



INITIAL PROPOSAL VOLUME I

connectVI

**Broadband Equity, Access and
Deployment (BEAD) Grant Program**

**GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS
USVI BROADBAND OFFICE**



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Introduction

The US Virgin Islands Broadband Office (VIBO) is proud to present the first volume of the Initial Proposal to meet the requirements of the Broadband Equity, Access, and Deployment (BEAD) grant program. This Initial Proposal - Volume I is being released for public comment in advance of its submission by the Office of Management and Budget to the National Telecommunications and Information Administration (NTIA).

The Office of Management and Budget (OMB) has been designated as the Eligible Entity for the US Virgin Islands to execute the BEAD grant program, including creating the Initial Proposal and conducting the challenge process detailed within this document. The OMB staff interacted with a team of subject matter experts across the territory who also helped to form this proposal.

This document represents one of four separate publications the VIBO is preparing for NTIA in compliance with the BEAD Notice of Funding Opportunity (NOFO). Volume I of the Initial Proposal includes requirements 3, 5, 6 & 7, with comprehensive descriptions of how the Territory will meet all the conditions of program guidelines within those four (4) sections.

All broadband stakeholders are welcome to review this proposal and provide as much constructive feedback as possible. The public comment period will be open for 30 days following the publication of this document on November 12, 2023. Comments regarding the draft should be submitted via OMB's website at <https://www.omb.vi.gov/beat> by **11:59 PM ET on Wednesday, December 12, 2023**.

The VIBO will review all submissions and consider recommendations for program execution. Following the assessment of received comments, and revisions to the proposal, Volume I will be submitted to NTIA for formal approval. Thereafter, a similar process will be done for Volume II. Once Volume I is approved by NTIA and Volume II is submitted, the VIBO will proceed with the Challenge Process referenced in this document. All timelines required by NTIA for the BEAD program to access grant funds will be adhered to. The two volumes together will serve as the US Virgin Island's draft plan for deployment of BEAD funding.

Any questions about the proposal or requests for clarification on any points can be sent to beat@omb.vi.gov. The VIBO, through its ConnectVI program, eagerly anticipates your feedback and potential strategic partnerships with the Territory's broadband stakeholders as we work to deliver affordable, reliable, high-speed Internet access to every Virgin Islander.

SECTION 1 Existing Broadband Funding

(Requirement 3)

1.1.1 Supporting Documentation for Funding Sources and Existing Programs

To minimize the duplication of efforts, the VIBO has identified existing broadband initiatives funded by the federal government within the Virgin Islands. Documenting the current state of broadband efforts is important to understand current resources and relationships, identify gaps and barriers that may exist, and inform and improve future planning and implementation efforts to deploy broadband and close the digital divide.

The table below, as well as the attached .xlsx file (labeled “usvi_BEAD Initial Proposal_Volume I_Existing Broadband Funding Sources.xlsx”), identifies funding sources, a brief description of the broadband deployment/activity, overall total funding commitments, amount of funds expended and remaining funding available.

Source	Purpose	Total	Expended	Available
U.S. Department of the Treasury Capital Projects Fund	For expansion and upgrades of broadband infrastructure	\$14,285,714	\$0	\$14,285,714
Affordability Connectivity Program Outreach (FCC)	To help ensure eligible households can afford broadband service	\$250,000	\$5,793	\$244,207
Broadband Equity, Access, and Deployment (NTIA/IIJA)	For infrastructure planning, digital inclusion initiatives, and deployment projects	\$27,103,240	\$0	\$27,103,240
State Digital Equity Planning Grant (NTIA)	For identification of barriers to digital equity and strategies for addressing those challenges	\$150,000	\$22,763	\$127,237
American Rescue Plan Act (ARPA)/OMB	To fund community WiFi project that provides free WiFi hotspots to underserved communities	\$10,778,921	\$5,497,665	\$5,281,256
Frozen High-Cost Support for ILECs (FCC)	High-cost USF support to ILECs (Support provided directly to ILECs)	\$7,725,900	\$7,725,900	\$0
Connect USVI (FCC)	To support the restoration, expansion, and upgrade of fixed and mobile communications networks in the islands	\$84,456,870	\$0	\$84,456,870
USDA ReConnect Program	To provide high-speed broadband to rural homes, businesses, farms, ranches, and community facilities	N/A	N/A	N/A
Connecting Minority Communities Program (NTIA)	For HBCUs, TCUs, MSIs to purchase broadband internet access service and eligible equipment or to hire and train information technology personnel	\$2,990,594	\$660,975	\$ 2,329,619

