Rural Broadband Expansion Council
Annual Report, 2021

Contents

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. In 2020, the Council's main accomplishments were organizational. By contrast, in 2021 the Council made substantive progress with regard to passing legislation, mapping broadband service and assets, securing funding for the Council's work, establishing policies and principles to guide funding recommendations, and supporting the creation of a State Broadband Office.

Membership / Appointees

House Speaker Charles McCall appointees:

- 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
- Mr. Drew Beverage, a wireless internet service provider. He fills a new Council seat, effective as of July 2, 2021.

Senate Pro Tempore Greg Treat appointees:

- 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
- Mr. Cliff Agee, a Tribal Leader of a tribe recognized in Oklahoma. He fills a new Council seat, effective as of August 4, 2021.

Governor Kevin Stitt appointees:

- Deputy Secretary of Digital Transformation Steven Harpe, 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). He replaces Secretary David Ostrowe on March 2, 2021.
- Mr. Mike Fina, a mayor (current or former) of a municipality with a population of less than 35,000 and not part of the Oklahoma City or Tulsa metropolitan statistical areas. He replaces Mr. Jack Smiley on September 9, 2021.
- Ms. Sammie Valentino, representing a wireless telecommunications provider with operations in Oklahoma and at least 24 other states.

Oklahoma Corporation Commission Chairman Todd Hiett appointee:

- Mr. Brandy Wreath, a person with expertise in administration of the Oklahoma 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 found at https://www.okcommerce.gov/about-us/rural-broadband-expansion-council/. There Commerce posts all approved agendas and minutes, the public-facing **State Broadband Map**, and all presentations made

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

Meetings and Major Motions

Date	Type	Location	Notes	Major motions approved
1/20/2021	Regular	Hybrid – State Capitol, Rm 206 and online*	No quorum	
2/24/2021	Special	online*		Approved minutes of the 11/10/2020 and 12/16/2020 meetings, as presented.
3/17/2021	Regular	online*		Approved minutes of the 01/20/2021 and 02/04/2021 meetings, as presented.
4/21/2021	Regular	online*		Approved minutes of the 03/17/2021 meeting, as presented.
5/19/2021	Regular	online*		Approved minutes of the 04/21/2021 meeting, as presented.
6/16/2021	Special	State Capitol, Rm 206	No quorum	
7/21/2021	Regular	State Capitol, Rm 206		Approved minutes of the 05/19/2021 and 06/16/2021 meetings, as presented. Contingent on availability of ARPA funding, fund digital inclusion grants for counties ($5,000/county; $385,000 total). Establish a new sub-committee for Grant Rules. Rep. Phillips to chair Grant Rules sub-committee. Darlene Brugnoli to lead effort to write Annual Report.
8/18/2021	Regular	State Capitol, Rm 4S.5		none
9/15/2021	Regular	State Capitol, Rm 4S.5		Approved minutes of the 07/21/2021 and 08/18/2021 meetings, as amended.
10/20/2021	Regular	State Capitol, Rm 206		Approved minutes of the 09/15/2021 meeting, as presented.
11/17/2021	Regular	State Capitol, Rm 5S.2		Approved minutes of the 10/20/2021 meeting, as presented. Support the creation of a Broadband Office and recommend the same to the ARPA committee.

*In accordance with *the Oklahoma Open Meeting Act, as amended by SB 1031 and signed by Governor Stitt on February 10, 2021*.

Presentations to the Council

Date	Presentation	Presenter
2/24/2021	Verizon Accelerating America Executive Summary	Mr. Will Castro
2/24/2021	Verizon Accelerating America Broadband Full Version	Mr. Will Castro
5/5/2021	Ookla Whitepaper	
5/5/2021	Ookla State Broadband Presentation	
5/19/2021	Emergency Broadband Benefit Fact Sheet	Dr. Brian Whitacre
5/19/2021	Motorola Oklahoma Broadband Council Meeting Presentation	Mr. Prash Ramani & Mr. Jason Smalley
6/16/2021	Digital Equity Act One-Pager	Dr. Brian Whitacre
6/16/2021	Emergency Broadband Benefit Enrollment Comparison	Dr. Brian Whitacre
6/16/2021	Example of National Broadband Availability Map Capability	Dr. Brian Whitacre
7/20/2021	American Rescue Plan Interim Final Rule	
7/20/2021	ARPA FAQs Updated 7-14-2021	
7/21/2021	South Carolina mapping methodology	Mr. Jim Stritzinger
9/10/2021	AARP Rural Library Digital Navigators proposal 9/1/2021	Dr. Brian Whitacre
9/10/2021	Emergency Broadband Benefit Enrollment 5-digit ZIPs 9/1/2021	Dr. Brian Whitacre
10/20/2021	Guidehouse & OMES's Overview of Federal Funding for Broadband	Mr. Jeff Meyers & Ms. Ashley Schenk
10/20/2021	929 Strategies' Overview of Oklahoma's ARPA Grant Process	Ms. Melissa Houston
11/17/2021	CareerTech Rural Broadband	Mr. Jaared Scott
11/18/2021	Rural Digital Navigator Summary	Dr. Brian Whitacre

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

January 20, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Jerry Whisenhunt for Mr. Brandy Wreath (20 minutes)**
   - Whisenhunt: Geographic boundaries are definitely needed, but we need more information to definethem. The mapping project should provide this information. Currently, the federal government usesCensus Block data, which we know are inadequate. We need to identify who is unserved. We need funding for the mapping project to do that.
   - Leewright: Has the sub-committee determined the needed level of funding?
   - Grace: The CostQuest data will cost $54,000 a year (cheaper if multi-year purchase). Another data source is being considered by the sub-committee. Ballpark of $200,000 (not yet voted on bysub-committee).
   - Phillips: Would $400,000 for the coming year be enough?
   - Grace: Yes, for data; however, the sub-committee has not addressed possible funding for staffing.

- Leewright: Would Commerce handle such an account?
- Martin (Commerce staff): That's my understanding. The current account is at Commerce.

2. **Discussion and possible action on different modes of broadband, definitions, servicecoverage, boundaries, and/or costing (20 minutes)**
   - Phillips: The floor is open for discussion [but no official action].
   - Whisenhunt: There's been much discussion that the State's definition should mirror the federal government's. As their definition changes, so should ours. [Pine Telephone Company] is "doing symmetrical" (same speed up as down), like the co-ops are. Oklahoma should mirror the Feds – goup if they go up and have *no less* than they do – if for no other reason than funding.
   - Whitacre: Several other states (e.g., Illinois, Minnesota, & New York) have set goals higher than the FCC definition – 50 up and 250 down. That's 10 times higher than the current thresholds. Thesub-committee doesn't think we need to set our definition that high for now, but know that's the direction others are going.
   - Webster: The Policy Impacts sub-committee met and discussed broadband speeds. We're mostlyin agreement that following the FCC definition is advisable. That doesn't prevent the state from setting higher goals later.
   - Leewright: To clarify – the recommendation is to mirror the FCC definition for broadband, but wemay go higher later? [Several members nodded.]

3. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (10 minutes)**
   - Whitacre: The sub-committee met several times since the last meeting and have reached a couple of conclusions.

   A. The survey organized by Secretary Ostrowe is very helpful. OK ranks about 40th in over-all adoption rates, but higher on cellular & satellite connections, which, frankly, is not the kind ofbroadband connectivity I think we want.

   B. To improve adoption, I want to bring to the Council's attention 3 main points, 2 of which relate to the recent federal Stimulus package passed by Congress in December:

   1. The federal Stimulus package has $3.2 Billion for <u>$50/month broadband support for households</u> – much higher than historical. But this money may not last long and we don't know when it's going to be available.

