose service availability and performance is being contested. The portal will notify the provider of the challenge through an automated email, which will include related information about timing for the provider’s response. After this stage, the location will enter the “challenged” state.
   * 1. **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 manually verify that the evidence submitted falls within the categories stated in the NTIA BEAD Challenge Process Policy Notice and the document is unredacted and dated.
   1. **Timeline**: Challengers will have 30 calendar days to submit a challenge from the time the initial list of unserved and underserved locations, community anchor institutions, and existing enforceable commitments are posted.
   2. **Rebuttal Phase**: Only the challenged service provider may rebut the reclassification of a location or area with evidence, causing the location or locations to enter the “disputed” state. If a challenge that meets the minimum level of evidence is not rebutted, the challenge is sustained. A provider may also agree with the challenge and thus transition the location to the “sustained” state. Providers must regularly check the challenge portal notification method (e.g., email) for notifications of submitted challenges.
   3. **Timeline**: Providers will have 30 business days from notification of a challenge to provide rebuttal information to the broadband office.
3. **Final Determination Phase**: During the Final Determination phase, the broadband office will make the final determination of the classification of the location, either declaring the challenge “sustained” or “rejected.”
   1. **Timeline**: Following intake of challenge rebuttals, the broadband office will make a final challenge determination within 30 calendar days of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received.

**Evidence & Review Approach**

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

| **Code** | **Challenge Type** | **Description** | **Specific Examples** | **Permissible rebuttals** |
| --- | --- | --- | --- | --- |
| A | Availability | The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU). | * Screenshot of provider webpage. * A service request was refused within the last 180 days (e.g., an email or letter from provider). * Lack of suitable infrastructure (e.g., no fiber on pole). * A letter or email dated within the last 365 days that a provider failed to schedule a service installation or offer an installation date within 10 business days of a request.[[4]](#footnote-3) * A letter or email dated within the last 365 days indicating that a provider requested more than the standard installation fee to connect this location or that a Provider quoted an amount in excess of the provider’s standard installation charge in order to connect service at the location. | * Provider shows that the location subscribes or has subscribed within the last 12 months, e.g., with a copy of a customer bill. * If the evidence was a screenshot and believed to be in error, a screenshot that shows service availability. * The provider submits evidence that service is now available as a standard installation, e.g., via a copy of an offer sent to the location. |
| S | Speed | The actual speed of the service tier falls below the unserved or underserved thresholds.[[5]](#footnote-4) | Speed test by subscriber, showing the insufficient speed and meeting the requirements for speed tests. | Provider has countervailing speed test evidence showing sufficient speed, e.g., from their own network management system.[[6]](#footnote-5) |
| L | Latency | The round-trip latency of the broadband service exceeds 100 ms[[7]](#footnote-6). | Speed test by subscriber, showing the excessive latency. | Provider has countervailing speed test evidence showing latency at or below 100 ms, e.g., from their own network management system or the CAF performance measurements.[[8]](#footnote-7) |
| D | Data cap | The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.[[9]](#footnote-8) | * Screenshot of provider webpage. * Service description provided to consumer. | Provider has terms of service showing that it does not impose an unreasonable data cap or offers another plan at the location without an unreasonable cap. |
| T | Technology | The technology indicated for this location is incorrect. | Manufacturer and model number of residential gateway (CPE) that demonstrates the service is delivered via a specific technology. | Provider has countervailing evidence from their network management system showing an appropriate residential gateway that matches the provided service. |
| B | Business service only | The location is residential, but the service offered is marketed or available only to businesses. | Screenshot of provider webpage. | Provider documentation that the service listed in the BDC is available at the location and is marketed to consumers. |
| E | Enforceable Commitment | The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation. | Enforceable commitment by service provider (e.g., authorization letter). In the case of Tribal Lands, the challenger must submit the requisite legally binding agreement between the relevant Tribal Government and the service provider for the location(s) at issue (see Section 6.2 above). | Documentation that the provider has defaulted on the commitment or is otherwise unable to meet the commitment (e.g., is no longer a going concern). |
| P | Planned service | The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment. | * Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. * Contracts or a similar binding agreement between the Eligible Entity and 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. | Documentation showing that the provider is no longer able to meet the commitment (e.g., is no longer a going concern) or that the planned deployment does not meet the required technology or performance requirements. |
| N | Not part of enforceable commitment. | This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.) | Declaration by service provider subject to the enforceable commitment. |  |
| C | Location is a CAI | The location should be classified as a CAI. | Evidence that the location falls within the definitions of CAIs set by the Eligible Entity.[[10]](#footnote-9) | Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation. |
| R | Location is not a CAI | The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation. | Evidence that the location does not fall within the definitions of CAIs set by the Eligible Entity or is no longer in operation. | Evidence that the location falls within the definitions of CAIs set by the Eligible Entity or is still operational. |

**Area and MDU Challenge**

The broadband office will administer area and MDU challenges for challenge types A, S, L, D, and T. An area challenge reverses the burden of proof for availability, speed, latency, data caps and technology if a defined number of challenges for a particular category, across all challengers, have been submitted for a provider. Thus, the provider receiving an area challenge or MDU must demonstrate that they are indeed meeting the availability, speed, latency, data cap and technology requirement, respectively, for all (served) locations within the area or all units within an MDU. The provider can use any of the permissible rebuttals listed above.