SECTION 2 Unserved and Underserved Locations

(Requirement 5)

To produce a current list of unserved and underserved locations in the jurisdiction, the VIBO downloaded a copy of all Fixed Broadband Availability Data from the National Broadband Map on November 10, 2023. The files include categorizing the locations as follows per the BEAD NOFO:

- 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.

The NTIA template for Unserved and Underserved Locations was used to create the two (2) required attachments.

1.2.1 Attachment

The attached CSV file (labeled “usvi_unserved.csv”) contains the location IDs of all unserved Broadband Serviceable Locations (BSLs) in the US Virgin Islands using data as current as of November 8, 2023, from the National Broadband Map, last updated on October 10, 2023.

1.2.2 Attachment

The attached CSV file (labeled “usvi_underserved.csv”) contains the location IDs of all underserved Broadband Serviceable Locations (BSLs) in the US Virgin Islands using data as current as of November 8, 2023, from the National Broadband Map, last updated on October 10, 2023.

1.2.3 Broadband DATA Map Date Selection

The unserved and underserved locations identified in this document and its attachments are based on the October 10, 2023, publication date of the National Broadband Map. In alignment with NTIA guidance, that publication date of the National Broadband Map does not predate the submission of the Initial Proposal by more than 59 days.

1.2.4 Island-Wide Funding Commitment: In 2018, the FCC established the Connect USVI Fund to provide high quality, resilient deployment and restore gains eliminated by devastating Hurricanes Irma and Maria in 2017. Between Stage I and Stage II, the FCC pledged \$84.5 million to provide long-term resilient broadband access to all Virgin Islands households. Following a bidding process, winning provider Liberty Communications USVI committed to provide 1Gbps service to all broadband serviceable locations by 2028.

As a result of this existing Federal funding commitment, all remaining unserved and underserved locations (577 unserved as of the NBM version 10/10/2023) will be served under this existing Federal program. As there will be no remaining locations eligible for BEAD deployment funding, the Government of the U.S. Virgin Islands (GVI) will prioritize digital equity-centric projects and programs with its \$27 million BEAD allocation.

SECTION 3 Community Anchor Institutions (CAIs)

(Requirement 6)

1.3.1 Definition of Community Anchor Institutions

The VIBO has identified the Territory's CAIs based on the statutory definition of "community anchor institution" as defined in 47 USC 1702 (a)(2)(E)¹. This is defined as:

- School
- Library
- Hospital, health clinic/center
- Law enforcement, emergency medical service provider, or other public safety agency
- Institution of higher education
- Public housing organization
- Community support organization or community organization facility that facilitates greater use of broadband service by vulnerable populations, including, but not limited to,
 - a. low-income individuals,
 - b. unemployed individuals
 - c. children
 - d. the incarcerated
 - e. aged individuals

This definition applies to all locations across the territory, and it should be noted that there are no Tribal Lands in the Territory.

Based on the statutory definition above, the following criteria were used to determine the inclusion or exclusion of community support organizations not specifically listed in 47 USC 1702(a)(2)(E)²:

1. Whether or not the community support organization 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.

The VIBO has received source data from the Virgin Islands Next Generation Network (viNGN), Bureau of Information Technology (BIT), and the Office of Health Information Technology (OHIT), to develop a comprehensive list of over 350 CAIs. Data included in this document is as of October 30, 2023.