   2. The federal Stimulus package has $1 Billion funded through the National Telecommunications and Information Administration (NTIA) for <u>infrastructure & adoption inTribal areas</u>. High potential here for both infrastructure & adoption, so we will monitor this.

   3. The Oklahoma Corporation Commission has the <u>Oklahoma Lifeline Fund</u>. It's modeled on the federal Lifeline Fund, which provides a subsidy of $9.25/month to low-income households to pay for either wireless or broadband connection. Here in Oklahoma, we have a tribal component that covers most of Oklahoma. In this area, low-income households qualify for an additional subsidy of $25/month. The uncovered area includes portions of 13 counties, 9 of which are rural. For this area, there is a proposal currently under consideration by the Oklahoma Corporation Commission for an additional $5/month per eligible household, funded through the Oklahoma Lifeline Fund. This consumer subsidy, by increasing demand for service, would incentivize phone companies to offer coverage in those areas. The OCC estimates that the cost of funding this $5/month subsidy would be covered by a fee increase of 3-4 cents per month for subscribers with a wireless, VOIP, or

landline connection. An alternative proposal is to extend the $5/month subsidy for *all* areas of Oklahoma, costing about 19 cents/month for all subscribers.

- Leewright: What are subscribers' existing fees per month?
- Whisenhunt: The Feds charge about $6.50/month on landlines; nothing on "internet only." I don't recall what it is on wireless. The State imposes lower amounts. The federal Lifeline program says,"Pick one – either cell phone or wireless" and experience shows that most households choose cell phone over Wi-Fi, even though they want to have both.
- Phillips: If the rules changed to permit more than one device per household, would that affectadoption?
- Whisenhunt: Oh, yes. However, that is the federal program.
- Phillips: What are the eligibility requirements for the new $50/month federal program?
- Whitacre: The household eligibility requirements remain the same as before. That new program also includes $100 subsidies to purchase tablets or laptops, the cost of which can be a barrier tomany.
- Phillips: I will note that the recommendation of the sub-committee is for the 3-4 cent fee for thesupplement of the Oklahoma Lifeline Fund.

4. **Report of the POLICY IMPACTS sub-committee by Deano Cox for Ms. Darlene Brugnoli (10minutes)**

- Darlene will give a full report next month. Educating consumers will help increase adoption of broadband services. Mike Fina, OML, has provided a lot of perspective. The sub-committee wants to focus on addressing the needs in rural areas.

- Topic 1: More discussion needed on "served" and "unserved" to agree on definition. CostQuest looks only at fixed connections, excluding other options like fixed wireless and wireless. We needmore discussion about understanding these terms.
- Topic 2: Barry Moore and others have worked on the broadband definition. Keep it out of OCC &under Commerce. Rep. Phillips will file a bill defining it at 25/3 with the option to raise it later.
- Idea for legislation -- In 2018, the industry ran a bill, authored by Sen. Leewright, for a rebate on the tax paid by carriers on machinery and equipment used to build the broadband network. In Oklahoma, that tax rate is 8.9% -- the 5th highest rate in the country. Three studies show that lowering this rate could stimulate investment. Put a group together to look at this measure to see if it would help rural Oklahoma.
- The sub-committee recommends looking at measures by other states (e.g., Virginia) to increase broadband infrastructure and adoption.
- There are many players in the industry. Competition is a good thing. We want a level playing field.
- Leewright: We're filing legislation for the rebate. Some legislators will require provisions for a sunset & a cap. Funding will not be extravagant, but enough to open the door and move forward, benchmark, demonstrate a return on investment to the state, and build support for additional funding, similar to the ACES program at Commerce [which recruits aerospace and defense businesses to Oklahoma].
- Cox: The rebate is good because it isn't paid out for 2 years, after the build-out, giving time toevaluate what's working.
- Whitacre: Has the sub-committee considered "Dig Once" legislation? It requires running new

- stateconstruction projects (roadwork, trenches, etc.) by local ISPs to see if there's an interest in running conduit (for fiber lines) at the time of construction. Requires no money to implement. Only about 5 states doing it. Iowa since 2014.
- Co-chairs Phillips and Leewright were interested in hearing more about this in the future. Leewrightasked the Policy Impacts sub-committee to present more information on the topic to the Council.
- Whitacre: The FCC released its latest broadband report (using 2019) showing the national averageof rural areas with 25/3 speed broadband is 82% (U.S.) vs 72% (OK).
- Robbie Squires: Consider encouraging ISPs to work in tandem with ODOT's 8-year plan,especially regarding the "Dig Once" concept.
- Cox: We'll get a group set up in the next couple of weeks to look at the proposed tax rebate measure.
- Leewright: We're giving great latitude to who is recognized to speak and will follow more decorumonce we can meet more easily. I recommend that the sub-committee chairs select a Council member from their sub-committee to present to the Council.
- Grace: Regarding "Dig Once," we have seen a tremendous openness from Secretary Ostrowe to facilitate that kind of cooperation, so even if legislation is not possible, I'd recommend that we share the "Dig Once" idea with the Governor's Cabinet.
- Leewright: Agree. ODOT especially has always been a great partner to work with.

February 24, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Mr. Brandy Wreath**
   - FCC defines broadband as 25/3. Continue the conversation if FCC changes it.
   - Boundaries – good discussions ongoing.
   - Mapping – Through webinars, we have found that a lot of valuable data is available. Some is user-generated and/or crowd-sourced and provides trend information and real-time test data for speed. This can be used for mapping overlays with other data.
   - Costing – No updates.
   - Lifeline, Broadband, and Oklahoma Universal Service Fund (OUSF). Avoid double-recovery andcounter-recovery.
   - Will coordinate with Oklahoma Corporation Commission chair Todd Hiett on boundaries, costing,OUSF, etc.

Questions, responses, and comments

- Phillips: Explain more about speed test data.
- Wreath: Some websites collect speed data from users, including connection type. One source (M-Lab) has free data available; other sources charge for their data. The sub-committee will look atwhat data is available and how we can use it. There is also an app that can be imbedded in a website, such as [ok.gov](ok.gov), to gather speed test data from users.
- Leewright: How current is the speed test data?
- Wreath: Some is real-time data; other data is pretty recent. OUSF will get a membership.
- Whitacre: A public-facing map of data would be desirable. Is that part of this discussion?

Who would do? Who would fund?

- Wreath: Rep. Phillips's bill puts the Oklahoma Department of Commerce in a lead role onmapping because of its GIS capabilities. Could overlay CostQuest & M-Lab data.
- Leewright: The activities mentioned in Brandy's report are what the sub-committees were created for.
- Phillips: Sharing the map(s) – as long as it protects proprietary information – is a good idea.

2. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre**
- Presentation by Verizon on affordability for consumers. Supportive of municipal broadband.
- Monitoring the federal Stimulus package for $50/month broadband subsidies.
- Tribal infrastructure and adoption package through the NTIA. Holding. March webinar.
- Wreath:
  - Lifeline programs update. By design, Oklahoma's state Lifeline program works in conjunction with the Federal program. While it is predominantly a voice program, it pairswith broadband services. A few years ago, the feds changed the definition of tribal area (where consumers got a $20/month subsidy), so subscriptions fell from the "enhanced" federal Lifeline program. That, in turn, led providers to reduce service to very basic levels for Lifeline customers. We learned that the $20/month subsidy significantly affected subscription rates.
  - Propose putting additional money in Oklahoma Lifeline program as a short-term bridge for non-tribal areas. For example, a $5/month subsidy used by 35,000 customers wouldcost about $2 million/year.

