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Michigan BEAD Challenge Process: Additional Guidance on Area Challenges

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Earlier today, the first Area Challenges were triggered as part of Michigan's BEAD State Challenge process. MIHI is sharing this guidance that we hope will assist those who are interested in responding to area challenges.

As described in [Section 5.4.5 of Michigan's BEAD Initial Proposal Volume 1](#), area challenges are available for five types of challenges: availability – service is not available, speed, latency, data caps, and technology. They are triggered when a threshold amount of one of those types of challenges to a particular service provided by a particular provider. The threshold value varies based on the density of the census block group: if there are 64 or fewer broadband serviceable locations per square mile in the census block group, then the threshold is 3; if there are 65 or more, then the threshold is 6. Each type of challenge and each technology and provider is considered separately, e.g., 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 cable and fiber, each is treated separately since they are likely to have different availability and performance.

Once triggered, an area challenge reverses the burden of proof and requires the provider to demonstrate that they can meet the Michigan State Challenge Process standard for that challenge type for all of the locations they have reported serving with that technology in that census block group. As described in detail in the [User Guide](#), there are specific standards for rebutting area challenges related to availability – service is not available (beginning on User Guide page 31), speed (see page 34), and latency (see page 34). While we *strongly* encourage all eligible challengers preparing to rebut an area challenge to closely review those sections of the User Guide, we will provide a brief summary below:

For area challenges based on availability – service is not available:

- For wired technology types, area challenges for availability may be rebutted either in whole or by location with evidence that service is available at all locations where the challenged provider has reported providing service within the census block group, e.g., by network diagrams that show fiber or HFC infrastructure or by subscriber information.
- For fixed wireless service, the State Challenge Portal will provide a representative random sample of ten percent of the locations where the challenged provider has reported providing service within the census block group, (but no fewer than 10 BSLs, except that in an instance



where the provider reported providing service to more than the threshold value but fewer than 10 BSLs, every BSL included in the provider's service report would be included in the area challenge), where the provider must demonstrate service availability and speed (e.g., with a mobile test unit). Rebuttal evidence from a mobile test unit must also include the date and time the test was performed and the geolocation of the test unit when the test was performed.

For area challenges based on speed and latency:

- For all technology types, the State Challenge Portal will provide a representative random sample of ten percent of the locations where the challenged provider has reported providing service within the census block group (but no fewer than 10 BSLs, except that in an instance where the provider reported providing service to more than the threshold value but fewer than 10 BSLs, every BSL included in the provider's service report would be included in the area challenge). The challenged provider must provide speed tests that meet the standards for rebutting a speed test challenge or a latency challenge provided on page 34 of the User Guide, including that only speed tests conducted between the hours of 7pm and 11pm local time will be considered. The rebuttal evidence must meet the 80/80 rule – that is, 80% of the locations in the sample provided by the State Challenge Portal must experience a speed that equals or exceeds 80% of the speed threshold.

GENERAL GUIDANCE FOR ALL THOSE RESPONDING TO AREA CHALLENGES

Please continued to keep in mind the general evidence standards described in Initial Proposal Volume 1, the User Guide, and [the Additional Guidance About Evidence memorandum published on April 3](#) including, but not limited to:

- In order to successfully support the rebuttal of an area challenge, evidence must clearly identify the location(s) that are being rebutted and satisfy the specific requirements for the particular type of challenge. Rebuttal reviewers must be able to directly connect the rebuttal locations identified in the portal to the evidence based on information that appears within the evidence itself.
- In the event that one or more maps is/are included in your rebuttal evidence, it is critical to include a legend describing the various elements included on the map (e.g. fiber routes, drops, cabinets, etc.). Roads should also be labeled, and locations included in the rebuttal that are on the map should be labeled with their street address. Map elements and labels should be at a scale that is easily readable. Map legends and labels can also be included in supplemental evidence files if needed.