In its effort to maximize the reach of the BEAD program, the VIBO has broadened the definition to include additional subcategories of community support organizations not specifically listed in the statutory definition. This will allow for community-service based organizations listed in the additional subcategories below. Any organizations that are designated as evacuation centers, emergency shelters, staging locations for emergency health services overflow, outreach and training will also be considered.

¹ 47 USC § 1702 (a)(2)(E), <https://www.govinfo.gov/content/pkg/USCODE-2021-title47/pdf/USCODE-2021-title47-chap16-subchapI-sec1702.pdf>.

² 47 USC § 1702 (a)(2)(E), <https://www.govinfo.gov/content/pkg/USCODE-2021-title47/pdf/USCODE-2021-title47-chap16-subchapI-sec1702.pdf>.

Justification for including these additional subcategories is provided below:

Senior Centers and Senior Living Facilities: These types of facilities meet housing and long-term care needs of the low-income aging population in the territory and safeguard some of the most vulnerable members of the population. This is a population that can benefit from enhanced services that provide opportunities to participate in online digital literacy programs, access telehealth services, and connect with loved ones. VIBO collaborated with the Department of Human Services' Office of Senior Citizen Affairs to identify the Senior Centers and Senior Living Facilities³.

Places of Worship: Places of worship serve as key community anchors in the Virgin Islands community and serve as a meeting place for a large population of the community to participate in activities that expand beyond the definition of religion. These activities include, but are not limited to, assistance in the provision of benefits, housing, and other social services; low- or no-cost meals; childcare; and as physical meeting spaces for community or communal activities. These programs offer support to many underserved populations, such as those who are low-income, unemployed, elderly, and children. In addition, these locations have designated on-premises spaces that are used as educational centers and multipurpose centers for the communities they serve (including digital skills and navigation). Places of worship that serve a vulnerable population and currently lack access to broadband service will be included as CAI locations, according to evidence provided during public comment.

Youth and Adult Detention/Correction Centers: This inclusion will give this population the ability to develop valuable workforce skills that can increase this population's chance of integrating in and contributing to our society. The government-owned Bureau of Corrections (BOC) and Youth Rehabilitation Center (YRC) currently provides education, healthcare, and other community support services to inmates and detainees. However, with the limitations these facilities face, high-speed broadband access is critical to access *advanced* educational and healthcare services not available inside. With enhancements to current services, this population will have the ability to attend remote hearings or meetings with attorneys, operate in virtual reality environments for rehabilitation purposes and engage in distance learning, as well as gain access to forthcoming Digital Equity Act resources.

Job Training Centers: Job training centers are identified as an encouraged subcategory by NTIA Initial Proposal Volume I guidance as they offer training referrals, career counseling, job listings, and similar employment-related services to all Virgin Islanders, including low-income and unemployed residents.

Public Parks: Public parks play a special role in maintaining the healthy fabric of society and Virgin Islands communities. They serve as launch pads for creativity and are crucial to overall health and wellness in a community. The USVI climate and unique culture makes public parks an ideal space to optimize the benefits of broadband expansion by providing free, high-speed, high-capacity Wi-Fi to areas that fosters creative expression in environments that are accessible to a vulnerable population. Bringing connectivity to parks enhances community offerings and gives everyone an incentive to spend more time outdoors. With the resources provided by the

³ Senior Centers and Senior Living Facilities, <http://www.dhs.gov.vi/index.php/senior-citizen-affairs/>

Department of Sports, Parks and Recreation ⁴ (DSPR) and the National Park Service⁵ (NPS), VIBO was able to identify all the eligible public parks.