3. *** Discussion and possible action on Broadband Adoption Rate issues**
- None at this time.

4. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli**
- Following up on last month's report by Deano Cox. We established sub-groups in our firstPolicy meeting. Here are key takeaways:
- <u>Municipal barriers</u> to deployment. Overall, no significant barriers at this time. Municipalities areworking well with providers.
- <u>Private barriers</u> to deployment. Are providers working well with each other? Are all providers playing by the same set of rules? Some legislation has been introduced to fine-tune the rules and regulations to ensure that access can be provided to rural areas.
- Mapping will help to guide where to target public funds. First unserved, then underserved. Properly calibrate the incentives to get desired results.
- Policy principles/recommendations:
  - Focus on increasing adoption where service is already available.
  - Expand service first in unserved areas. Evaluate areas in need.
  - Use federal dollars first, then supplement with state dollars.
  - Be consistent with federal policies, such as 25/3 definition, per FCC.
  - Policies should be competitively and technologically neutral. Avoid picking winners andlosers. Helps with price discipline.
  - Use a competitive process to award funds.
  - Streamline regulations on infrastructure deployment. (Right of Way)
  - Dig Once policies. Met with ODOT & OTA. Complexities of ongoing projects --

highway,retail, & commercial. Needs more discussion with all the players before proposing legislation. Conversations will continue.

- Questions:
    - o Grace: Did the group address tax issues? A franchise tax? Preference for building out unserved areas?
    - o Brugnoli: No franchise tax discussed. Incentives contemplated to encourage private investment in broadband deployment in areas of greatest need. Rebate systemdiscussed.
    - o Phillips: Can state funding cause issues for ISPs regarding getting federal dollars?
    - o Brugnoli: We understand that the federal Rural Digital Opportunity Fund (RDOF) will first focus on states with no programs in place. RDOF-Phase II will focus on areasthat need more service. So, the State needs to fully evaluate what is going on at the federal level before considering funding for rural deployment.
    - o Leewright: I appreciate that the private sector is driving this effort.

March 17, 2021

1. **GEOGRAPHIC BOUNDARIES sub-committee report by Mr. Brandy Wreath (10 minutes)**
    - The sub-committee met by teleconference on March 4 and reviewed proposed broadbandlegislation. We have no concerns currently.
    - We have reached out to mLab and Ookla to meet to see how their data can be used. When a meeting is set, we will notify the Council so members who wish can participate. [mLab is the San Francisco-based, fully managed cloud database service that hosts MongoDB databases; Ookla is the Seattle-based global leader in internet testing and analysis and the company behind Speedtest.]
    - The sub-committee agrees that a public-facing map of broadband availability is very important.
    - As legislation moves forward and the Broadband Fund is established, we want to ensure that the Oklahoma Corporation Commission (OCC) has a good, proactive relationship with the Oklahoma Department of Commerce (ODOC) for mutual data sharing. We anticipate that kind of cooperation,given the current leadership at both OCC & ODOC; however, if leadership were to change and affect cooperation between the agencies, then it might need to be addressed through legislation.

2. *** Discussion and possible action on recommendations regarding different modes of broadband, definitions, service coverage, boundaries, and/or costing (10 minutes)**
    - Whitacre: Kirk Martin put me in touch with the GIS specialists at ODOC and I shared with them Arkansas' public-facing map and data sources behind it. I also told them about the CostQuestdata we've already purchased. They are, potentially, the people who will build our map, which will be a significant undertaking.
    - Whitacre: Sonja Wall [from OneNet/State Regents] told me that the recently passedAmerican Recovery Plan has funding for states to build broadband maps.

- Phillips: Please share the information about that funding so we can try to capture them.
- Phillips: Did the Geographic Boundaries and Adoption Rate sub-committees look at how layering the data of various types and from various sources – speed test data, CostQuest data, ISPservice areas – might work?
- Wreath: We've been waiting to get more technical data from the meetings we're trying toset up with mLab and Ookla.
- Whitacre: I told the GIS specialists at ODOC about the Council's interest in using thesedata for layering.
- Phillips: New chair of FCC committed to improving the quality of its maps.

3. **ADOPTION RATE sub-committee report by Dr. Brian Whitacre (10 minutes)**
   - The sub-committee heard a presentation from T-Mobile, which is becoming more active in the state.They have installed a low-band version of 5G for much of rural OK for in-home internet. At a cost of
     $50/month, it is a feasible option for many households. This has not been marketed much yet.
   - The sub-committee continues to monitor the Emergency Broadband benefit. $50/month discount. Expands eligibility to a large number of people. Program enrollment via USAC or providers; however, not all providers will participate in this program over concerns about how long the program will last. Sign up in late April or early May. All provider types are eligible to participate. [The Universal Service Administrative Company (USAC) is an independent, not-for-profit corporationdesignated by the Federal Communications Commission (FCC) as the administrator of the Universal Service Fund (USF).]
   - Texas plan re: the "homework gap," the digital divide among high school students. Texas is proposing to provide free at-home internet service to every public-school student. In Oklahoma, about 285,000 households have a student with no broadband access. Texas is negotiating with ISPs to get a fixed regional price for these households and then use the schools' funding allocationsfrom the American Rescue Plan (ARP) to run these programs. Chicago has done something similar.

4. *** Discussion and possible action on Broadband Adoption Rate issues (10 minutes)**
   - Brugnoli: Oklahoma has a good framework in place for addressing the homework gap. Sonja Wall at OneNet has worked with ISPs to assist with distance learning efforts. The Texas legislation you mention, I believe, is looking at using appropriated funds to make the Distance Learning Program permanent and Oklahoma could consider the same. The framework of OneNetworking with local school districts is already in place. We can explore this further in the sub- committee meetings.
   - Whitacre: To clarify, are they appropriating dollars to the school districts for this?
   - Brugnoli: The legislation in Texas is proposed and depends on finding state budget dollars.I will look into that and report back to the sub-committee.
   - Whitacre: Any update on the Oklahoma Lifeline Program? The Council had previously discussed the possibility of running some legislation to enact a small charge to pay to expand theprogram. Is that still feasible given that the ARP money is coming?
   - Wreath: The Oklahoma Corporation Commission (OCC) did vote on the

OUSF [Oklahoma Universal Service Fund] contribution factor, but that order will likely be reconsidered orappealed, so it might not be timely to push that in this legislative session. Toward the end of session, OCC will probably issue a round of questions for public input about the Lifeline amounts. This will give the Council some language to consider for legislation during next session.

5. **POLICY IMPACTS sub-committee report by Ms. Darlene Brugnoli (10 minutes)**
   - An important milestone: Last May, in the midst of the pandemic, the Oklahoma Legislature passedHouse Bill 4018 creating this council to expand rural broadband. On March 12, 2021, less than a year later, under the leadership of Speaker McCall, the House advanced a package of bills that, when passed, will become historic broadband legislation which lay the groundwork for comprehensive improvements to support broadband deployment with a focus on rural areas.
   - The bills that were passed by the House last week are HB2040, HB2090, and HB2928 (by Speaker McCall); HB 1122 & HB1124 (by Rep. Logan Phillips); HB1923 (by Rep. Martinez); and HB2779 (byRep. Pfeiffer). These bills will now advance to the Senate.
   - The Policy Impacts sub-committee evaluates all of these bills and offers suggestions. It continuesto discuss affordability and adoption as well as how best to inform Oklahomans about what is available in their areas.

