



# Rural Broadband Expansion Council Annual Report, 2020

## Introduction

In May 2020, with the passage of HB 4018 and SB 1002, the Oklahoma Legislature established the Rural Broadband Expansion Council to improve and expand high-speed internet connectivity in rural Oklahoma and to and to reduce its cost. The legislation took effect upon passage. During the remainder of the year, the Council met four times to organize and to begin gathering information necessary to recommend new policies and incentives to achieve these goals.

## Membership / Appointees

**House Speaker Charles McCall** appointed:

- Mr. Mike Berube, a private-sector technology professional with expertise in broadband connectivity, access, price and related economic factors
- Ms. Darlene Brugnoli, a representative of a wireless telecommunications provider not affiliated with an incumbent local exchange carrier in Oklahoma
- Mr. Roger Neal, representing the interests of rural health care
- State Representative Logan Phillips
- Mr. Billy Staggs, representing the interests of rural internet service providers

**Senate Pro Tempore Greg Treat** appointed:

- Mr. Patrick Grace, a representative of rural electric cooperatives
- State Senator James Leewright
- Mr. Daniel Webster, representing the interests of rural business enterprises
- Mr. Jerry Whisenhunt, a citizen from a community of less than 50,000 population that is not part of the Oklahoma City or Tulsa metropolitan statistical areas
- Dr. Brian Whitacre, a professional with academic expertise in large-scale information technology infrastructure with emphasis on rural broadband access

**Governor Kevin Stitt** appointed:

- Secretary David Ostrowe, a government official with knowledge and experience with the technology assets and operations of the Oklahoma Dept. of Transportation (ODOT), OneNet, and the Office of Management and Enterprise Services (OMES)
- Mayor Jack Smiley, a mayor of a municipality with a population of less than 25,000 and not part of the Oklahoma City or Tulsa metropolitan statistical areas

- Ms. Sammie Valentino, representing a wireless telecommunications provider with operations in Oklahoma and at least 24 other states

**Oklahoma Corporation Commission Chairman Todd Hiatt** appointed:

- Mr. Brandy Wreath, a person with expertise in administration of the Universal Service Fund

### Administrative Support

The Oklahoma Department of Commerce provides administrative support to the Council and assists the Council to comply with the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

Commerce files **meeting notices** for all Council meetings with the Oklahoma Secretary of State. Visit <https://www.sos.ok.gov/meetings/legacy/search.aspx> and search for “rural broadband.”

Commerce created and maintains a dedicated public-facing **webpage** for the Council. Visit <https://www.okcommerce.gov/about-us/rural-broadband-expansion-council/>. There Commerce posts all approved agendas and minutes, as well as all presentations made to the Council and documents referenced during Council meetings. The webpage invites anyone interested to subscribe to the Rural Broadband Expansion Council **email list** to receive updates and meeting notices.

Commerce also created a **document-sharing site** in Microsoft Teams site for the exclusive use of Council members and related Commerce staff.

### Meetings and major motions in 2020

Date	Type	Location	Notes	Major motions approved
8/19/2020	Special	Zoom	Inaugural meeting	<ul style="list-style-type: none"> <li>• Selected Sen. Leewright and Rep. Phillips to co-chair the Council.</li> <li>• Created the Geographic Boundaries sub-committee; Mr. Brandy Wreath, chair.</li> </ul>
9/16/2020	Special	Zoom		<ul style="list-style-type: none"> <li>• Created the Policy Impacts sub-committee; Ms. Darlene Brugnoli, chair.</li> <li>• Created the Advisory sub-committee; Secretary David Ostrowe, chair.</li> </ul>
10/21/2020	Special		Canceled	
11/10/2020	Special	Zoom		<ul style="list-style-type: none"> <li>• Created the Adoption Rates sub-committee; Dr. Brian Whitacre, chair.</li> </ul>
11/18/2020			Canceled	
12/16/2020	Special	State Capitol, Room 112		None; quorum not present.