Community Centers: The US Virgin Islands has numerous community centers and learning centers across the territory that are used for an array of activities. Community centers provide an access point for educational opportunities and support a broad range of social, economic, and environmental community goals. Community members leverage these “hubs” for afterschool tutoring, workshops and trainings, town halls, etc., as these facilities provide a free, clean, and safe gathering space for members of the servicing community regardless of their age or socioeconomic status.

The VIBO has been active in stakeholder engagement across the territory to facilitate conversations between community stakeholders, CAI representatives, and elected officials to understand challenges and to assess the needs of individual CAIs. To ensure full inclusiveness of CAIs across the territory, the NTIA model challenge process will be utilized to ensure proper public comments and challenges are accounted for. Using the responses received, the VIBO will then include new additions to the list of those CAIs that do not currently have adequate broadband service.

To assess the network connectivity needs of the types of eligible community anchor institutions listed above, the VIBO:

Engaged government agencies. The VIBO reached out to territorial government agencies to understand what records they have regarding the availability of 1 Gbps symmetric broadband service at relevant community anchor institutions. The office facilitated several working group sessions with broadband stakeholders to obtain a comprehensive list of existing CAIs. The VIBO also coordinated with the Virgin Islands Department of Education (VIDE) and Department of Planning and Natural Resources (DPNR) to determine which schools⁶ and libraries⁷ do not currently have access to 1 Gbps symmetrical broadband service or the minimum recommended by the State Educational Technology Directors Association (SETDA) in their Broadband Imperative III document. Additionally, the VIBO cross-referenced the Virgin Islands Department of Health (DOH) and Department of Human Services’ (DHS) records to determine which community anchor institutions (e.g., health clinics) lack 1 Gbps symmetrical broadband service.

Engaged relevant umbrella organizations and nonprofits. The VIBO engaged with umbrella and nonprofit organizations that collaborate with community anchor institutions to coordinate and obtain 1 Gbps broadband service availability data. Specifically, the VIBO requested information related to availability needs from the member organizations across the territory.

A partial list of partners engaged is provided below and a complete list of ongoing coordination will be maintained by VIBO:

- American Association of Retired Persons (AARP) Virgin Islands
- Office of Veterans Affairs - US Virgin Islands
- Rotary Club of St. Thomas

⁴ Department of Sports, Park and Recreation, <http://www.dspr.vi.gov/Parks.html>

⁵ National Park Service, <https://www.nps.gov/findapark/advanced-search.htm?s=VI&p=1&v=0>

⁶ Schools, <https://vide.vi/schools/>

⁷ Libraries, <https://www.usvipubliclibraries.com/branches>

- Virgin Islands Housing Authority
- Virgin Islands Office of Disaster Recovery
- Virgin Islands Workforce Development Board
- Align 340
- Community Foundation of the Virgin Islands
- Disability Rights Center of the Virgin Islands
- Sejah Farms
- St. John School of the Arts
- WTJX - Public Television

As of the date of submission, the VIBO, nor their data sources have added any new CAIs or declined to classify other institutions as CAIs. The VIBO expects that as the challenge process progresses, challengers will provide further detail to ensure that all CAIs across the islands and their access needs are accounted for and will allow them to be included as eligible locations for grant funding.

During the public comment period and challenge process in the next section, all additional identified CAIs within the US Virgin Islands will be considered in the final CAI list.

The requirements of an eligible CAI include:

- Lacks access to a 1 Gbps upload/ 1 Gbps download broadband internet connection.
- Has community members that identify with at least one of the following covered populations AND/OR the institution serves at least one of the covered populations:
 - Aging Individuals
 - Incarcerated or Recently Incarcerated Individuals
 - Individuals with a Language Barrier
 - Individuals with a Disability
 - Low-Income Households
 - Racial/Ethnic Minorities
 - Rural Residents
 - Veterans
- Provides at least one of the following digital services for their community’s use:
 - Has a process for offering community members access to laptops, desktops, tablets, hotspots, and/or other digital devices
 - Hosts digital skills training for their community
 - A staff member that serves as a digital navigator, technical support, and/or broadband adoption support

1.3.2 Supporting Documentation for Eligible CAIs

The attached CSV file (labeled “usvi_cai.csv”) lists eligible community anchor institutions that require qualifying broadband service and do not currently have access to such service, to the best of the VIBO’s knowledge.