6. ***Discussion and possible action on recommending language for legislation (10 minutes)**
   - Phillips: Thank you and congratulations to the members of this Council for their work. You have accomplished more in one year than I expected to be achieved in three. Special thanks to the Policy Impacts sub-committee for reviewing the bills and suggesting corrections.
   - Grace: The Council has accomplished a lot and I'm proud to be part of that. It seemsthat some bills "call out" electric cooperatives, contrary to the stated policy principles to not pick winners and losers and to include all technologies and partners.
   - Phillips: That language was not caught in time to correct in HB1923 and HB2779 on theHouse side, but will be corrected on the Senate side. Two bills from the Senate will go to the House dealing with membership of Council. We have three weeks to make tweaks.
   - Brugnoli: Verizon also has questions on the same bills. I propose a Policy Impacts sub-committee meeting soon.
   - Whitacre: HB1124 sets up the new State Broadband Deployment Grant Program, but mentions no funding amount. How does that work and what's the timeline?
   - Phillips: We know that additional federal money is coming that could be used for the grant, but we don't know how much or when. The bill is a "shell bill" to create the mechanism to fund and administer the grant. This Council [and Commerce] will make the rules for the new grantprogram and request funding for the second and succeeding years.

April 21, 2021

1. **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.

2. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (10 minutes)**
- <u>Neal</u>: Please consider sharing the brief & map with the State Health Department, as they have a good network to disseminate information to the public.
- <u>Leewright</u>: Is the benefit recurring or one-time?
- <u>Whitacre</u>: 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.
- <u>Leewright</u>: What are the criteria to qualify?
- <u>Whitacre</u>: Participation in a federal program such as Pell grants, SNAP, etc. I will share the list with the Council.

3. **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. 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.

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

- <u>Leewright</u>: 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.
- <u>Whitacre</u>: Any Dig Once policy updates? Legislation or programs from other states? Coordination with ODOT's 8-year plan?
- <u>Brugnoli</u>: That policy is in currently in place, but stakeholders need to discuss challenges further.
  The sub-committee offered to work with ODOT to develop language on this.
- <u>Leewright</u>: Legislation next session will likely address this policy.

5. * 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.

6. * 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.

May 19, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Mr. Brandy Wreath (5 minutes)**
   - The sub-committee met in early May and heard a presentation by Ookla, which has a number of datasets that would be useful to the Council's work. They are working with several other state governments, e.g., South Carolina. Huge volume of house-level, user-generated data from speed tests all across the state. The price for this data, about $80,000, is surprisingly reasonable and provides current data and one year of legacy data. The data can easily be overlaid with other work we're doing with federal data. Dr. Whitacre has ideas on funding sources and OUSF may potentially be a funding partner because OCC could use the data for other purposes.
   - *[**Ookla** is the provider of Speedtest, a web service that provides free analysis of Internet access performance metrics, such as connection data rate and latency. **OUSF** stands for the Oklahoma Universal Service Fund administered by the Oklahoma Corporation Commission.]*
   - The data from another data provider, mLab, don't drill down to the level that Ookla does.
   - The sub-committee made no official recommendation, but will likely recommend buying two datasets from Ookla – the Speedtest intelligence reports and the mobile network overlay to help build the maps the Council is responsible for creating.
   - Questions and answers follow.
   - Whitacre: Commerce to build map, where other states hire it out. No conclusion yet.
   - Wreath: Telecom & broadband is new to the GIS staff at Commerce, so the Council may recommend hiring a company that is already familiar with mapping broadband data.
   - Phillips: How accurate is the speed test data by Ookla?
   - Wreath: The data are very reliable. The data are at the device level; however, some are beginning to test at the modem level, to remove cabling issues, etc.

2. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**
   - The sub-committee met last week. The federal Emergency Broadband Benefit (**EBB**) began about a week ago and provides a $50/month subsidy to qualifying households for broadband. Because of the way the Federal Communications Commission (**FCC**) defines tribal lands, about 70 of Oklahoma's 77 counties qualify for a higher ($75/month) benefit. About 75 providers in the state are participating and about a third of them are offering a $100 discount on devices. Many providers explain on their websites how to sign up for EBB. The sub-committee is focused on spreading the word. We've partnered with Libraries, nonprofits, and the County Extension offices to promote EBB. Fact sheets explain who is eligible. The only concern is how many new people will this add?
   - When data are available on participation, the sub-committee will review them. Cost is the primary reason most households don't have a broadband connection.
   - American Rescue Plan Act (ARPA) will provide about $1.9 billion to Oklahoma, counties, and some municipalities. The sub-committee would like ORBEC to request some of this money to

promote digital literacy, which is the second reason most households don't have a broadband connection.

- Some states have Digital Navigator programs to promote digital literacy and help people sign up.
- Questions and answers follow.

Phillips: Tulsa has a digital navigator program. Will EBB work with the Lifeline program?

- Whitacre: Eligible households can participate in both EBB and the Lifeline program. Right now, EBB is funded only until money runs out. Efforts are underway to extend/fund EBB longer.
- Phillips: Send me fliers/fact sheets and I'll share with other House members to promote.

3. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli (5 minutes)**

- The first meeting of the sub-committee on Dig Once policies – as reported previously – focused on transportation projects by ODOT. The outcome of the first meeting was to recommend continuing the conversation with stakeholders, focus on best practices, and work with ODOT on a case-by- case basis given the scope of their projects. A best practices approach allows for flexibility, collaboration, and coordination, rather than legislation.
- The sub-committee held its second meeting on Dig Once policies, this time focusing on municipal challenges. Mike Fina, director of the Oklahoma Municipal League (OML), shared his perspective and proposed better coordination by cities, residential & commercial developers, and industry.
- Challenges were discussed, including notification, planning, awareness, needs, costs, technology may limit the ability to participate in joint trenching, and there's no way for cities to notify providers when the ground is open. The challenges are many and complex and require more discussion.
- The sub-committee is looking at what other states are doing on Dig Once.
- Sonja Wall at OneNet shared an idea for Broadband-Ready Communities. Not a mandate, but a signal, that a community is ready for broadband deployment. As described, it would be at the municipal level with an application process for broadband projects. OneNet is working with OML and providers to develop this program.
- The representative the Oklahoma Dept. of Transportation (ODOT) discussed a mapping opportunity to share information on future transportation projects with providers.
- OneNet is hosting conversation and developing on best practices. OSU is conducting studies on this topic. The Policy Impacts sub-committee looks forward to meeting with the Adoption Rate sub- committee on Dig Once.
- Questions and answers follow.
- Phillips: The Broadband Ready Community idea is brilliant and with our mapping efforts and new broadband grant program can all work together to really help.
- Whitacre: I'm about to host a seminar on the study OSU did on Dig Once policies. We studied Iowa's policies and results. Can present on that at a later date.
- Harpe: ARPA guidance and funding deadlines have been released. Broadband is a major component of what will be funded, but the distribution and decision process is still unknown. I met with Sen. Thompson, Rep. Wallace, and the Governor's office. Hope to present by next Council meeting.