Presentations in 2020

Date	Presentation	Presenter
9/16/2020	Broadband Coordination Summary	Sec. David Ostrowe & Ms. Sonja Wall, OneNet
	Broadband Policy Impacts	Dr. Brian Whitacre
	Oklahoma Universal Service Fund	Mr. Brandy Wreath
	Broadband Boundary sub-committee Strawman Proposal 9/03/2020	Mr. Brandy Wreath
11/10/2020	Oklahoma Broadband Locations and Mapping	Mr. Mike Wilson, CostQuest Associates

Summary of Discussions, Testimony, Analysis, Information, Actions, and Significant Events in 2020

**August 19, 2020 at 10:00 a.m**

**Discussion: history, purpose, and intent of legislation the Rural Broadband Expansion Council**

- Sen. Leewright: The legislative intent is to provide a comprehensive, long-term broadband plan for the state. Private-sector to lead with little to no public sector involvement. Ensure all stakeholders are at the table. Effective use of public & private resources; best use of state, local, & tribal resources. Tied to the legislative process in order to ensure success; develop a plan in time to file needed legislation.
- Rep. Phillips: Set foundation for the State of Oklahoma to move forward with a multi-year plan for broadband expansion. The approach in the past has been piecemeal. Provide growth opportunities; identify the weaknesses and roadblocks to bringing high-speed broadband to under-served areas. We'll define geographical areas of the state. Decide how to move internet capabilities into under-served areas. Our efforts will affect many aspects of development – economic, healthcare, and education

**Discussion: Plan for conducting a study of rural broadband access in Oklahoma; separate geographical areas**

- Director Kisling congratulated Sen. Leewright & Rep. Phillips on their election as co-chairs and turned the meeting over to them. Sen. Leewright deferred to Rep. Phillips to conduct business.
- Rep. Phillips opened the meeting to questions, comments, and concerns.
- Dr. Whitacre – Several other states have already attempted to put together their own maps of rural broadband availability. FCC Form 477 data is available, but flawed. Look at other states to learn from their approaches. Georgia is a good example. He volunteered to pull together some of this information.
- Mr. Whisenhunt – Providers need to verify data for OK map. Follow-up/coordination might be

done by Oklahoma Corporation Commission.

- Mr. Wreath – OCC will help in this regard. We have staff who are expert in this matter.
- Mr. Grace – What was the legislative intent of separating the state into different geographical areas? Rep. Phillips (who authored the legislation) explained the theory was to identify regional characteristics determined by the Council (e.g. positive population growth) which would enable the pursuing legislation and funding opportunities more appropriate to certain geographical areas.
- Ms. Brugnoli – It may be helpful to consider how USDA defines “rural” given that they have funding opportunities for rural areas.
- Secretary Ostrowe – We have ordered new maps since the 2010 maps and can share them with the Council.
- Dr. Whitacre – Our folks closely monitor the USDA and we can share that information (e.g. funding opportunities, definition of rural, etc.).
- Sen. Leewright moved to create a sub-committee to recommend boundaries for geographical areas. Roger Neal seconded the motion. In a roll call vote, the motion passed unanimously.
- Sen. Leewright asked the following Council members to serve on the sub-committee: Ms. Brugnoli, Mr. Grace, Secretary Ostrowe, Mr. Whisenhunt, Dr. Whitacre, and Mr. Wreath.
- Mr. Whisenhunt – The Council should check on upcoming USDA grants under the ReConnect program.
- Sen. Leewright moved to nominate Mr. Wreath to chair the sub-committee. Motion seconded by Secretary Ostrowe. No vote being required, the motion and second were accepted by the presiding co-chair, Rep. Phillips.

**Discussion: Future agenda items**

- Rep. Phillips invited members to suggest future agenda items and presenters.
- Agenda Item: Ms. Brugnoli suggested Secretary Ostrowe summarize previous work and accomplishments.
- Agenda Item: Dr. Whitacre volunteered to review research findings on policies, legislation, and funding mechanisms from other states.
- Agenda Item: Mr. Whisenhunt suggested Mr. Wreath to update on funding and the Oklahoma Universal Service Fund (OUSF).

