

OHIO RESIDENTIAL EXPANSION BROADBAND EXPANSION GRANT PROGRAM CHALLENGE PROCESS

BroadbandOhio

Ohio

Department of
Development

Submitting a Challenge

- A challenging provider may submit a challenge only after complete applications are posted on the program website, but no later than sixty-five (65) days after the close of an application period.
- A challenging provider must provide satisfactory evidence that
 - It is providing tier two service to the residential addresses contained within the application or
 - It is providing tier two service in the area adjacent to the residential addresses contained within the application with plans to provide tier two service to address contained within the application no later than two years from the date of the challenge.
- A complete challenge must be submitted to:
 - Ohio Department of Development via Certified Mail:
BroadbandOhio c/o Amy Elbaor,
77 South High Street, 29th Fl.,
Columbus, Ohio 43201
 - Applicant Certified Mail to the applicant's address listed for the application on the program website.
- A challenge will be deemed submitted on the date the challenge is received by Development. If challenges are not received by the applicant being challenged on or about the date the challenge is received by Development, may either be rejected or not considered until the challenge is received by an applicant.
- Development may request additional supplemental information from a challenging provider through a written request by electronic email.
 - Failure to provide supplemental information to Development in the time and manner requested will result in the challenge being rejected.

Challenge Review

- Not later than thirty (30) days after receipt of a challenge, the broadband expansion program authority may do either of the following:
 - Suspend, subject to allowing the applicant provider revising the application, all or part of the application
 - Reject a challenge, approve the application, and proceed with the application process.
- The authority shall allow the broadband provider that submitted the application being challenged to revise the application if the authority upholds a challenge to all or part of the application.
- The authority shall notify both the broadband provider that submitted the application and the challenging provider of any decision made by providing a copy of the decision by certified mail or electronic mail.
- The authority shall update the status of the application on the development website.

Application Suspension

- If the Broadband Expansion Program Authority suspends all or part of an application, the broadband provider that submitted the application may revise and resubmit the application not later than fourteen (14) days after receiving the suspension notification.
- When revising the application, the broadband provider shall not expand the scope or impact of the original application, nor shall the provider add any new residential addresses to the eligible project.
- A revised application shall be provided to both the authority and the challenging provider by the broadband provider applicant.
 - By certified mail to the challenging provider.
 - To Development depending on how the original application was submitted. By electronic mail, certified mail, or the online application system.
- The agency shall publish the revised application on the agency's website with any information determined to be trade secret or proprietary redacted.
- Upon receipt of revised application, the authority shall review the revised application and decide whether to accept it or uphold the challenge within fourteen (14) days.
- The authority will provide a copy of its decision to both the broadband provider that submitted the revised application and the challenging provider by certified mail or electronic mail and shall update the status of the application on Development's website.
- The decision shall be considered final, and further challenges to the revised applications are prohibited.

Upholding Challenges

- If the authority upholds a challenge and the challenging provider fails to provide tier two broadband service as described in the challenge, the challenging provider, after reasonable opportunity to be heard, may be required to do either or both of the following, in addition to being subject to other remedies available under the law:
 - Pay to Development, the amount of the original broadband funding gap for the application that was challenged;
 - Comply with the requirements of any other penalties prescribed by agency rule and imposed after consultation with the authority.
- Any money collected shall be deposited in the Ohio Residential Broadband Expansion Grant Program fund.