SECTION 4 Challenge Process

(Requirement 7)

Throughout the last year, internet service providers and residents challenged data on broadband serviceable locations and availability in the FCC’s Broadband DATA maps. Upon approval from the NTIA, the VIBO will launch its own BEAD Challenge Process to give nonprofit organizations, units of local governments, and broadband service providers the opportunity to challenge whether a location or Community Anchor Institution should be eligible for BEAD funding. The sections below describe the VIBO’s proposed challenge process.

1.4.1 Certification of NTIA BEAD Model Challenge Process Adoption

To streamline the challenge process, the VIBO is electing to adopt the NTIA BEAD Model Challenge Process to satisfy Requirement 7 and to ensure that the Territory has a fair and comprehensive process that aligns with federal guidelines.

1.4.2 Modifications to BSL Classification

The VIBO will adopt “Optional Module 1: No Modifications” due to existing funding commitments for universal service within the USVI.

Deduplication of Funding

1.4.3 Certification for BEAD Eligible Entity Planning Toolkit

The VIBO will use the BEAD Eligible Entity Planning Toolkit to identify existing federal enforceable commitments.

Use of BEAD Eligible Entity Planning Toolkit

Yes No

The VIBO 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.
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. US Virgin Islands collections of existing enforceable commitments.

The VIBO will make a best effort to create a list of broadband serviceable locations subject to enforceable commitments and if necessary, will translate polygons or other geographic designations (e.g., a municipality or utility district) describing the area to a list of Fabric locations. The broadband program will submit this list, in the format specified by the FCC Broadband Funding Map, to NTIA.

The VIBO will review its repository of existing territorial broadband grant programs to validate the upload and download speeds of existing binding agreements to deploy broadband

infrastructure. In situations in which the program did not specify broadband speeds, or when there was reason to believe a provider deployed higher broadband speeds than required, the VIBO will reach out to the provider to verify the deployment speeds of the binding commitment. This process will be documented by the VIBO requiring providers to sign a binding agreement certifying the actual broadband deployment speeds deployed. The VIBO will also draw on these provider agreements, along with its existing database territorial broadband funding programs' binding agreements, to determine the set of enforceable commitments.

The attachment, labeled “usvi_BEAD Initial Proposal_Volume I_Deduplication of Funding Programs”, will identify the Connect USVI initiative as the only program that will be analyzed to remove the enforceable commitments from the set of locations eligible for BEAD funding.

Challenge Process Design

1.4.6 Fair, Expeditious, and Evidenced-Based Challenge Process

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

Permissible Challenges

The VIBO 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 VIBO will only allow challenges from nonprofit organizations, units of local government, and broadband service providers.

Challenge Process Overview

The challenge process conducted by the VIBO will include four (4) phases, spanning up to 90 days. Implementation efforts around the challenge process are supported through the Virgin Islands Bureau of Information Technology (BIT). That agency along with OMB's MIS division and website development contractor, will assist in the development of the challenge portal, intake process, and adjudication methods. The VIBO will directly review challenges and verify the accuracy of submission prior to making required decisions.

1. Publication of Eligible Locations:

- a) Prior to beginning the Challenge Phase, the VIBO 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. A set of eligible locations will be tentatively published on February 16, 2024.
2. **Challenge Phase:** During the Challenge Phase, the challenger will submit the challenge through the VIBO 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 VIBO 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 thirty 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 will tentatively be from February 20, 2024 - March 20, 2024.
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 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.
 - a) **Timeline:** Providers will have 30 calendar days from notification of a challenge to provide rebuttal information to the VIBO. The rebuttal period begins once the provider is notified and thus may occur concurrently with the challenge phase. The last possible date for a rebuttal is thirty calendar days after the last day for a challenge, tentatively April 20th, 2024.
4. **Final Determination Phase:** During the Final Determination phase, the VIBO 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 VIBO will make a final challenge determination within thirty calendar days of the termination of the challenge rebuttal. Reviews will occur on a rolling basis, as challenges and rebuttals are received. Final day tentatively May 20th, 2024.