An area challenge is triggered if 6 or more broadband serviceable locations using a particular technology and a single provider within a census block group are challenged.

An MDU challenge requires challenges by at least 3 units or 10% of the unit count listed in the Fabric within the same broadband serviceable location, whichever is larger.

Each type of challenge and each technology and provider is considered separately, i.e., an availability challenge (A) does not count towards reaching the area threshold for a speed (S) challenge. If a provider offers multiple technologies, such as DSL and fiber, each is treated separately since they are likely to have different availability and performance.

Area challenges for availability need to be rebutted with evidence that service is available for all BSL within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure or customer subscribers. For fixed wireless service, the challenge system will offer representative random sample of the area in contention, but no fewer than [10], where the provider has to demonstrate service availability and speed (e.g., with a mobile test unit).[[11]](#footnote-10)

**Speed Test Requirements**

The TBO will accept speed tests as evidence for substantiating challenges and rebuttals. Each speed test consists of three measurements, taken on different days. Speed tests cannot predate the beginning of the challenge period by more than 60 days.

Speed tests can take four forms:

1. A reading of the physical line speed provided by the residential gateway, (i.e., DSL modem, cable modem (for HFC),
2. ONT (for FTTH), or fixed wireless subscriber module.
3. A reading of the speed test available from within the residential gateway web interface.
4. A reading of the speed test found on the service provider’s web page.
5. A speed test performed on a laptop or desktop computer within immediate proximity of the residential gateway, using a speed test application approved by the Eligible Entity or speed test application from the list of applications approved by NTIA, or a peer-reviewed speed test developed by a research group.

Each speed test measurement must include:

* The time and date the speed test was conducted.
* The provider-assigned internet protocol (IP) address, either version 4 or version 6, identifying the residential gateway conducting the test.

Each group of three speed tests must include:

* The name and street address of the customer conducting the speed test.
* A certification of the speed tier the customer subscribes to (e.g., a copy of the customer's last invoice).
* An agreement, using an online form provided by the Eligible Entity, which grants access to these information elements to the Eligible Entity, any contractors supporting the challenge process, and the service provider.

The IP address and the subscriber’s name and street address are considered personally identifiable information (PII) and thus are not disclosed to the public (e.g., as part of a challenge dashboard or open data portal).

Each location must conduct three speed tests on three different days; the days do not have to be adjacent. The median of the three tests (i.e., the second highest (or lowest) speed) is used to trigger a speed-based (S) challenge, for either upload or download. For example, if a location claims a broadband speed of 100 Mbps/25 Mbps and the three speed tests result in download speed measurements of 105, 102 and 98 Mbps, and three upload speed measurements of 18, 26 and 17 Mbps, the speed tests qualify the location for a challenge, since the measured upload speed marks the location as underserved.

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.

Subscribers submitting a speed test must indicate the speed tier they are subscribing to. If the household subscribes to a speed tier of between 25/3 Mbps and 100/20 Mbps and the speed test results in a speed below 25/3 Mbps, this broadband service will not be considered to determine the status of the location. If the household subscribes to a speed tier of 100/20 Mbps or higher and the speed test yields a speed below 100/20 Mbps, this service offering will not count towards the location being considered served or underserved. However, even if a particular service offering is not meeting the speed threshold, the eligibility status of the location may not change. For example, if a location is served by 100 Mbps licensed fixed wireless and 500 Mbps fiber, conducting a speed test on the fixed wireless network that shows an effective speed of 70 Mbps does not change the status of the location from served to underserved.

A service provider may rebut an area speed test challenge by providing speed tests, in the manner described above, for at least 10% of the customers in the challenged area. The customers must be randomly selected. Providers must apply the 80/80 rule[[12]](#footnote-11), i.e., 80% of these locations must experience a speed that equals or exceeds 80% of the speed threshold. For example, 80% of these locations must have a download speed of at least 20 Mbps (that is, 80% of 25 Mbps) and an upload speed of at least 2.4 Mbps to meet the 25/3 Mbps threshold and must have a download speed of at least 80 Mbps and an upload speed of 16 Mbps to be meet the 100/20 Mbps speed tier. Only speed tests conducted by the provider between the hours of 7 pm and 11 pm local time will be considered as evidence for a challenge rebuttal.

**Transparency Plan**

To ensure that the challenge process is transparent and open to public and stakeholder scrutiny, the broadband office 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 broadband office also plans to actively inform all units of local government of its challenge process and set up regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Relevant stakeholders can sign up on the broadband office website http://broadband.guam.gov for challenge process updates and newsletters. They can engage with the broadband office by a designated email address (broadband@guam.gov). Providers will be notified by email and public notice portal.

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

* + the provider, nonprofit, or unit of local government that submitted the challenge,
  + the census block group containing the challenged broadband serviceable location,
  + the provider being challenged,
  + the type of challenge (e.g., availability or speed), and
  + a summary of the challenge, including whether a provider submitted a rebuttal.

