October 10, 2023

Pennsylvania Broadband Development Authority
Commonwealth Keystone Building
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Harrisburg, PA 17120-0225
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Re: BEAD Initial Proposal Volume I Public Comment

Next Century Cities ("NCC") respectfully submits these comments in response to the Pennsylvania Broadband Development Authority’s ("PBDA") draft Volume I Broadband Equity, Access, and Deployment ("BEAD") Proposal.¹ Notably, the BEAD Proposal outlines the PBDA’s proposed challenge process for Pennsylvania’s broadband map, which will determine locations eligible for over a billion dollars in broadband funding. The PBDA proposes using the National Telecommunications and Information Administration’s ("NTIA") model challenge process.² NCC urges the PBDA to ensure that local officials and community leaders have a meaningful voice in developing accurate broadband maps to guide broadband funding across the Commonwealth.

Inaccurate mapping and gaps in broadband data collections are ongoing barriers that stand between communities and valuable funding opportunities. Local governments and community leaders are key partners to the state in identifying broadband gaps, with unique insight into Pennsylvania’s digital divide. The Federal Communications Commission’s federal challenge process posed barriers for local leaders seeking to inform federal policy. Now, the PBDA has the opportunity to empower community voices in validating the state’s map.

Transparency is integral for local government and community participation. Some local leaders may require assistance with the challenge process. Public outreach in plain language about participating effectively should accompany the challenge process. Collecting local data is both expensive and time consuming, but can provide the most accurate picture of where network and adoption gaps remain. The PBDA can support local leaders facing resource and capacity limitations by providing clear instructions on what information is accepted and how communities can participate.

² National Telecommunications and Information Administration, BEAD Challenge Process Policy (May 2023), https://www.internetforall.gov/bead-challenge-process-policy?_gl=*_19bkxv3*_ga*MTIwNTY3NjkzNS4xNjUvNDAyNjky*_ga_TMN4BJQD7E*MTY4ODE0MDI1My4xOS4xLjE2ODgxNDA1MTkuMC4wLiA*_ga_PKZVCVK41D*MTY4ODE0MDI1My4xOS4xLjE2ODgxNDA1MTkuMC4wLiA&ga=2.123491215.54550871.1687693735-1205676935.1652402692.
Next Century Cities applauds the PBDA’s efforts to include local governments in the broadband mapping process by allowing challengers to submit speed test results as evidence. Federal Communications Commission broadband data overstates broadband availability and speed. Speed tests provide local governments and nonprofits an opportunity to show that actual service quality does not meet advertised thresholds.

Partnerships with community-based organizations and local governments are imperative to developing an accurate and complete list of anchor institutions. Libraries, schools, and community centers are often important public spaces for people who do not have a home broadband connection. Additional clarity about which municipality and county community anchor institutions are located would help expedite local input. Accurately mapping anchor institutions is critical for maximizing broadband funding’s impact.

In particular, Next Century Cities urges the PBDA to provide clear, transparent information to local leaders and community partners:

- Concise and simple descriptions of deadlines, events, and pathways for public participation.
- An ongoing list of types of evidence and details allowable in a challenge submission through the PBDA’s online portal.
- How the PBDA will evaluate whether a challenger’s evidence, methodology, and basis for assertions meets the required evidentiary standards.
- When the PBDA anticipates evaluating the challenger’s submission and how long providers have to respond to the challenge.
- How the PBDA will evaluate whether a provider meets the required evidentiary standard to rebut a challenge.
- How the PBDA will handle these evaluations when the challenger’s evidence and provider’s evidence rely on different methodologies.

Following the PBDA’s evaluation of a given challenge, the challenger should be informed about the success or failure of their challenge within a timely manner. If a challenge fails, the PBDA should provide challengers the opportunity to correct and resubmit data that fall short of meeting evidentiary standards. Guidance for communities that have not started the data collection process should include specific examples of local data collection efforts that would assist with Pennsylvania’s broadband mapping initiatives. Additionally, building flexibility into the process could minimize the burden on challengers less familiar with broadband mapping.

Transparency and clarity about process updates and the role of local governments in verifying and correcting data. Utilizing existing resources to host office hours for
those with questions and providing specific, detailed answers will promote participation in the mapping process from nonprofits and governmental organizations. Timely process updates, clarity on what constitutes a valid challenge, and outreach to the local government entities and public interest organizations that are working to improve data collected from their communities are vital to protect the accuracy of Pennsylvania’s broadband map.

Respectfully submitted,
Next Century Cities