

# BEAD INITIAL PROPOSAL

*Volume 1*



**ConnectLA**

Louisiana Office of Broadband  
Development & Connectivity

# Message from the Executive Director

*ConnectLA is proud to present the first volume of Louisiana's draft initial proposal for the Broadband Equity, Access and Deployment program. We ask you, as a broadband stakeholder, to review this draft proposal with a critical eye and provide as much constructive feedback as you can.*

*Established by the Infrastructure Investment and Jobs Act of 2021, the BEAD program allocated more than \$42 billion for the construction of broadband networks, the establishment of subsidies to offset the cost of internet service for qualifying households and the creation of training programs to equip users with a digital skillset. The program provides grants to states for these purposes.*

*The public comment period will last 30 days following the publication of this document, and the feedback form can be found at [connect.la.gov](https://connect.la.gov) under the Comment tab. Vol. 1 of this report will focus on ConnectLA's responses to the **third, fifth, sixth** and **seventh** questions of the initial proposal. We do expect our proposal to be updated based on new data and the public's suggestions. This process will be repeated for the second volume of our initial proposal, which will be released in June.*

*Since our office was created in March 2021, we have traveled to 88 cities, towns and villages and hosted more than 100 stakeholder meetings. We have been developing our state's Digital Equity Plan, for which we have held seven regional stakeholder meetings, 30 focus group discussions with covered populations, visits with each of the state's federally recognized Indian tribes and meetings with several voices from our state's historically black colleges and universities. Each of these interactions has informed this proposal.*

*We could not have completed this so quickly without the help of our incredible partners throughout the state, from tribal leaders to the Governor's Advisory Council on Disability Affairs to internet service providers to the very communities affected by the digital divide.*

*We are truly excited to hear your feedback. If you have any questions about the proposal or need clarification on any points, please do not hesitate to contact us at [connect@la.gov](mailto:connect@la.gov).*



Veneeth Iyengar, Executive Director

The state of Louisiana has drafted the following to meet the requirements for Volume 1 of the BEAD Initial Proposal:

- Item 3 – Identification of existing broadband efforts
- Item 5 – Identification of existing unserved and underserved locations
- Item 6 – Identification and application of community anchor institutions
- Item 7 – Detailed challenge process plan

Volume 2 of the Initial Proposal, which includes the remaining fourteen items discussed in the BEAD Initial Proposal, will be released for public comment at a later date. For the purposes of this proposal, “Eligible Entity” is ConnectLA.

**3. Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.**

Addressed below are the existing efforts funded by the federal and state government within Louisiana to deploy broadband and close the digital divide, including on Tribal Lands, as documented in the Louisiana 5 Year Action Plan. Key federal agencies and the documentation available publicly were beneficial to compiling the efforts below, especially the recently released [Investing in Internet for All Dashboard](#) released by NTIA and OICG. As a result of our office's increasing engagement with stakeholders across the state to coordinate and plan the myriad of implementation efforts resulting from these federal funding activities, ConnectLA has substantially bolstered its implementation capabilities to administer our BEAD efforts, including the growing experience and knowledge of our core ConnectLA staff and close efforts with other stakeholders such as Gov. John Bel Edwards’ administration, the Louisiana Municipal Association, Police Jury Association of Louisiana, Louisiana Association of Planning and Development Districts, Board of Regents, Board of Elementary and Secondary Education, state legislators, numerous nonprofit organizations. seasoned contractor resources with capabilities in GIS modeling and data management and internet service providers. We have also bolstered our broadband deployment cost modeling and strategic planning and federal grant program planning and reporting.

Grant Name	Recipients	Purpose	Total	Expended
NTIA Broadband Infrastructure Program	Acadia Parish St. Landry Parish *Expected to serve 30k locations	Planning, Access	\$29.9m	TBD
NTIA Tribal Broadband Connectivity Program	Tunica-Biloxi Tribe of Louisiana Coushatta Tribe of Louisiana	Planning, Digital Skills	\$2.5m \$366k	TBD TBD
NTIA Connecting Minority Communities Pilot	Grambling State University Southern University Law Center Southern University at New Orleans Southern University and A&M College	Access, Affordability, Devices, Digital Skills, Workforce Development	\$2.2m \$3.0m \$3.0m \$6.2m	TBD

