

Kentucky “No-BEAD” Location Policy Guide

Overview

This policy guide provides an overview of the Kentucky Office of Broadband Deployment’s methodology to identify and categorize locations that are included on the approved, post-challenge list of BEAD-eligible locations, but which it will not propose to serve with BEAD funds (“no-BEAD” location) following the subgrantee selection process. This guide is designed to help community leaders, service providers, and stakeholders understand the framework and operationalize recently published NTIA guidance on these “no-BEAD” locations.¹

Policy

As outlined in the [Final Proposal Guidance for Eligible Entities](#), the Office may determine that a BEAD-eligible location included on the NTIA-approved list of eligible locations no longer requires BEAD funds, pending the submission of adequate evidence. Evidence must demonstrate with a high degree of certainty that said location meets the criteria established by NTIA to classify a location as a “no-BEAD” location.²

The Office will consider evidence submitted by service providers and other stakeholders who can attest to a location’s serviceability to evaluate whether a location or set of locations included on its approved final BEAD eligible location list should be classified as a “no-BEAD” location for which it does not intend to award BEAD funds. Criteria and evidence for these locations are described in this policy.

¹ See NTIA, Internet for All Broadband Equity, Access, and Deployment (BEAD) Program; Final Proposal Guidance for Eligible Entities ver. 1.2 (Nov. 2024), https://www.ntia.gov/sites/default/files/2024-12/beat_final_proposal_guidance_v1.2.pdf (“Final Proposal Guidance for Eligible Entities”).

² “In any case where a BEAD-eligible location is identified as not being served through a BEAD project, an Eligible Entity will be required to explain the reason for not including these locations and maintain evidence that supports this explanation. Each Eligible Entity will be required to select from a list of reason codes for each BEAD-eligible location that will not be served through a BEAD project. Identifying each of those locations in the Final Proposal will allow each Eligible Entity to affirm it has met its universal coverage obligations (see BEAD NOFO Section IV.B.7.b), while efficiently using its BEAD allocation and preventing overbuilding. An Eligible Entity should only note a location will not be served through a BEAD project when it can affirm, through the appropriate evidence, that an unserved or underserved location meets the criteria of one of the reason codes. NTIA will assess each Eligible Entity’s explanation for non-service with the presumption that the reason codes should be applied in a narrow set of circumstances.” See Final Proposal Guidance for Eligible Entities, pg. 38.

NTIA has outlined the following reasons for which a location identified as BEAD-eligible may be considered a “no-BEAD” location, which are listed in the table below:³

| Reason Code | Description | Subtype |
|-------------|---|--|
| 1 | location should not have a broadband connection | D: Location has been demolished and is not expected to be rebuilt B: Residential location is not habitable U: Location is a support structure (e.g., a garage, parking structure, barn, silo, storage shed) to a nearby building M: Location is intended to be mobile and has not been permanently installed in its current location (e.g., it is an RV or boat) R: Location is not a building but a land or natural formation, such as a large rock or collection of hay bales Z: Location is not serviceable for another reason |
| 2 | location does not need mass-market broadband service due to the nature of use | C: CAI location E: Enterprise location P: Government property |
| 3 | location has been removed from the Fabric by the FCC (or listed as BSL = FALSE) | |
| 4 | location is already served by an enforceable commitment | State enforceable commitment Federal enforceable commitment |
| 5 | location is already served by nonsubsidized service (privately funded network) | |
| 6 | other | |
| 7 | Insufficient funds | |

³ Final Proposal Guidance for Eligible Entities at page 87-90.

NTIA established the following categories of evidence that can be used to support a “no-BEAD” location:⁴

| Type of Evidence | Code | Reason (see above list) |
|--|------|-------------------------|
| Attestation by a unit of local government | L | 1 |
| Attestation by a government entity owning location | G | 1, 2 |
| Attestation by a federal government agency | F | 2 |
| Photographic evidence | P | 1, 2, 5 |
| Subscription (service record) | S | 2, 5 |
| Network diagram | N | 5 |
| Attestation by private property owner | O | 1, 2 |
| Network speed test | T | 5 |
| Other evidence | X | 1, 2, 4, 5 |

NTIA allows Eligible Entities some to determine the types of evidence they may collect to determine the status of a “no-BEAD” location, consistent with the evidentiary objectives established for each Reason Code.⁵

The Office will adopt the following process and procedures for identifying “no-BEAD” locations:

- Kentucky’s minimum project area for a subgrant proposal is a Census Block Group (CBG). During the application process, the Office is allowing prospective subgrantees to identify locations within CBGs included in the application that it is proposing to omit from service for reasons identified in the list above. The Office will require applicants to provide evidence supporting these omissions and evaluate their appropriateness. Applicants must propose to serve 95% of eligible locations within each CBG, however, “no-BEAD” locations will not count against the 95% threshold, so applicants will not be penalized for identifying locations which do not require BEAD funds. Applicants will be permitted to revise applications if, after examination of