4. Discussion and possible action on recommendations of the Policy Impacts sub-committee (5 minutes)

- No formal recommendations currently.
- <u>Motion #2</u>: Mr. Wreath moved to add Gail Jackson, Edson Jean-Jacques, Jami Longacre, and Alan

  Stevenson to the Geographic Boundaries sub-committee; Mr. Grace seconded the motion.
- Motion #2 approved unanimously.
- <u>Motion #3</u>: Dr. Whitacre moved to add Benne Brewer, Jason Carini, Don Griffin, Gary Highley, Gail Jackson, Edson Jean-Jacques, Jami Longacre, and Mark Woodring to the Adoption Rate sub- committee; Mr. Webster seconded the motion.
- Motion #3 approved unanimously.
- <u>Motion #4</u>: Dr. Whitacre moved to add JJ Francais, Jami Longacre, and Barry Moore to the Policy

    Impacts sub-committee; Mr. Neal seconded
                      the motion.
- Motion #4 approved unanimously.
- <u>Motion #5</u>: Mr. Neal moved to add Gail Jackson and Jami Longacre to the Advisory sub-committee; Dr. Whitacre seconded the motion.
- Motion #5 approved unanimously.
- <u>Motion #6</u>: Rep. Phillips moved to add Director Harpe and Mr. Neal to the Advisory sub-committee.
- Chair declared Motion #6 approved by unanimous consent.

5. * **Discussion and possible action on preparing annual report (10 minutes)**
   - The ORBEC legislation [HB4018 ENR.PDF (state.ok.us)] requires the Council to prepare and submit an annual report to the Governor, Speaker, and Pro Tem summarizing discussions, testimony, analysis, information or other actions and significant events during the preceding calendar year and containing the recommendations, if any, by the Council for legislation, action by executive branch agencies, or other actions in furtherance of the mission and duties of the Council.
   - Phillips: Ms. Brugnoli will lead the effort to write the report.
   - Brugnoli: Is the report still due in January?
   - Phillips: Yes, I believe so.
   - Brugnoli: Do we still access to Digital Transformation Fund?
   - Harpe: We [Office of Management and Enterprise Services (OMES)] can find some cash.
   - Brugnoli: Will the Council have access to Commerce support and notes?
   - Phillips: I believe so and will check.
   - Brugnoli: I think it will be helpful to wait until any broadband legislation is signed.
   - Phillips: The Legislature will finish considering all Broadband bills by next week.

June 16, 2021

1. **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)

- o In Oklahoma, only Sonja Wall (State Broadband Coordinator) and Dr. Whitacre have access to this map.
- o 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.

2. *** 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 contradictions.
   - 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.
   - Whitacre: 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.

3. **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.

4. **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
    i. 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.

5. * **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

July 21, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Ms. Jenny Dillon on behalf of Mr. Brandy Wreath (5 minutes)**
- Met June 30; recommended to purchase two of the Ookla speed-test datasets:
    o Fixed networks (higher priority)
    o Mobile networks (lower priority)
- Discussed potential MOU with South Carolina involving cost sharing to develop a map for Oklahoma. No opposition was voiced, but no vote was taken to recommend.
2. * **Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)**
- Phillips: Do you have the costs on those datasets?
- Dillon: The first dataset purchased is $45,000; the second would be an additional $38,250.
- Phillips: More info on the proposed MOU?
- Dillon: Early, but would be between SC's Broadband Office and ODOC to develop maps within months.
- Phillips: Asked for motions; seeing none, thanked Ms. Dillon for her report.

3. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**

- Met last Friday. Update on Emergency Broadband Benefit – slide: Percentage of Eligible Households Signing Up for EBB (July 12, 2021 data). Oklahoma still ranks in top five states, but there is variability; Tulsa has high sign-up rate, while Panhandle has very low rate.
- North Carolina's "Band NC" program provides a $5,000 grant to each county that develops a digital inclusion plan. The sub-committee will likely recommend a similar program for Oklahoma using ARPA funds. Private parties may participate by donating devices, etc.
- Sonja Wall shared a two-page regional planning document for broadband to coordinate different funding opportunities – a Digital Ready program might be created.

4. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)**

> Motion #2:   Sen. Leewright moved to fund a $5,000 digital inclusion grant available to counties, contingent on ARPA funds being available; Mr. Webster seconded the motion. Motion approved.

- Phillips: All ads I've seen promoting EBB have been on social media. Are there print ads, too?
- Whitacre: Cooperatives and AARP have sent mailers.
- Leewright: Any ideas why the disparities in EBB sign-up rates in Tulsa and Oklahoma City?
- Whitacre: We're looking into it. Some groups in Tulsa were promoting it.
- Fina: Tulsa is the most active participant in the Lifeline program, so that probably accounts for a good deal of the difference. They have better infrastructure for connecting with the eligible participants.
- Berube: Tulsa also has navigators, which helps facilitate sign-ups.

5. **Report of the POLICY IMPACTS sub-committee by Mr. Mike Fina on behalf of Ms. Darlene Brugnoli (5 minutes)**

- ODOC provided background on administrative efforts, action items, and deadlines to co-chairs and council. Shout out to ODOC staff for their support.
- Discussed recently passed legislation:
    o HB2040. Definition of Broadband and served, underserved, and unserved areas.
    o HB1124. Broadband deployment grant program. The Council and ODOC will promulgate rules. Probably will fund with ARPA dollars. Will consider best practices from other states.
    o ARPA activity by Governor's office and legislative committee. A Project Management Office (PMO) has been selected. Director Harpe raised many questions about broadband. The PMO has knowledge and experience in this area.
    o HB2928. Network area coverage data & speed data. ODOC using FCC Form 477 data.
- The Council will adopt rules and criteria for the broadband grants so ODOC can prepare administrative rules. The Council will submit its funding recommendations to the ARPA committee.
- Motion #3:   Sen. Leewright moved to create a new sub-committee for Grant Rules; Ms. Valentino seconded the motion. Motion approved.

- Motion #4: Sen. Leewright moved for Rep. Phillips to chair the Grant Rules sub-committee; Ms. Valentino seconded the motion. Motion approved.
- Leewright: If members wish to serve on this sub-committee, reach out to Kirk Martin or Rep. Phillips.

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

- Motion #5: Dr. Whitacre moved to add Jim Reese & Robbie Squires to the **Adoption Rate** sub-committee; Mr. Neal seconded the motion. Approved without objection.
- Motion #6: Sen. Leewright moved to add Sammie Valentino & Robbie Squires to the **Geographic Boundaries** sub-committee; Mr. Webster seconded the motion. Approved without objection.
- Motion #7: Sen. Leewright moved to add Sandra Harrison & Robbie Squires to the **Policy Impacts** sub-committee; Mr. Neal seconded the motion. Approved without objection.
- Motion #8: Sen. Leewright moved to add Sammie Valentino, Jami Longacre, & Robbie Squires to the **Advisory** sub-committee; Mr. Webster seconded the motion. Approved without objection.
- Motion #9: Sen. Leewright moved to change procedure for adding people to sub-committees: no longer require a Council vote; simply notify the sub-committee chair and Kirk Martin. Seconded by Mr. Grace. Approved without objection.

August 18, 2021

1. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**
   - Emergency Broadband Benefit (EBB) update. Oklahoma went from ~56,000 sign-ups to 90,000+, putting Oklahoma in the Top Five in the nation for sign up by eligible households.
   - The federal infrastructure bill that recently passed in the U.S. Senate removed the emergency part of the program and makes it not quite permanent, but adds $14 billion in funding. While the bill lowers the benefit per household from $50/month to $30/month, it expands eligibility from 135% of poverty to 200%. This legislation – not yet enacted – continues to work its way through both chambers.
   - ARPA includes some funding for digital inclusion. Last month, I shared that some states offer $5,000 grants to counties to develop plans for digital literacy and inclusion. My hope is that these plans will set the stage for more money, coming from the federal infrastructure bill.
   - The federal infrastructure bill includes a separate pot of money for digital equity planning. $2.7 billion for state implementation grants, a competitive grant program, and planning grants.

2. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)**
   - Phillips: Can you tell us more about digital equity planning?
   - Whitacre: Similar to what we talked about last month – hot spot programs; digital inclusion; local surveys; training programs on using tele-health devices. Basically, get people to participate more fully on the Internet.

- Phillips: How does the Senate's changes to EBB eligibility translate to Oklahoma's population? How many more Oklahomans will be eligible?
- Whitacre: I haven't run the numbers. Currently, we have about 90,000 households signed up; that's about one-third of all eligible households in Oklahoma. The number of eligible households might rise by 70%. Not sure is the expanded benefit of $75 per household in former Tribal Areas is retained in the proposed legislation.
- Harpe: OMES has lots of social media capabilities, including a podcast, to help promote EBB enrollment.
- Agee: The FCC has already developed and made available EBB marketing materials.
- Harpe: State executives will soon be on TV regarding ARPA, so we need to get those and use them.
- Phillips: We also need non-digital marketing channels, like inserts in utility bills, newsletters, etc.
- Whitacre: AARP partnered with us to promote. I don't know if any utility companies have.

3. **Report of the POLICY IMPACTS sub-committee by Mr. Daniel Webster for Ms. Darlene Brugnoli (5 minutes)**
   - The Chair & ODOC are working on the report. ODOC met separately with ORBEC co-chairs to agree on the framework of the report. Sections will be:
     1) Background
     2) Membership and appointees
     3) Administrative support
     4) Meetings and major motions
     5) Presentations
     6) Summary of discussions, testimony, analysis, information, actions, and significant events
     7) Council expectations for 2021
   - This report will be for 2020. The report for 2021 will be due by January 31, 2022.
   - Council members may review and comment on the report prior to the October Council meeting.
4. *** Discussion and possible action on recommendations of the Policy Impacts sub-committee (5 minutes)**
   - None.
5. **Report of the ADVISORY sub-committee by Director Steven Harpe (5 minutes)**
   - We have been meeting with U.S. Congressman Lucas and U.S. Senator Inhofe's offices regarding language in the current Infrastructure bill in the Senate. Much of it centers on Service Level Agreements, performance, Perf, speeds (what the needs really are versus 25/3). Some of that language has made it through the Senate. The bill goes on to the House where action is at least 30 days out.
6. *** Discussion and possible action on recommendations of the Advisory sub-committee (5 minutes)**
   - Phillips: Can you tells us about the selection of the Project Management Office (PMO) for the State's ARPA money?

- Harpe: Last week, OMES signed a contract with Guidehouse to manage the PMO on behalf of the legislative committee of 24 [the Joint Committee on Pandemic Relief Funding, aka the ARPA Committee]. We are building out the process with the committee chairs for ARP for intake submission, making sure that it starts with audit rules so that everything will pass federal audits. We expect to have submission processes ready within the next couple of weeks.

- Whitacre: Are those the funds that will be distributed to the counties and municipalities as well?

    - Harpe: We're talking about the $1.9 billion given to the State.

    - Whitacre: There are also funds [$1.3 billion] for cities and counties and we've been encouraging them to think about spending some of that money on broadband. My understanding is that the State has to accept the money first and then the counties get their cut. Is that correct?

- Harpe: To clarify, we put the application in. Wednesday of last week, we received more than $900 million for the State. The other half will come a year from now. That money [$1.3 billion for counties and municipalities] is going through [State Comptroller] Lynne Bajema's team at OMES and [State CFO] Amanda Rodriguez to be dispensed out to the counties and municipalities soon. The State's money will go through the legislative ARPA Committee.

- Harpe: The request will come in through a digital platform that will get built out over the next couple of weeks. The sub-committees of the legislative committee will make recommendations to a Steering Committee with representatives from both the legislative and executive branches. They'll apply scoring criteria, then present results to the Governor to sign off. My office will email a graphic to Council members today explaining this process.

- Phillips: Previously, the Governor's State Broadband Advisory Council was absorbed into this Council's Advisory sub-committee. I believe that group still meets. Is there any update you can give us on their activity?

- Harpe: I haven't been attending those because I've been trying to figure out who's on first and what the purpose and mission of each one is. I've been talking offline to Sonja [Wall] about this. I think there's value there, I just haven't time to figure that out.

    - Whitacre: When will we know how much money will be dedicated to broadband?

- Harpe: That's the magic question. When the Executive Branch got together and the Cabinet secretaries voted, it was the number one vote-getter. At both the federal and state levels, it's on the forefront of everyone's mind and a very high priority. But I don't know when we'll know that answer.

- Phillips: The legislative ARPA committee brought in Sen. Leewright and me to chair its sub-committee on Infrastructure – even though we're not on the actual ARPA Committee – to ensure ORBEC is connected to their process.

7. Report of the GRANT RULES sub-committee by Representative Logan Phillips (5 minutes)

- We have not yet met because we haven't received information about the ARPA process. That will be coming later this week, then we'll meet.

- Members are Darlene Brugnoli, Drew Beverage, and Sammie Valentino. If anyone else would like to participate, contact me.

- With the grants, we have two situations going on at the same time – state funds and federal funds (ARPA). We plan to spend federal money first, then state, so our priority is to determine the process for granting federal dollars first.
- Demonstration of Oklahoma Broadband map by Mike Sexton and Edson Jean-Jacques of the Oklahoma Dept. of Commerce.

8. * Discussion and possible action on recommendations of the Grant Rules sub-committee (10 minutes)

- Whitacre: The map shows where 25/3 is lacking. It will also need to show 100/20 is lacking. Can we also see where different technologies are available, such as where fiber is available?
- Sexton: The FCC data includes all that information, but this initial map was simplified to focus on showing which areas lack the 25/3 definition of broadband. We can add more data elements as we go forward.
- Berube: One of the challenges we face going forward is to identify which groups will be providing service in a given area. Is there any way to see that?
- Phillips: Yes. Since it's already been provided to the FCC, it is public information.
- Beverage: As far as the CAF I [Connect America Fund Phase I], CAF II, and RDOF [Rural Digital Opportunity Fund] funding – is there any way to show where funding has already been provided for projects?
- Sexton: Yes, we can add that layer and others, at the direction of the Council.
- Phillips: I think that's a great idea. The other piece is, we have the CostQuest data, which is not yet part of this map. According to the terms of the contract, that data can't be directly shared; it must go through a process first.
- Sexton: Yes, and that's a huge dataset, so we don't want to overload ODOC's broadband capacity, ironically. What we're planning to do is come up with a single number for the different geographies – the counties, census tracts, and census blocks – and combining that with the FCC data, the Ookla data, etc. to come up with a better idea of where the needs are.
- Whisenhunt: As a service provider, I would enjoy having my company's information on this map so when someone is looking for service, they can find me.
- Phillips: This is a work in progress. If you have recommendations about what it needs to be, this is the first iteration, so there's lots of key pieces missing, but this is where we're starting from. What do we need to modify and what do we need to add?
- Harpe: When grant programs are developed and money is being invested, it's going to be crucial to be able to see – not only for us, but for the public – where this money is being spent and how we're investing it. I recommend that our map be able to show that.
- Phillips: That's a reasonable request.
- Berube: Can you explain why Oklahoma City appears on the map as underserved? The FCC data should show most of Oklahoma City has at least 25/3.
- Sexton: This breakout shows the median. There may be a difference between what's being provided and what people are using.
- Whitacre: What I would expect to see on the map is the maximum advertised speed in each block.
- Grace: Are we still thinking about the South Carolina process? They've already been through these questions and solved them. Do we need to approve an MOU?