US Treasury Capital Projects Fund (GUMBO)	Statewide *Expected to serve 80k locations	Access	\$176m	TBD
FCC Rural Digital Opportunity Fund	Statewide *Expected to serve 176k locations	Access	\$342m	TBD
FCC CAF Broadband Loop Support	Statewide	Access	\$30.9m <sup>1</sup>	\$30.9m <sup>1</sup>
FCC Connect America Fund II	Statewide	Access	\$2.9m	TBD
FCC Emergency Broadband Benefit Program	Statewide	Affordability	\$47m <sup>2</sup>	\$47m <sup>2</sup>
FCC Affordable Connectivity Program	Statewide *Beneficiaries 433k as of 5/16/23	Affordability	\$140m <sup>3</sup>	\$140m <sup>3</sup>
FCC Affordable Connectivity Outreach Grant	Calcasieu Planning Commission City of Natchitoches City of New Orleans St. Landry Parish Government	Affordability	\$946k	TBD
FCC Alternative Connect America Cost Model	Statewide	Access	\$6.3m	TBD
FCC Emergency Connectivity Fund	Statewide	Access, Devices	\$18.8m \$83.3m	TBD TBD
FCC E-RATE	Statewide	Access	\$16.1b <sup>4</sup>	\$10.9b <sup>4</sup>
FCC Lifeline	Statewide	Affordability	\$481m <sup>5</sup>	\$481m <sup>5</sup>
FCC Connected Care Pilot Program	Primary Care Providers for a Healthy Feliciana	Access	\$80k	\$80k
FCC COVID-19 Telehealth Award	Access Health Louisiana Odyssey House Louisiana CMC University of Louisiana-Lafayette Louisiana Primary Care Association Louisiana Independent Hospital Network Coalition	Access	\$930k \$143k \$272k \$891k \$453k	TBD TBD TBD TBD TBD
USDA Reconnect	Iberville Parish Pointe Coupee Parish St. Landry Parish *Expected to serve 3k locations	Access	\$7.7m	TBD

Louisiana LCTCS Broadband Curriculum Expansion Program	Statewide *State supplemental budget 2022	Workforce Development	\$10.3m	TBD
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<sup>1</sup>Expended January 2020 – December 2022

<sup>2</sup>Expended May 2021 – December 2021

<sup>3</sup>Expended January 2022 – May 2023

<sup>4</sup>Expended January 2017 – May 2023

<sup>5</sup>Expended January 2004 – May 2023

\*In our definition, “expended” means “committed”

**5. Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.**

1.2.1 – Two .csv files are available for download (titled “[unserved.csv](#)” and “[underserved.csv](#)”) listing unserved and underserved location IDs. The data is sourced from the FCC’s Broadband DATA Map as of May 2, 2023.

1.2.2 – The state of Louisiana plans to use version two of the Broadband DATA Map to identify unserved and underserved locations. Files were included categorizing the locations as follows:

- Served: locations with speeds greater than 100 Mbps download and 20 Mbps upload (100/20)
- Underserved: locations less than 100/20 Mbps and greater than or equal to 25/3 Mbps
- Unserved: locations with speeds less than 25/3 Mbps
- Note: Unlicensed fixed wireless and satellite are excluded.
- Note 2: Data related to tribal lands was pulled from the US Census TIGER/line shapefile source.

As a note, the publication date of the National Broadband Map does not predate the submission of Volume 1 of the Initial proposal by more than 59 days.

**6. Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)€ of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.**

1.3.1 – Based on the statutory definition of “community anchor institution” as defined in 47 USC 1702 (a)(2)(E), the broadband office applied the definition of “community anchor institution” to mean a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization (including any public housing agency, HUD-assisted housing organization, or Tribal housing organization), or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low- income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

Louisiana has received data through a license with CostQuest Associates who has sourced this data from the U.S. Department of Homeland Security, IMLS, American Red Cross, and the U.S. Census Bureau. Data included as part

of this source is as of August 2021. The office will reply upon this data, as well as version two of the Broadband DATA Map to ensure all CAIs as defined above are accounted for.

The following definitions and sources based on the data provided through the license noted above were used to identify the types of community anchor institutions:

- **Schools:** K-12 schools include all K-12 schools participating in the FCC E-Rate program or that have an NCES (National Center for Education Statistics) ID in the categories “public schools” or “private schools”.
- **Libraries:** Including all libraries participating in the FCC E-Rate program as well as all member libraries, and their branches, of the American Library Association (ALA).
- **Health clinic, health center, hospital, or other medical providers:** The list of health clinics, health centers, hospitals and other medical providers includes all institutions that have a Centers for Medicare and Medicaid Services (CMS) identifier.
- **Public safety entity:** The list includes entities such as fire houses, emergency medical service stations, police stations, sheriff and constable offices, and public safety answering points (PSAP), based on records maintained by the Eligible Entity and units of local government. The list of public safety answering points (PSAPs) includes all PSAPs in the FCC PSAP registry.
- **Institutions of higher education:** Institutions of higher education include all institutions that have an NCES ID in the category “college”, including junior colleges, community colleges, minority serving institutions, historically black colleges and universities, other universities, or other educational institutions.
- **Public housing organizations:** Public housing organizations were identified by contacting the Public Housing Agencies (PHAs) for the state or territory enumerated by the U.S. Department of Housing and Urban Development. The nonprofit organizations Public and Affordable Housing Research Corporation (PAHRC) and National Low-Income Housing Coalition maintain a database of nationwide public housing units at the National Housing Preservation Database (NHPD).
- **Community support organizations:** The Eligible Entity included any organizations that facilitate greater use of broadband service by vulnerable populations, including low-income individuals, unemployed individuals, and aged individuals. The Eligible Entity included senior centers and job training centers in this category. The Department of Labor maintains a database of “American Job Training” training centers, established as part of the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014. The database can be accessed at the American Job Center Finder. The National Council on Aging (NCOA) helped identify senior centers.

