RURAL BROADBAND EXPANSION COUNCIL

Minutes for Special Meeting
Noon on Wednesday, June 16, 2021

This meeting is being 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 will be recorded and the recording will be made available to the public.

The location of the meeting shall be at the State Capitol Building, 2300 N. Lincoln Blvd., Room 206, Oklahoma City, Oklahoma, 73105. People may observe this meeting either **in person or via teleconference** at:
https://tinyurl.com/54z873um

The notice of this special 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-notices/#rbec.

1. **Welcome / Call to Order / Establish a Quorum**
   - Rep. Phillips called the meeting to order at 12:02 p.m. and ordered the roll to be called.
   - Present: Mike Berube, Darlene Brugnoli, Steven Harpe, Logan Phillips, Sammie Valentino, Daniel Webster, and Brian Whitacre.
   - Absent: Patrick Grace, James Leewright, Roger Neal, Jack Smiley, Billy Staggs, Jerry Whisenhunt, and Brandy Wreath.
   - Chair declared that a quorum of the Council was not present.

2. *** Approval of Minutes of the May 19 meeting**
   - Tabled until action can be taken.

3. **Remarks from Co-Chairman Sen. James Leewright**
   - Tabled until next meeting.

4. **Remarks from Co-Chairman Rep. Logan Phillips**
   - Three priorities for this Council for this summer: Grant program; Annual report; & Mapping

5. **Presentation by Mike Fina of the Oklahoma Municipal League (OML) on federal money coming to local governments through the American Rescue Plan Act (ARPA). (10 minutes)**
   - The Mayors Council of Oklahoma is having a policy discussion today with the White House on ARPA funding for infrastructure and broadband will be part of that discussion.
   - Regarding ARPA:

(1) **Broadband**.   Treasury is writing the rules, which will be released later this summer. There are 3 buckets of funding municipalities can use for broadband:

1. <u>Municipal allocation</u>. Includes a premium pay provision.
2. <u>State fund a.k.a. Capital Improvement Program</u>. $10 million.
   a. Prioritize funding for fiber optic infrastructure, where feasible.
   b. Prefer investment in "hundred symmetrical" (100/100 mps).
   c. Consider ways to integrate affordable options into program design.
      i. Emergency Broadband (EBB) program.
      ii. Emergency connectivity / E-rate program for libraries and schools. $7 billion available. Apply between June 29 & August 13.
   d. Prioritize support for broadband networks owned by, operated by, or affiliated with local governments, nonprofits, and cooperatives.
   e. Use strong labor standards including project labor agreements and community benefits agreements, that offer wages at or above prevailing rates, including local hire provisions. Bring back employees that might have been laid off or lost.
3. <u>General state money</u>.

(2) **General overview**.
- <u>Process</u>. Legislative leadership is putting together the structure to ask for, receive, and disburse ARPA funding received by the state. The State will next ask Treasury for ARPA funding. Once the funding is in place, the State has 30 days to write rules. Then the State will receive the Non-Entitlement Unit of Government (NEU) funds. OML will collect information from municipal governments to be able to transfer funds. To manage this for the Governor working with legislative leaders, the State has hired **Clay Holk**, who gained lots of experience handling CARES Act money when he directed the Grants Management Office of the City of Tulsa. Several outstanding questions posed to the Treasury Dept., e.g., not factoring in municipal utility revenue.
- <u>Use of funds</u>. Not a lot of guidance yet on eligible uses of funds. Hope to ensure funds will be used for investments in lasting infrastructure.
  - Municipalities will use most of this money to improve water and wastewater systems.
  - At the County government level, there is an opportunity to invest in broadband.
  - Hope partnerships can be created with counties, municipalities, industry, and the state to coordinate planning and investment.

- Harpe: Lots of procedural things to work out with ARPA. WHO are the players, HOW to spend the funds, and WHAT to spend it on. Cabinet selected broadband as a top priority. Time is critical! Suggest selecting 2-year projects, to accommodate inevitable delays. Claw-back is a real threat, so program management will be key.
- Phillips: Time is critical for Oklahoma to capture this money.

6. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Dr. Brian Whitacre for Mr. Brandy Wreath (5 minutes)**
- Slide deck: Example of National Broadband Availability Map (NBAM)
  - In Oklahoma, only Sonja Wall (State Broadband Coordinator) and Dr. Whitacre have access to this map.
  - 34 states are working on these maps, showing datasets the Council is considering, e.g. FCC Form 427 data, CostQuest Broadband Serviceable Location Fabric, and Ookla speed tests. It provides "on the ground" checks or "ground truth."