- Sen. Leewright suggested scheduling 20 minutes per speaker, to allow some time for Questions & Answers.
- Rep. Phillips observed that many tribes are working to expand broadband. Who has connections that can educate us about these efforts?
  - o Secretary Ostrowe – Tribes have been very involved in the Broadband Council and I’m happy to reach out to them.
- Agenda Item: Report from the sub-committee on geographical boundaries (20 minutes).
- Mr. Whisenhunt asked to hear more about the vision of the co-chairs. Sen. Leewright: private sector driven task to produce solutions. Rep. Phillips: Bring bright people together and use real data to create a state plan.
- Rep. Phillips inquired about content for the Webpage to be hosted by Commerce. Director Kisling said he thinks the range of content will reveal itself as the Council’s work progresses. He stated that the Commerce Research division will help with this.
- Agenda Item: Ms. Valentino suggested the Council look not only at access to broadband, but also adoption of broadband services throughout the state.
  - o Ms. Brugnoli – Unserved, under-served, & served. Access vs. adoption. We don’t want to overbuild a system.
  - o Dr. Whitacre – Research indicates that both access and adoption affect economic development. In Oklahoma, the Digital Inclusion Alliance is addressing adoption issues, like cost, lack of adequate hardware, etc.
  - o Secretary Ostrowe – OMES has commissioned a study on adoption; it’s out on RFP.

**Discussion: Future meeting dates for the Council**

- Sen. Leewright recommended meeting at least monthly. After discussion, Mr. Neal moved that the Council meet on the third (3rd) Wednesday of each month. Mr. Webster seconded. In a roll call vote, the motion passed unanimously.
- Roger Neal moved that monthly Council meetings begin at 10:00 a.m. Darlene Brugnoli seconded the motion. In a roll call vote, the motion passed unanimously.
- Rep. Phillips: Special meetings remain an option

**September 16, 2020 at 10:00 a.m**

### Discussion of possible agenda items for next meeting

- **MOTION 4** by Sen. Leewright to establish a sub-committee on Policy Impacts (both positive and negative) at the State & Municipal levels; seconded by Mr. Webster. Motion approved unanimously by roll call vote.
- Co-chair Phillips called for volunteers and recommendations for members to serve on the Policy Impacts sub-committee. The following members volunteered: Darlene Brugnoli; Daniel Webster, Mike Berube; James Leewright; Sammie Valentino. Additionally, Ms. Brugnoli recommended Jack Smiley to serve to represent the perspective of mid-size cities.
- **MOTION 5** by Mr. Grace to accept those volunteering or recommended above to serve on the Policy Impacts sub-committee; seconded by Ms. Brugnoli. Motion approved unanimously by roll call vote.
- **Q1** – Mr. Grace: Is all federal funding data from FCC & USDA-RD public? Dr. Whitacre/Mr. Wreath replied that the information is available. Mr. Grace: I think the Geographical Boundaries subcommittee may want to look at that funding data.
- **Q2** – Ms. Brugnoli: Is funding data to be collected by state agencies? Sonja Wall: Yes; we're working on it.
- Ms. Brugnoli: Helpful if map identifies areas of over-build.
- Rep. Phillips: adoption rates – clarify what's meant by "over-build." Sen. Leewright agreed.
- Sec. Ostrowe: We commissioned an Adoption Study with CARES money. Should go out in next 2 weeks. John Budd, Sec. of Agency Accountability, is overseeing it. Hope results will be ready in next month.
- Dr. Whitacre: Adoption levels data are available from Census, but a little dated. Will send to Sec. Ostrowe to give to Sec. Budd.
- Rep. Phillips. We may consider later creating a sub-committee on Adoption Rates. Sen. Leewright asked to add an agenda item for the Oct. meeting re: Adoption Rates data. Sec. Ostrowe will present on the topic.
- Rep. Phillips: Sending an outreach letter to tribal groups to get them involved and share information about programs, processes, data, etc. Invite them to present to this group.
- **Q3** – Sen. Leewright to Sec. Ostrowe: Which tribes have you worked with previously? Mainly the Chickasaws, but presentations to all the tribal councils.

- Mr. Grace: Per the legislation, this Council is tasked with defining “over-building,” perhaps by Policy Impacts (“municipal issues”) sub-committee, and possibly “broadband,” perhaps by the Geographic Boundaries (“Brandy’s”) sub-committee.
- **Q4** – Ms. Brugnoli: Will the Council have a discussion on different modes of broadband (fixed vs. mobile; variability of speeds; etc.).
- **Q5** – Sen. Leewright: Factors in defining broadband? Sec. Ostrowe: Use FCC definition as a minimum (25/3, bifurcated between fixed and wireless); Mr. Wreath: I echo that. Mr. Wreath will send out the FCC’s broadband definition (simplified) to the Council.
- Rep. Phillips: We will likely need to update the statutory definition.
- Rep. Phillips: Josh Moore, city councilman from Edmond, has requested to address the Council to discuss urban & suburban issues re: broadband. Ms. Brugnoli welcomed the request.