- Phillips: By state statute, the data is supposed to be housed at ODOC. We can partner with South Carolina, but the data needs to be at ODOC. Keep in mind, this is the beta, the first iteration.
- Beverage: [unclear]
- Phillips: Any other suggestions on what needs to be the next step on this map? [None]. Mike, thank you for your presentation. We appreciate what you and ODOC have done. We'll continue to make modifications until it's the right map.

September 15, 2021

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

- We've had emails and conversations among sub-committee members and staff, but no meeting since last Council meeting; therefore, no motions or recommendations.
- The Oklahoma Corporation Commission (OCC) may secure mapping services from South Carolina through the Oklahoma Universal Service Fund (OUSF). It's very useful for testing of the $300 million in broadband infrastructure OUSF has funded over the years. We will update the Council as we proceed.
- Leewright: Please coordinate with Kirk Martin on mapping activities by Commerce.

2. *** Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)**

- Whitacre: If OUSF purchases mapping services or content from South Carolina, how will that correspond with Oklahoma's mapping efforts.
- Wreath: The South Carolina map would be a supplement to the maps Commerce is developing. We will move forward only if the information is very open and available to overlay with the work being done by Commerce.

3. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**

- The Adoption sub-committee had a Zoom meeting this month. We have no motions or recommendations but have information to share with the Council.
- **Slide 1**: Emergency Broadband Benefit Enrollment 5-digit ZIPs 9/1/2021. It shows, in terms of EBB sign-ups and participation rates, Oklahoma is still in the Top Five.
- Received confirmation that the infrastructure bill being considered by the U.S. House lowers the monthly benefit from $50 to $30/month, but keeps the benefit for eligible households at $75/month on tribal lands, which include most of Oklahoma.
- **Slide 2**: AARP Rural Library Digital Navigators proposal. Working with AARP Oklahoma, we got a $20,000 grant to hire "digital navigators" to work in five or six rural libraries helping people sign up for EBB, get low-cost service or devices, demonstrate telehealth, and develop partnership for future digital equity grants. This pilot program lasts only through the end of this year and is designed to improve adoption of broadband technology. The lessons learned from this pilot may help guide future program design.

4. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)**

- Wreath: OCC has a couple of full-time outreach agents to promote broadband for schools, hospitals, and communities, so if we can partner in any way, let me know and we'll be happy to make them available.

- Phillips: Why are sign-ups so high in the two areas around Hughes County?
- Whitacre: It could be that local providers are highly active – likely co-ops or tribes.
- Phillips: What was the price for the digital navigators?
- Whitacre: The grant is for $20,000 and it will pay digital navigators in five locations an hourly fee to provide services. We envision 10 hours a week.

5. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli (10 minutes)**
- The sub-committee met to discuss the upcoming legislative session and legislation needed to further the goals of the Council. We discussed bills that didn't pass last session, such as the Pole Attachment bill and Easement bill. We also discussed bills that did pass that may require further legislation, such as the Grant bill. We agreed to meet to discuss compromise language for the pole attachment bill. We will look at similar bills in Georgia, Arkansas, Maryland, and Michigan.
- We also discussed the ARPA work at the State Capitol and Mr. Fina provided a good summary of the work going on there. He also explained his role in providing guidance to municipalities in securing and spending funding from ARPA. He also discussed the role of Guidehouse, the Project Management Office (PMO).
- The sub-committee recommends inviting Guidehouse to brief the entire Council on their role and the processes to be used relative to grants from the ARPA fund.
- The sub-committee recommends developing principles for considering grant applications, e.g., being technology neutral, to present to the full Council.

6. * **Discussion and possible action on recommendations of the Policy Impacts sub-committee (5 minutes)**
- Phillips: This Council's role in the process of awarding ARPA grant is limited.
- Brugnoli: Yes, the sub-committee invites all parties to be represented as we develop recommended principles.
- **Motion #2** by Sen. Leewright to request a briefing by Guidehouse on the grant and funding processes for ARPA funds and the role of the PMO. Mr. Beverage seconds the motion. Motion approved without objection.
- **Motion #3** by Mr. Beverage to permit the Policy Impacts sub-committee to recommend principles for considering grant requests. Ms. Brugnoli seconds the motion.
- Leewright: When this Council was created, it was designed to give the private sector a large voice in advancing broadband in the state. ARPA changed the amount of money involved tremendously. I will support this motion if we all understand that the principles developed should avoid infighting or leaving anyone out.
- Motion approved by roll call vote.

7. **Report of the ADVISORY sub-committee by Mr. Mike Fina, Oklahoma Municipal League (OML), for Director Steven Harpe, Office of Management and Enterprise Services (OMES) (10 minutes)**
- No motions or recommendations.
- Following the process set forth in ARPA, the State requested its funds in early August and has 30 days to write its rules. The State will receive from the U.S. Treasury $1.87 billion for investment into projects that will benefit all Oklahomans. In addition, the State will receive from Treasury an allocation of $1.32 billion for Non-Entitlement Units of Local Government (NEUs). NEUs are local governments that typically serve a population under 50,000. Local award amounts are based on the population of the NEU.
- OML has worked closely with OMES and legislative leaders to write rules and develop policy.

- At the recent OML conference, 60 cities signed up through the state portal. This involved teams from OML, OMES, and Guidehouse. We found some technical difficulties with the state portal and have been meeting daily with Guidehouse to improve the portal. We expect it to soon work well for the rest of the eligible cities and towns.
- The federal legislation was written with municipalities in mind more than counties. OML is encouraging the counties to partner with municipalities on projects. In talks with legislators and state leaders, I consistently hear regional projects will be scored higher and so I expect final policy to reflect that. Using "match" money from multiple jurisdictions is a smart strategy to leverage available funding and do bigger, transformative projects.
- Three things are killing rural Oklahoma: lack of economic opportunities; lack of educational opportunities; and lack of healthcare. Broadband won't fix all of these, but it will get us a long way in all three areas.
- From a legislative perspective, the process for deciding how ARPA funds are spent is very different from the CARES Act money, when a very small group of people made all the decisions. With ARPA, the Legislature is really in charge. You may hear that Oklahoma is behind in planning, but we're in the best position of any state I've seen because we waited, because we hired a PMO involved, and because we have the Legislature involved.

8. * **Discussion and possible action on recommendations of the Advisory sub-committee (5 minutes)**
   - Leewright: Everything I'm hearing is that scoring will be weighted to favor projects with multiple partners. Some county governments in Oklahoma had to give back some of the CARES Act money and I don't want to end up in the same situation again.
   - Phillips: How did the portal sign-ups go? Was it cumbersome?
   - Fina: It was simpler than I thought it was going to be. We were able to sign them up on their own phones. We were able to get the time down to five minutes.
   - Rep. Phillips turned the meeting over to Sen. Leewright, who recognized Phillips for the next agenda item.

9. **Report of the GRANT RULES sub-committee by Representative Logan Phillips (5 minutes)**
   - No motions or recommendations.
   - We have been waiting for the initial meetings of the ARPA groups, which have now met, so we will meet next week. The ARPA working group on Transportation, Infrastructure, and Broadband will meet next Friday, so the ORBEC Grant Rules sub-committee will probably meet again shortly after that. We will meet virtually.
   - If you want to be on the Grant Rules sub-committee, contact my legislative assistant.
   - A quorum of the Council may not be on a sub-committee [because of Oklahoma Open Meeting Act requirements].

