



RURAL BROADBAND EXPANSION COUNCIL

Minutes for Regular Meeting Noon on Wednesday, April 21, 2021

This meeting was conducted in compliance with [the Oklahoma Open Meeting Act, as amended by SB 1031 and signed by Governor Stitt on February 10, 2021](#). This meeting was recorded and the recording is available to the public.

The meeting was held by teleconference. There was no physical location for this meeting pursuant to the [declared Emergency](#).

The notice of this meeting was provided in writing to the Oklahoma Secretary of State at least 10 days in advance of the scheduled meeting. At least twenty-four (24) hours prior to the scheduled meeting, the agenda was posted prominently and publicly at the principal offices of the Oklahoma Department of Commerce building at 900 N. Stiles Ave., Oklahoma City, OK 73104 as well as on the Oklahoma Department of Commerce Website at <https://www.okcommerce.gov/about-us/meeting-notice/#rbec>.

1. Welcome / Call to Order / Establish a Quorum

- When joining the online meeting, all parties were notified that the meeting was being recorded.
- Sen. Leewright welcomed members and guests, called the meeting to order at 12:04 p.m., and ordered the roll be taken.
- Members joining remotely: Darlene Brugnoli, Patrick Grace, James Leewright, Roger Neal, Billy Staggs, Sammie Valentino, Daniel Webster, Jerry Whisenhunt, Brian Whitacre, and Brandy Wreath.
- Members absent: Michael Berube, David Ostrowe, Logan Phillips, and Jack Smiley.
- With eleven (10) members having joined, the chair recognized a quorum.

2. * Approval of Minutes from March 17 meeting

- Sen. Leewright asked if there were any additions or corrections to the minutes of the March 17 meeting. There being none, the chair invited a motion.
- Motion [#1] by Neal to approve the minutes of the March meeting of the Council as presented; seconded by Whisenhunt. Roll called; motion passed unanimously.

3. Remarks from Co-Chairman Sen. James Leewright

- Rep. Phillips & I are working through the legislation this council has assisted with. All bills are moving forward.

4. Remarks from Co-Chairman Rep. Logan Phillips

- Because Rep. Phillips was still on the House floor, the Council proceeded to the next agenda item.

5. Report of the GEOGRAPHIC BOUNDARIES sub-committee by Mr. Brandy Wreath (5 minutes)

- Because it's been an extraordinary time at the Commission over the last few weeks, the sub-committee was unable to meet since the last Council meeting, but the staff at the Public Utilities division worked to set meetings with mLab & Ookla regarding their data. The sub-committee will

meet soon to arrange to hear presentations from data providers and prepare recommendations to the Council.

6. *** Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)**
 - No discussion or actions.
7. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**
 - The sub-committee met Monday. Continued to look at the Emergency Broadband benefit coming, probably in early May. Oklahoma will have several participating providers and is uniquely positioned because most of the state qualifies as tribal areas where the reimbursement rate for household broadband bills is \$75/month rather than \$50/month. Sonja Wall is preparing a one-page brief with map of eligible counties to be shared with the Dept. of Libraries, public school systems, and the Cooperative Extension system to get the word out to the public.
 - Mike Fina of the Oklahoma Municipal League reported to the sub-committee on the American Rescue Plan Act (ARPA). Funding for communities for Broadband; awaiting final rules on that.
8. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (10 minutes)**
 - Neal: Please consider sharing the brief & map with the State Health Department, as they have a good network to disseminate information to the public.
 - Leewright: Is the benefit recurring or one-time?
 - Whitacre: As written, it is a monthly payment until the money -- \$3 billion -- is gone. It may last only 5-6 months, unless more money is provided.
 - Leewright: What are the criteria to qualify?
 - Whitacre: Participation in a federal program such as Pell grants, SNAP, etc. I will share the list with the Council.
9. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli (5 minutes)**
 - The sub-committee hosted a call to reach a compromise on connection fees for utility pole attachments. Several pending bills address this topic -- HB1122, HB1923, HB2779, & SB1002.
 - Background: The fundamental goal of this Council is to determine the best way to get broadband to rural parts of Oklahoma. For the past several months, the Council has been examining whether the right environment exists to facilitate broadband deployment. In most rural areas, electric co-op poles are the existing vertical infrastructure on which to attach equipment. So legislation recently introduced addresses access to these poles and the rules and cost rates related to attaching equipment to them. Providers have different viewpoints -- some support the language, some express concerns, and others are neutral.
 - Stakeholders met to seek a compromise. Several proposals were offered. Presumably, the proposal will be technology-neutral, applying to both wireless and wire-line attachments. Has any provider encountered challenges in attaching to electric co-op poles? No examples were offered -- not to say that no such challenges have been encountered. It was suggested that, if compromise cannot be reached, this Council might inventory the challenges, in collaboration with providers and co-ops, to understand the nature of any barriers to deployment. No resolution yet; this sub-committee offered to facilitate.