In addition, the State is using the Initial Proposal public comment process to ensure that all relevant institutions meeting the CAI criteria are included. Over the past two years, ConnectLA has visited numerous Parish and municipalities to discuss realities surrounding broadband access issues. The office has met with various stakeholders, including leaders and representatives from CAIs throughout the state. To assess the network connectivity needs of the types of eligible community anchor institutions, ConnectLA will encourage public comment relating to Volume 1 of the Initial Proposal from engaged state governmental agencies, relevant umbrella organizations and nonprofits. Using the responses received, ConnectLA will then include new additions to the list of those CAIs that do not have adequate broadband service, attached in question 1.3.2.

1.3.2 – One .csv file is available for download (titled “[cai.csv](#)”) with the current list of eligible CAI locations, location ID, and/or latitude and longitude.

## **7. Include a detailed plan to conduct a challenge process as described in Section IV.B.6.**

1.4.1 – The state of Louisiana will adopt the model challenge process as provided by NTIA.

1.4.2 – The broadband office will modify locations that the National Broadband Map shows to have available qualifying broadband service (i.e., a location that is “served”) based exclusively on the presence of DSL service 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.

1.4.3 – The state of Louisiana will adopt the BEAD Eligible Entity Planning Toolkit.

1.4.4 – 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 § 60105.8
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. Louisiana and local data collections of existing enforceable commitments or obligations.

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. 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 Louisiana 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 state and local enforceable commitments.

1.4.5 – The state of Louisiana has compiled a list of federal, state and local enforceable commitments as documented in Item 3 of Volume 1 of the Initial Proposal.

1.4.6 – Based on the NTIA BEAD Challenge Process Policy Notice, as well as the 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
- 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 up to 90 days. Implementation efforts around the challenge process are supported through capable state contractor and support teams that provide GIS capabilities, data analytics and technical audit skills. These subcontractors will assist in development of the state challenge portal, intake process, and adjudication methods. The office staff will directly review challenges and verify for accuracy of submission. Decisions will ultimately be made by the Executive Director and staff. The state of Louisiana will adopt the model challenge process as provided by NTIA, and described below:

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). A set of eligible locations would be tentatively published on July 7<sup>th</sup>, 2023.
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.
  - a. **Minimum Level of Evidence Sufficient to Establish a Challenge:** The challenge portal will verify that the address provided can be found in the Fabric and is a BSL. The challenge portal will confirm that the challenged service is listed in the National Broadband Map and meets the definition of reliable broadband service. [The challenge will confirm that the email address is reachable by sending a confirmation message to the listed contact email.] For scanned images, the challenge portal will determine whether the quality is sufficient to enable optical character recognition (OCR). For availability challenges, the broadband office will 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.
  - b. **Timeline:** Challengers will have 14 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. This period would occur from July 7<sup>th</sup> 2023 through July 21<sup>st</sup>, 2023.
3. **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 substantiated. A provider may also agree with the challenge and thus transition the location to the “sustained” state.



- a. **Timeline:** Providers will have 14 business days from notification of a challenge to provide rebuttal information to the broadband office. This period would occur from August 4<sup>th</sup> 2023 through August 18<sup>th</sup> 2023.
- 4. **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.”
  - a. **Timeline:** Following intake of challenge rebuttals, the broadband office will make a final challenge determination within 30 calendar days of the termination of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. This period would occur from August 4<sup>th</sup> through September 1<sup>st</sup>, 2023.

**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).	<p>Screenshot of provider webpage.</p> <p>A service request was refused within the last 180 days (e.g., an email or letter from provider).</p> <p>Lack of suitable infrastructure (e.g., no fiber on pole).</p> <p>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.<sup>11</sup></p> <p>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.</p>	<p>Provider shows that the location subscribes or has subscribed within 12 months, e.g., with a copy of a customer bill.</p> <p>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.</p>

L	Latency	The round-trip latency of the broadband service exceeds 100 ms.	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. <sup>13</sup>
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer. <sup>14</sup>	Screenshot of provider webpage. Service description provided to consumer.	Provider has terms of service showing that it does not impose a data cap.
T	Technology	The technology indicated for this location is incorrect.	Manufacturer and model number of residential gateway that demonstrates the service is delivered via a specific technology.	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. <sup>15</sup>	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.

## 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, [connect.la.gov](https://connect.la.gov), for challenge process updates and newsletters. They can engage with the broadband office by a designated email address ([connect@la.gov](mailto:connect@la.gov)).

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 and in alignment with Louisiana revised statute. 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.