

**Office of Statewide Broadband**  
**FY23 Connect Maryland:**  
**Network Infrastructure Grant Program**  
**Statement of Existing Service Area**

The Office of Statewide Broadband (Office) of the Department of Housing and Community Development (DHCD) is providing funding for projects that will provide broadband service to unserved areas of Maryland. An unserved area for the purpose of this notice is an area lacking wireline supplied 100 Megabits per second download and 20 Megabits per second upload at a maximum latency of 50 milliseconds. In an effort to ensure that our limited funding is directed only to unserved areas, we are requesting that incumbent Internet Service Providers (ISP) provide information on the limits of their service areas that may impact a program application (challenge). A listing of jurisdictions and the Proposed Funded Service Area (PFSA) of applications that have been received is available on our website at <https://dhcd.maryland.gov/Broadband/Pages/Provider-Resources.aspx>.

Any ISP wishing to submit their service area information must provide the information required below no later than 5:00 p.m. eastern prevailing time on December 22, 2022. ISP's may submit their information via email to [osb.md@maryland.gov](mailto:osb.md@maryland.gov). Program applicants may be notified if their proposed project area is impacted based on the information received. Applicants will have five (5) calendar days from said notification to provide any additional information to the Office.

ISP's choosing to provide service area information must provide a signed affidavit attesting to the correctness of the claim and include the following:

1. Their current Federal Communications Commission (FCC) Form 477 submission or equivalent documentation;
2. The minimum/maximum residential speeds offered by their company within the PFSA being challenged;
3. The number of premises to which they currently provide the stated speed within peak interval; and
4. Street level data of actual customers receiving service within the PFSA and the maximum broadband speeds those customers are able to receive. Data supplied must include address data of households currently receiving service.

The Office may, at its discretion, refer a challenge to the impacted program applicant. Program applicants may, but are not required to, respond to any challenge to their application if provided the opportunity. If a statement of service is determined to be credible, the program application may be deemed ineligible or the applicant may be required to remove the area(s) that overlap from their application and appropriately modify their application to maintain eligibility.

Planned service to the geographic project area will not demonstrate service for the purpose of this statement unless State or Federal funds have been awarded and the servicing ISP has committed to timely providing a minimum service level of 100 Megabits per second download and 20 Megabits per second upload at a maximum latency of 50 milliseconds to the area(s) using these State or Federal funds. "Timely" for the purpose of this challenge process means that the challenging ISP is on track to provide service to the area(s) within two (2) years of this submission. Should an ISP's claim of timely service be accepted, no funding for the area(s) will be made since service will be timely available without program funding.

1. As proof of funding commitment and commitment to service the project area(s) in a timely manner, the challenging ISP must provide a notice of award, grant agreement, or memorandum of understanding with the funding agency, and their approved deployment schedule. The Office reserves the right to make its own administrative determination regarding the reliability of the challenging ISP's deployment schedule.
2. If a claim of State or Federal funding for future service is accepted, the servicing ISP must commit to providing qualifying broadband access in the area(s) within two (2) year of its challenge(s).
  - a. The challenging ISP will be required to enter into a Memorandum of Understanding (MOU) with DHCD committing to construct the removed area(s) within this timeframe, barring any agreed extensions of time due to extenuating circumstances.
    - i. Note: if the Office determines that a statement of service is credible on the basis of an existing Federal or State award and the servicing ISP has committed to timely constructing the service area(s) and later defaults, the challenging ISP will be prohibited from submitting applications for additional DHCD funding for no less than three (3) years, and may be subject to having their existing DHCD funding commitments terminated, at the sole discretion of DHCD.

The Office must receive all of the information referenced above or the claim of service will be deemed invalid. The Office will evaluate claims of service that that are submitted with all of the information referenced above and determine if the incumbent ISP demonstrated that more than 10 percent of premises in a proposed project area are serviceable at speeds above 100 Mbps downstream and 20 Mbps upstream as of the date of the application or will timely be provided such service. Mobile and satellite services will not be considered in making the determination of whether or not broadband service already exists in a PFSA.

Claims of service can be made to portions of the proposed project areas without invalidating the entire project. The Office reserves the right to only invalidate a portion(s) of a proposed project area. The Office also reserves the right to update these guidelines in response to non-State funding source rule changes.

Separate claims of service should be submitted for each area being challenged within a jurisdiction.

All applications will remain in consideration until respective evaluations have been completed.

Incumbent ISP's are strongly encouraged to submit third-party verified speed tests of challenged project areas for technologies that can have variable speeds. Speed test results from Ookla, DSL Reports, Speakeasy or any similar independent testing group are considered third party verified speed tests.