⁴ Final Proposal Guidance for Eligible Entities at 90-91; see also id. at 8 (“In its Final Proposal, an Eligible Entity may account for BEAD-eligible locations that it does not propose to serve with BEAD funding. These locations may only be excluded from a BEAD-funded subgrant for the reasons detailed in the guidance to Intake Question 7.9, and the Eligible Entity must maintain appropriate evidence to support the conclusion that those locations require no BEAD service. Evidence of no BEAD service is not provided to NTIA during Final Proposal submission, though NTIA may request evidence from the Eligible Entity at any point. [BEAD]-eligible locations not being served through a BEAD project will be reflected in “fp_no_BEAD_locations.csv” and are not subject to BEAD Program requirements.”).

⁵ Final Proposal Guidance for Eligible Entities at 41-42 (“In noting a location with a reason for not being served through a BEAD project, the Eligible Entity must maintain evidence that meets the objectives described below. If the Eligible Entity cannot produce evidence that maintains these standards, its identification of not serving such locations through a BEAD project will be denied. Examples of such evidence are provided, with recommended specifications for each evidence type provided below this table. If the example evidence is not available, the Eligible Entity should obtain the clearest and most compelling evidence possible that accomplishes the evidentiary objective, and be prepared to discuss those locations with NTIA prior to Final Proposal submission. The Eligible Entity does not have to collect all types of evidence listed for each reason code or sub-code. However, FCC location challenge IDs are required for each location where indicated by the reason code.”).

evidence, the Office disagrees with the applicant's assessment that an omitted location does not require BEAD funds.

- An internet provider does not need to file a BEAD Project Application solely for the purpose of identifying potential "No BEAD" locations.
- Reasons 1, 2, and 5: Internet providers and government entities, whether or not participating in the BEAD program, shall be provided the opportunity to identify locations that fall into these categories and provide evidence proving such.
- Reason 3: The BEAD eligible location list uses Version 5 of the FCC Fabric. The Office will independently conduct its own evaluation of Version 6 and any subsequent Fabric versions that are released prior to grant awards to identify locations that have been removed from the Fabric. The Office will not accept submissions through this process for Reason 3.
- Reason 4: The Office will continue to work with federal funding partners and other grantmaking bodies, as well as recipients of such grants, to identify "no-BEAD" locations that are part of a new or existing enforceable commitment for qualifying broadband service.
- Reason 5: In order for a location to be considered a "no-BEAD" location through this process, the service available must be a "reliable broadband service" as defined in the BEAD NOFO capable of minimum download speeds of 100 Mbps and upload speeds of 20 Mbps with maximum latency of 100 ms.⁶ Consistent with its state Challenge Process, and despite the inclusion of DSL in the definition of "reliable broadband service," evidence demonstrating the presence of DSL service at a location will not be reviewed. Consistent with its state Challenge Process, DSL-only locations will remain on Kentucky's eligibility list unless evidence is submitted showing that the subject location is served by another reliable technology.
- When a location or set of locations that has been determined to be a "No-BEAD" location has been included in a BEAD Project Application, the Office will advise the applicant of such and require the applicant to modify the application to remove the subject location(s) during the application curing process.

Submission of Locations for Inclusion on "No-BEAD" List

The Office will accept submissions of evidence requesting the removal of locations from its BEAD eligibility list until 6:00pm EST on March 7, 2025. Submitters are encouraged to submit this information as early as possible so that the Office may review and disseminate this information to prospective subgrantees during the BEAD Project application window so that the Office may "indicate"⁷ to prospective subgrantees which locations are unlikely to be served by BEAD. The Office intends to compile a list by county and block group of "no-BEAD" locations so that applicants may account for them during the application process.

⁶ See NTIA, Internet for All Broadband Equity, Access, and Deployment (BEAD) Program; BEAD Notice of Funding Opportunity (NOFO), page 15. <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

⁷ See Final Proposal Guidance for Eligible Entities, page 9.

After the closure of the application period, the Office will request modification of applications including one or more confirmed “No-BEAD” locations.

Each submission must include the location template ([NAME_nobead_template.xlsx](#)) with the entity name in the file name and applicable evidence as described in the next section. Submitters should label confidential information, however, NTIA may request to examine this information. The Office will be assisted in this process by its contractor, Connected Nation. Submissions may be uploaded to Connected Nation’s file sharing site at <https://spaces.hightail.com/uplink/nVHHn>.