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

The broadband office will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law. If any of these responses do contain information or data that the submitter deems to be confidential commercial information that should be exempt from disclosure under state open records laws or is protected under applicable state privacy laws, that information should be identified as privileged or confidential. Otherwise, the responses will be made publicly available.

The Guam OIPD will adhere to the standards set forth regarding PII by the Guam Judiciary. Including obscuring names, limited access to information, and setting a retention period.

<https://guamcourts.org/Judiciary-of-Guam-Policy-Rules/images/Y.%20PERSONAL%20INFORMATION.pdf>

# 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:

a. The public comment period will be no less than thirty days.   
b. To ensure our Initial Proposals accurately capture the diverse needs and objectives of Guam's residents, an extensive outreach and engagement process will be undertaken during the public comment period. Open dialogue is essential for refining and successfully implementing these proposals, and we are adopting multiple avenues to facilitate this community input.

1. Town Hall Meetings: Scheduled across various villages and regions, these meetings will give community members direct interaction with policymakers and planners. Questions, suggestions, and concerns can be openly voiced, with language interpretation services available for non-English speakers.

2. Stakeholder Engagement: Consultations will be held with key stakeholders such as local business leaders, educational institutions, and healthcare providers to gain specialized insights into the unique needs of these groups.

3. Public Notices: To reach those with limited digital access, announcements will be made through local newspapers, community bulletin boards, and community centers.

4. Mass Media Campaign: Radio and television will be used to reach a broad audience, featuring interviews and discussions with key figures involved in the proposals.

5. Social Media Campaign: Platforms like Facebook, Instagram, and Twitter will be utilized to engage younger residents and broaden our reach. Informational videos, live Q&As, and interactive hashtags will form part of this digital campaign.

6. News Media Engagement: Press releases, opinion pieces, and interviews will be distributed to local and regional news outlets for maximum coverage and depth.

7. Public Events: At local festivals, markets, and other public gatherings, dedicated booths and mobile stations will be set up to collect in-person comments. Trained staff will be available to record public opinions and offer more information on the proposals.

**Public comments can be submitted through a diverse set of channels for maximum inclusivity:**

1. Submission Portal: A user-friendly portal on the official website.

2. Email: A dedicated email address for those who prefer this medium.

3. Social Media: Using specific hashtags and direct messaging options.

4. In-Person at Public Events: Staff will collect written and verbal comments at various public events around the island, ensuring that even those without digital access have their voices heard.

Through these multi-faceted outreach activities, we are committed to making these Initial Proposals not just an idea, but a community endeavor that helps shape a connected and inclusive future for all of Guam.

1. The broadband funding map published by FCC pursuant to IIJA § 60105 is referred to as the “FCC Broadband Funding Map.” [↑](#footnote-ref-0)
2. Guidance on the required format for the locations funded by state or territorial and local programs will be specified at a later date, in coordination with FCC. [↑](#footnote-ref-1)
3. The NTIA BEAD Challenge Process Policy Notice allows *up to* 120 days. Broadband offices may modify the model challenge process to span up to 120 days, as long as the timeframes for each phase meet the requirements outlined in the NTIA BEAD Challenge Process Policy Notice. [↑](#footnote-ref-2)
4. 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 not previously offered that service, with no charges or delays attributable to the extension of the network of the provider.” [↑](#footnote-ref-3)
5. The challenge portal has to gather information on the subscription tier of the household submitting the challenge. Only locations with a subscribed-to service of 100/20 Mbps or above can challenge locations as underserved, while only locations with a service of 25/3 Mbps or above can challenge locations as unserved. Speed challenges that do not change the status of a location do not need to be considered. For example, a challenge that shows that a location only receives 250 Mbps download speed even though the household has subscribed to gigabit service can be disregarded since it will not change the status of the location to unserved or underserved. [↑](#footnote-ref-4)
6. As described in the NOFO, a provider’s countervailing speed test should show that 80 percent of a provider’s download and upload measurements are at or above 80 percent of the required speed. *See Performance Measures Order*, 33 FCC Rcd at 6528, para. 51. *See* BEAD NOFOat 65, n. 80, Section IV.C.2.a. [↑](#footnote-ref-5)
7. *Performance Measures Order*, including provisions for providers in non-contiguous areas (§21). [↑](#footnote-ref-6)
8. *Ibid*. [↑](#footnote-ref-7)
9. . 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 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 allowance or if another provider offers reliable broadband service at that location. [↑](#footnote-ref-8)
10. 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. [↑](#footnote-ref-9)
11. A mobile test unit is a testing apparatus that can be easily moved, which simulates the equipment and installation (antenna, antenna mast, subscriber equipment, etc.) that would be used in a typical deployment of fixed wireless access service by the provider. [↑](#footnote-ref-10)
12. The 80/80 threshold is drawn from the requirements in the CAF-II and RDOF measurements. *See* BEAD NOFOat 65, n. 80, Section IV.C.2.a. [↑](#footnote-ref-11)