October 20, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Ms. Jenny Dillon for   Mr. Brandy Wreath (10 minutes)**
   - The sub-committee met this month and saw a presentation of the digital map. Our concern is with the currency of the data used in the map. We don't see how we can make a clear

recommendation of where money should be spent based on old data. We reiterate our support for purchasing the Ookla datasets to add to the map. We would support adding an overlay of state broadband assets and possibly an overlay of OUSF primary funding areas.

- Phillips: We'll now have a demo of the digital map from Mr. Aldwyn Sappleton, Deputy Director of

   Research and Economic Analysis with the Oklahoma Department of Commerce.

- Sappleton: There are two digital maps for broadband in Oklahoma: an internal map for decision- making which includes proprietary data and which is available to members of this Council and a public-facing map which is now available on the ORBEC web page.

2. *** Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)**

- Phillips: The $2.1 million requested by this Council includes purchasing the Ookla data.
- Beverage: What does the median speed refer to on this map?
- Sappleton: This is advertised speed, showing the median for a given area.
- Whitacre: Does that include satellite?
- Sappleton: No. The legislation excludes satellite from consideration.
- Whitacre: I would suggest adding a layer to show the maximum advertised speed available in a given area. That's what the FCC will be looking at to determine if the area is served.
- Sappleton: Layers are not a problem. The data are there. Let us know what information you need shown for decision-making.

3. Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)

- Status of EBB in Oklahoma – we continue to rank in Top Five states.
- Digital Navigator program – trainings this week for 5 digital navigators. We hope they'll be helping people in their communities by next week.

4. * Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)

- Beverage: Where are the five communities with Digital Navigators?
- Whitacre: Blackwell, Davis, Seminole, Okemah, and Pauls Valley.
- Phillips: If the Digital Navigator program proves successful, the Council may want to consider proposing using some of the State's ARPA funds to expand this program.

November 17, 2021

1. **Report of the GEOGRAPHIC BOUNDARIES sub-committee by Mr. Brandy Wreath (5 minutes)**
   - We have been looking into the broadband service and speed data to better understand its dependability and limitations.
   - We saw a presentation by a local vendor on data mapping.
   - Next month, we will recommend additional data overlays for the broadband map to assist with decision-making.
   -

2. **Report of the ADOPTION RATE sub-committee by Dr. Brian Whitacre (5 minutes)**

- Emergency Broadband Benefit (EBB) update. Oklahoma slipped from #5 to #6 in percentage of eligible households adopting. 125,000 households.
- The IIJA extends and renames the EBB to the Affordable Connectivity Program. The monthly household benefit is reduced from $50 to $30, the remains $75 in tribal areas. The funding for this program should last 8-10 years.
- The IIJA helps us establish a State Digital Equity Office (SDEO). About $300 million per year will be available in grants nationally to these offices. The Council should discuss who should be in Oklahoma's SDEO.
- Digital Navigator Program has been rolled out in five rural libraries. Early successes. Would like to see this continue after pilot program through the SDEO.

3. *** Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)**
   - Phillips: Do you have any materials?
   - Whitacre: Yes, a one-pager. The Oklahoma Library Association has also promoted.
   - Leewright: Add this information to ORBEC website, too.
   - Phillips: Is the $300 million nationwide?
   - Whitacre: Oklahoma will get a set amount and can compete for still more.

4. **Report of the POLICY IMPACTS sub-committee by Ms. Darlene Brugnoli (10 minutes)**
   - Annual Report draft for 2020. Thank you to Brad Wolgamott and House staff. Will share with the sub-committee chairs, then the Council co-chairs to share with full Council to review for adoption at the next Council meeting.
   - We are drafting a lengthier report for 2021.
   - The Grant Rules sub-committee chair asked us and Mike Fina to propose policy principles for grants. Great feedback. Will review, then present to Representative Phillips.
   - There has been discussion regarding the need for a Broadband Coordinator's office to receive funds, decide how to allocate funds, etc. This is an issue for legislators to decide.
5. *** Discussion and possible action on recommendations of the Policy Impacts sub-committee (5 minutes)**
   - Phillips: Grant Rules sub-committee had the same recommendation to create a Broadband Coordinator's office. ARPA allows us to use up to 5% to support such an office.
   - Whitacre: Highly supportive. Can use ARPA funds to support. Research indicates it approves rural broadband availability.
   - Harpe: Under ARPA, the State Chief Operating Officer's office, working with the Legislature, has set up a State Grant office and engaged Guidehouse. Consider pooling ARPA & IIJA dollars for broadband. Amanda Rodriguez, CFO at OMES is responsible for managing the office. Consider maybe not having 2 offices.
   - Whisenhunt: I support the idea of having a Broadband Coordinator.
   - Leewright: Considering a Broadband Office, not just a coordinator.
   - Phillips: Reporting process, going on for years.
   - **Motion #2** by Leewright moved to create a Broadband Coordinator's Office & recommend the same to the ARPA committee; Harpe seconds. Motion adopted unanimously.

6. Report of the ADVISORY sub-committee by Director Steven Harpe (5 minutes)
- At the request of Director Harpe, the chair recognized Mr. Jerry Moore, Chief Information Officer for the Office of Management and Enterprise Services, to speak.
- Moore: Got an update on the state's broadband maps and the historical practices for generating and updating them. Continuing discussions with other state agencies – Transportation, Commerce, Turnpike Authority, and OneNet – on opportunities to improve the state's maps to serve dual purposes – state's network and rural broadband. Expect to have recommendations in coming months.

Conclusion

Through the enactment of two major pieces of legislation – the American Rescue Plan Act (ARPA) and the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL) – the U.S. Congress will provide "generational" funding opportunities for expanding broadband quality, accessibility, and affordability. But even before Congress acted, Oklahoma created the Oklahoma Rural Broadband Expansion Council (ORBEC) to provide balanced, considered guidance and vision on broadband matters. The Governor and Legislature look to the members of this Council as subject matter experts.

The Council enhanced its reputation for fairness and practicality through its incredibly effective legislative work. We brought together direct competitors and others in the sector to write good legislation, fix or kill bad legislation, and push good legislation until it was passed. Council members supported passage of a $42 million tax rebate for broadband expansion and assisted in updating every statute dealing with broadband, which had not been touched since 1996. Council members demonstrated to policymakers that, with careful planning, broadband can be a driving force for economic development, educational opportunities, and access to health services.

Federal funding presents tremendous opportunities to expand broadband in Oklahoma. Like nearly all federal funding, it comes with rules, funding priorities, and limitations. We have a $167 million Coronavirus Capital Projects Fund, and we have the federal infrastructure bill with between $100 million and $1.2 billion for broadband expansion. The Council positioned the State of Oklahoma to be prepared for such funding and advocated for creating the administrative framework for selecting, funding, and providing oversight for eventual projects made possible through ARPA and IIJA.

Leaders have recognized and appreciated the Council's work. Oklahoma's Joint Committee on Pandemic Relief approved, as one of its very first items, more than $2,000,000 in funding to support the Council, especially in enhancing the Oklahoma Broadband Map developed for the Council by the staff of the Oklahoma Department of Commerce.

In 2022, ORBEC will begin to work with the soon-to-be created State Broadband Office. Both the Executive and Legislative branches will be involved and engaged. Both will expect this Council to work closely with the new office. We will monitor ongoing marketplace challenges and supply chain delays affecting broadband expansion in Oklahoma. In order to spend federal funds before they expire, we will need to act with urgency and help decisionmakers understand the reasons this process needs to speed up.

And the Council will continue its legislative work as before, striving to expand Oklahoma's broadband service, availability, and adoption.

Approved by the Council on 03/21/2022.

Submitted to:

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