- Pending bills contemplate all provider types (e.g., wireless and wireline), which is crucial to achieve the state's goals of broadband accessibility, adoption, and affordability.

10. * Discussion and possible action on recommendations of the Policy Impacts sub-committee (10 minutes)

- Leewright: Introduced today a floor substitute using a ceiling/cap via formula. \$1 for 5 years. For the 4 years I've worked on this, I've wanted to expand service and avoid outrageous fees.
- Whitacre: Any Dig Once policy updates? Legislation or programs from other states? Coordination with ODOT's 8-year plan?
- Brugnoli: That policy is currently in place, but stakeholders need to discuss challenges further. The sub-committee offered to work with ODOT to develop language on this.
- Leewright: Legislation next session will likely address this policy.

11. * Discussion and possible action on membership of various sub-committees (10 minutes)

- Governor Stitt appointed Steven Harpe to this Council, replacing Secretary Ostrowe.
- Motion [#2] by Neal to accept Steven Harpe as a voting member on an interim basis (until confirmation of the appointment); seconded by Grace. Motion passed unanimously.
- The chair recognized **Brandy Wreath**, chair of the Geographic Boundaries sub-committee. We have a list of names, but would like to bring them forward next month, after consideration by the sub-committee.
- The chair recognized **Brian Whitacre**, chair of the Adoption Rate sub-committee. We had 3 people interested in joining; one was able to attend a meeting – Mr. Patrick Fucik from T-Mobile. I'd like to wait on the other two until they have a chance to join a sub-committee meeting.
- Motion [#3] by Brugnoli to add Patrick Fucik to the Adoption Rate sub-committee; seconded by Neal. No discussion on the motion. The chair asked for unanimous consent; without objection, the chair declared the motion adopted.
- The chair recognized **Darlene Brugnoli**, chair of the Policy Impacts sub-committee. Will bring forward names next month after discussing in the sub-committee.
- Leewright expressed appreciation for the work of all of the sub-committees.

12. * Discussion and possible action on preparing annual report (10 minutes)

- Leewright invited a motion to table because Rep. Phillips is not present to lead the discussion on this agenda item.
- Motion [#4] by Brugnoli to table until next meeting; seconded by Harpe. Approved by unanimous consent.

13. Discussion of possible agenda items for next meeting

- Leewright: Add tabled items from this meeting to the agenda for May.
- Wreath: Invite the Electric Co-op Association to show current expansions underway.
- Leewright: Add this item to the agenda for May.
- Harpe: ARPA funds exploration & planning. Strategic element to this.
- Leewright: Broadband Fund proposed in legislation to hold those funds, under the control of this Council & administered by the Oklahoma Dept. of Commerce (ODOC).
- Whitacre: update on mapping by GIS techs at ODOC, with mLab, Ookla, and CostQuest data.

- Leewright: Add this item to the agenda for May; also add an update on legislation by the Council co-chairs and Darlene Brugnoli.

14. Announcements

- Leewright: I want to congratulate Steven Harpe. I look forward to working with you.
- Leewright: I look forward to returning to in-person meetings soon.

15. Adjournment

Leewright adjourned the meeting at 12:35 p.m.

* Indicates anticipated action.

Submitted by: Kirk Martin, Oklahoma Department of Commerce
Approved by Council: 5/19/2021