Evidence and Review Approach

To ensure that each challenge is reviewed and adjudicated based on fairness for all participants and relevant stakeholders, the VIBO will ensure that the review of all applicable challenge and rebuttal information is completed in detail without bias, before deciding to sustain or reject a challenge. The VIBO will document the standards of review to be applied in a Standard Operating Procedure (SOP) and will require reviewers to document their justification for each determination. The review team will include up to six members, comprised of but not limited to staff from the VIBO, other staff within OMB, and staff from the USVI’s Bureau of Information Technology. The VIBO plans to ensure reviewers have sufficient training to apply the standards of review uniformly to all challenges submitted. The office will also require that all reviewers submit affidavits to ensure that there is no conflict of interest in making challenge determinations. Unless otherwise noted, “days” refers to calendar days.

Examples from the NTIA of acceptable evidence for BEAD Challenges and Rebuttals are listed below:

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).	<ul style="list-style-type: none"> • 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. • 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. 	<ul style="list-style-type: none"> • 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.	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
L	Latency	The round-trip latency of the broadband service exceeds 100 mbs.	Speed test by subscriber, showing the excessive latency.	Provider has countervailing speed test evidence showing latency at or below 100 mbs, e.g., from their own network management system or the CAF performance measurements.
D	Data cap	The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.	<ul style="list-style-type: none"> • 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.	1. 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.	2. 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.	3. 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	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).

			the location(s) at issue (see Section 6.2 above).	
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.	<ul style="list-style-type: none"> Construction contracts or similar evidence of on-going deployment, along with evidence that all necessary permits have been applied for or obtained. 4. 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>i.e.</i>, 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.)	<ul style="list-style-type: none"> Declaration by service provider subject to the enforceable commitment. 	
C	Location is a CAI	The location should be classified as a CAI.	<ul style="list-style-type: none"> Evidence that the location falls within the definitions of CAIs set by the Eligible Entity. 	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.	<ul style="list-style-type: none"> 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 VIBO 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 VIBO also plans to actively inform all units of local government of its challenge process and set up informative webinars, in-person meetings and regular touchpoints to address any comments, questions, or concerns from local governments, nonprofit organizations, and Internet service providers. Additional methods to inform stakeholders include email communication from the USVI Government, the Governor's press briefings, Company Communicator Cards through Microsoft Teams, press releases to local news platforms, and the Office of Management & Budget's social media pages.

Broadband stakeholders can sign up on the VIBO BEAD website, <https://www.omb.vi.gov/bead> for challenge process updates. They can also engage with the VIBO through a designated email address (bead@omb.vi.gov) or calling the office at the publicly available phone number listed on the website. Providers will be notified of challenges via email.

Beyond actively engaging relevant stakeholders, the VIBO 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 VIBO 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 VIBO 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 VIBO will treat information submitted by an existing broadband service provider designated as proprietary and confidential consistent with applicable federal law and in alignment with US Virgin Islands 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.

The US Virgin Islands at present does not have a general privacy act. However, the Territory has its own data breach requirements under Title 14 of Chapter 110 §2208-2209 of the Virgin Islands Code⁸ Annotated ('the Data Breach Requirements'). Further, the VIBO will adhere to relevant federal laws and regulations pertaining to the protection of PII throughout the implementation of this program.

⁸ §2208-2209 of Chapter 110 of Title 14 of the Virgin Islands Code, <https://legvi.org/vi-code/>