Data Collection Procedures

For each location for which an entity seeks to have designated as a “no-BEAD” location, the entity shall provide to the Office:

1. A signed attestation from an authorized official confirming that a location identified as eligible is no longer eligible for BEAD funding under one or more of the parameters established by NTIA concerning “no-BEAD” locations and attesting to having personal knowledge as to the accuracy and validity of the evidence submitted. All locations to be covered by an attestation shall be listed within the attestation or attached as an exhibit referred to within the attestation. Attestations shall be submitted as a PDF.
2. Evidence as outlined below, which clearly documents that a location does not require BEAD funding:
 - a. In addition to the attestation from item 1 above, submissions should include at least one of the following types of evidence:
 - i. A network design document that clearly delineates that the location already receives service, or
 - ii. Evidence of a current subscriber at the location (in the form of a customer invoice or other service record).
 - iii. Photographic evidence
 - iv. Network speed tests
 - v. Attestation by unit of local or Tribal government
 - vi. Attestation by government entity owning location
 - vii. Attestation by federal government agency
 - viii. Attestation by private property owner
 - ix. Local government property records (e.g. land use or zoning changes, demolition permits, etc.)
 - x. Other evidence (type X)
3. For locations submitted under reasons 1 or 2, submitting entity shall provide FCC location challenge ID number for each location, demonstrating that a challenge has been submitted to the FCC National Broadband Map for the location.

The Office reserves the right to evaluate evidence submitted and add locations to the “no-BEAD” list based on the sole judgment of Office staff and/or its contractors, following review of the evidence. The Office shall review the materials provided at the time of submission and

shall not be required to collect additional evidence beyond the initial collection period unless it deems it necessary based on its own determination of the facts. Incomplete submissions may be rejected.

Evidentiary Standards by Type

P - Photographic Evidence - Reasons 1, 2, and 5

Photographs proving that broadband infrastructure exists at a specific site, such as the installation of fiber optic cables, wireless antennas, network nodes, or other photographic evidence of broadband service may satisfy this requirement. Photographs may also demonstrate that broadband service cannot be brought to a location. Photographs can include aerial/satellite photography or site photography.

Terrestrial site photography is the standard for this type of evidence. In line with NTIA final proposal guidance, aerial or satellite photography is permissible only if conditions exist that prohibit or prevent the collection of terrestrial photography. If aerial or satellite photography is provided, justification will be required as to why terrestrial photography was not provided. If aerial or satellite photography is provided, submitters should consider submitting oblique views of the subject location using the Commonwealth's [KyFromAbove](#) aerial imagery collection. Please see pg. 46 of Final Proposal Guidance v1.2 for further information.

Photographic evidence must be a JPEG file, dated/timestamped and georeferenced with six decimal digits resolution for longitude and latitude. The photo should show a terrestrial (street-level) view.

S - Subscription (Invoice or Other Service Record) - Reasons 2 and 5

Subscription records shall be used to prove that a location has an active broadband connection that is considered "reliable broadband service." Subscription must be a copy of a bill or service agreement showing a broadband connection to a specific residential or commercial address, listing the type of service (e.g., fiber, cable, fixed wireless), the subscribed speed tier, and the service start date to show broadband availability and presence.

For purposes of this category of evidence, the subscription record must be dated within 180 days from the date of submission to KOBD. Any personally identifiable information ("PII") should be redacted. The record shall be labeled with the location ID. This evidence shall be submitted as a PDF.

N - Network Diagram - Reason 5

Network diagrams shall be used to illustrate the technical architecture of broadband service delivery in a region or specific area. A diagram must demonstrate coverage area, the routing path of broadband signals from the core network to the customer location, and any intermediate devices such as switches, routers, or distribution nodes. Radii or linear distances from hubs, nodes, or other aggregation points are insufficient to demonstrate service to specific locations. This evidence shall be submitted as a PDF.

T - Network Speed Test - Reason 5

Speed tests shall provide direct, quantitative evidence of the quality and performance of broadband service at a given location. By measuring the upload and download speeds, users or service providers can confirm whether the broadband service meets the expectations or requirements for a specific area. Speed tests must contain a date and time stamp and must be performed no earlier than one (1) month before submission of evidence. A speed test must show minimum download speeds of 100 Mbps and upload speeds of 20 Mbps, maximum latency of 100ms and be performed using any of the applications named in Kentucky's Initial Proposal Volume I.⁸ This evidence may be submitted as a PDF or CSV file.

X - Other - Reasons 1, 2, 4, and 5

Submissions falling into the "Other" will be accepted under certain limited circumstances. Evidence in this category will be subject to a high level of scrutiny and an explanation must be given as to why no other evidence type is sufficient to substantiate the claim. The most likely reason why this type of evidence may be submitted is to demonstrate the presence of an enforceable commitment (Reason 4). In this case, acceptable evidence includes copies of executed contracts or memoranda of agreement demonstrating that an agreement exists resulting in the provision of service to the subject location(s).

⁸ Acceptable speed test applications include: Ookla (<https://www.speedtest.net/>), M-Lab (<https://speed.measurementlab.net/#/>), Cloudflare (<https://speed.cloudflare.com/>), and Netflix (<https://fast.com/>)