☐ Mr. Berube left the meeting at approximately 11:40 a.m.

- **MOTION 6** by Sen. Leewright to invite Josh Moore to next meeting to discuss urban & suburban issues with broadband expansion; second by Ms. Valentino. Motion approved unanimously by roll call vote.

### **November 10, 2020**

#### **Discussion and possible action on Geographic Boundaries**

- What, legislatively, does the Council want to do?
- Sen. Leewright: I think a sub-committee should do the lion’s share of this work.
- Sec. Ostrowe: The previous Broadband Council set up a Broadband Mapping Team to address these issues and boundaries. They have done work in this area and continue to meet. My recommendation would be to adopt that group into this Council’s sub-committee.
- **MOTION 2** by Sen. Leewright to add the members of the Governor’s Broadband Mapping Team to the Council’s sub-committee on Geographic Boundaries and to add any willing Council members; seconded by Mr. Grace. Sec. Ostrowe, Mr. Berube, and Ms. Brugnoli volunteered to serve on the sub-committee. Motion approved by unanimous roll call vote

#### **Discussion and possible action on creating a sub-committee on Broadband Adoption Rates**

- **MOTION 3** by Ms. Brugnoli to create a Council sub-committee on Broadband Adoption Rates with Dr. Brian Whitacre as chair; seconded by Sec. Ostrowe. Motion passed by unanimous roll call vote.
- Co-chairs advised anyone interested in serving on this sub-committee to contact Kirk Martin at Commerce.
- Dr. Whitacre asked the co-chairs for direction for sub-committee.

- Rep. Phillips gave latitude to the sub-committee to determine its focus, but asked the subcommittee to identify issues that might require legislative solutions.

#### **Discussion and possible action regarding tribal engagement**

- Rep. Phillips will mail a letter today to all tribal governments in Oklahoma.
- Sen. Leewright is considering proposing legislation to add at least one member to the Council to represent tribal interests.
- Rep. Phillips invited discussion. Ms. Brugnoli and Mr. Whisenhunt supported Sen. Leewright's idea. Mr. Fina (Oklahoma Municipal League) was supportive and stated that the recent McGirt decision by the U.S. Supreme Court is redefining the relationship between Oklahoma government and tribal governments. Rep. Phillips also supported the idea.
- Sen. Leewright will work with Rep. Phillips and the tribes in writing the amendment to the legislation and determining whether the appointment will be by the Speaker or the ProTem.

#### **Discussion and action on date, time, and locations for 2021 Rural Broadband Expansion**

##### **Council meetings**

- Sen. Leewright proposed using Room 206 (House Conference Room) or Room 535 (Senate Conference Room).
- Rep. Phillips will organize the meetings.
- Rep Phillips proposed keeping the same date (3rd Wednesdays) and time (10:00 a.m.). No objection.

##### **Discussion of possible agenda items for next meeting**

- Dr. Whitacre proposed further discussion on CostQuest presentation, especially as it relates to service coverage and next steps for the Council.
- Sec. Ostrowe proposed considering anticipated state budget funding shortfalls and their impact on legislative funding/budgets for initiatives desired by the Council.
- Sen. Leewright asked for Sec. Ostrowe to present information on relevant subscriptions and related costs.
- Rep. Phillips reminded all members and sub-committee members that the Legislative session is coming up soon. We need to develop some legislation to set foundational work of the Council

### Council Expectations for 2021

Actions which the Council expects to take in 2021 include supporting the creation of a state broadband office within Oklahoma state government, addressing digital inclusion, requesting funding necessary to create a useful broadband map of Oklahoma, and creating a sub-committee on Grant Rules.

Approved by the Council on 03/21/2022.

Submitted to:

- Governor Kevin Stitt <[bond.payne@gov.ok.gov](mailto:bond.payne@gov.ok.gov)>
- Charles McCall, House Speaker <[nitasha.devan@okhouse.gov](mailto:nitasha.devan@okhouse.gov)>
- Greg Treat, Senate President Pro Tempore <[jamie.steele@oksenate.gov](mailto:jamie.steele@oksenate.gov)>