- The sub-committee has not yet made a recommendation on whether to purchase the Ookla data.

7. *** Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)**
   - Phillips: What are the concerns with Ookla data?
   - Whitacre: Cost – about $45,000-$50,000 for the fixed data. The mobile data is an additional cost. The sub-committee is still discussing whether to recommend the purchase of one, both, or neither of the datasets.
   - Brugnoli: Is the Ookla data based on user-reported or independent sources?
   - Whitacre: User-reported.
   - Brugnoli: Caution – mobile has a lot of variability. Consider root metrics to understand, document the limitations of the data, and balance contradicitions.
   - Phillips: Can the Ookla data be parsed to look at different variables?
   - Whitacre: Yes; it also includes technical documentation. The Council should know that adding this data to our maps will be a full-time job for someone and more resources will be needed.
   - Harpe: I think the whole issue of adoptability is a red herring. When the grandparents live in the house and are only paying for a certain rate [of broadband service] and young kids move in, they're going to want the gigabit service. Treat it like a utility and get a basic level of service into the building regardless of what the subscriber is paying for. If not, we'll just stair-step this and not accomplish the mission. For funding considerations, prioritize availability over adoption.
   - _____   The data are noisy, but can be used to identify available speeds in certain areas.
   - Phillips: The mapping is absolutely necessary. It's the basis of everything we're doing. The CostQuest data is solid. We need to look more at the Ookla data. It seems to have value, if it's overlaid in the right manner with the right constraints. But we don't have quorum today, so we can't make decisions at this time.

8. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**
   - We met this month. Share 2 files.
   - Emergency Broadband Benefit (EBB) Enrollment. $50-$75/month subsidy to low-income households. OK is top 5 in nation on percentage basis. Thanks to those who have helped spread the word. Continue to spread word until the $3.2 Billion runs out.
   - Digital Equity Act of 2021 has been introduced in the U.S. Senate. $60M in formula grants to all states and $125M in competitive grants. Digital literacy. Bipartisan support.

9. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (10 minutes)**
   - Phillips: Increased benefits for Lifeline program on Tribal lands?
   - Fina: [garbled]

10. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli (10 minutes)**
    - Gov. signed 5 bills on broadband:
      1) HB 1124 Rural Broadband Grant Program. Effective 11/1/21. ODOC & Council. Best practices from other states. Revolving fund. Administered by ODOC.
      2) HB 2040. Definitions. Effective immediately; actions due 10/31/21, e.g. award guidelines for grant program and weighted approach for awarding incentives. OUSF affected? Adds 2 new members to Council.

3) HB 2928. Mapping. Effective immediately; actions due 10/31/21 and 12/01/21. Look at FCC's data collection methodology. Establishes foundations for mapping. Set forth responsibilities for private providers and public entities (OMES, OneNet, & ODOT) to provide broadband network coverage area map data to ODOC and the Council.
4) SB 802. Adds new members to Council.
5) HB 2946. Tax rebate bill. Effective 7/1/21. Many actions with due dates. $49M in incentives.
- 2 bills didn't pass: pole attachments and easements bills.

11. * Discussion and possible action on recommendations of the Policy Impacts sub-committee (10 minutes)
- Phillips: Pole attachments and easements bills will be addressed at first of next session.
- Brugnoli: Ask Fina/OML to host meetings to gain consensus on proposed legislation regarding pole attachments and easements.
- Fina: I would like to work with Jim Reese on this.
- Phillips: This Council will set the guidelines for the tax rebate in HB 2946.
- Harpe: OMES can quickly provide its portion of the map data mentioned in HB 2928.
- Whitacre: Clarify what data the bill requires of providers – shape files?

12. * Discussion and possible action on membership of various sub-committees (5 minutes)
- Tabled; no quorum.

13. * Discussion and possible action on preparing annual report (10 minutes)
- Tabled; no quorum.

14. Discussion of possible agenda items for next meeting
- None.

15. Announcements
- Throughout 2021, Council meetings are set for the 3rd Wednesday of each month at 10:00 a.m. in Room 206 of the State Capitol.
- The Next regularly scheduled meeting is on Wednesday, July 21, 2021.
- Members must attend in-person in order to count toward quorum, speak, and vote.

16. Adjournment
- Rep. Phillips adjourned the meeting at 12:53 p.m.

* Indicates anticipated action.

Submitted by: Kirk Martin, Oklahoma Department of Commerce
Approved by Council: 7/21/2021