



RURAL BROADBAND EXPANSION COUNCIL

Minutes for Special Meeting

Noon February 24, 2021

Online meeting

Approved by the Council on March 17, 2021, as presented.

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

The meeting will be held at <https://okcommerce.zoom.us/j/99032973196>, Meeting ID **990 3297 3196**.

Members Michael Berube, Darlene Brugnoli, Patrick Grace, James Leewright, Roger Neal, David Ostrowe, Logan Phillips, Jack Smiley, Billy Frank Staggs, Sammie Valentino, Daniel Webster, Jerry Whisenhunt, Brian Whitacre, and Brandy Wreath will participate remotely by teleconference. There is no physical location for this meeting pursuant to the [declared Emergency](#).

The notice of this meeting was provided in writing to the Oklahoma Secretary of State at least 48 hours in advance of the scheduled meeting. At least twenty-four (24) hours prior to the scheduled meeting, the agenda was posted prominently and publicly at the principal offices of the Oklahoma Department of Commerce building at 900 N. Stiles Ave., Oklahoma City, OK 73104 as well as on the Oklahoma Department of Commerce Website at <https://www.okcommerce.gov/about-us/meeting-notice/#rbec>.

1. Welcome / Call to Order / Establish a Quorum

- Sen. Leewright welcomed members and guests called the meeting to order at 12 Noon. He advised that the meeting was being recorded and that a link to the recording would be available soon. He asked members to join using their video, for chairs to identify them more easily. He then asked for the roll to be called.
- Members joining remotely: Darlene Brugnoli, Patrick Grace, James Leewright, Logan Phillips, Billy Staggs, Sammie Valentino, Daniel Webster, Brandy Wreath, and Brian Whitacre.
- Members absent: Michael Berube, Roger Neal, David Ostrowe, Jack Smiley, and Jerry Whisenhunt.
- With nine (9) members having joined, the chair recognized a quorum and turned the meeting over to Rep. Phillips.

2. * Approval of Minutes from November 10 and December 16 meetings

- Sen. Leewright asked if there were any corrections or additions to the minutes of the November 10 meeting. Seeing none, he invited a motion.
- Motion 1, made by Mr. Webster and seconded by Mr. Grace: Approve the minutes of the November 10 meeting as presented. Motion approved by all six (6) of the voting members present.
- Sen. Leewright asked if there were any corrections or additions to the minutes of the December 16 meeting. Seeing none, he invited a motion.

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- Motion 2, made by Mr. Webster and seconded by Ms. Brugnoli: Approve the minutes of the December 16 meeting as presented. Motion approved by all six (6) of the voting members present.

3. Remarks from Co-Chairman Sen. James Leewright

- With the unprecedented challenges of COVID and the recent major winter storm, as well as the requirements of the Open Meeting Act, we have had to adapt and innovate. We changed a meeting date and switched to virtual-only meetings. Thank you all for understanding and being flexible.
- Reminder that this meeting is being recorded and that the recording will be made available to the public.

4. Remarks from Co-Chairman Rep. Logan Phillips

- Reminder that only members of the Council may present reports from the sub-committees.

5. 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 and counter-recovery.
- Will coordinate with Oklahoma Corporation Commission chair Todd Hiatt 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 at what 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, 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 on mapping 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.

6. * Discussion and possible action on recommendations regarding different modes of broadband, definitions, service coverage, boundaries, and/or costing

- None at this time.

7. Report of the ADVISORY sub-committee by Sec. David Ostrowe

- Tabled.

8. 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 pairs with 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 would cost about \$2 million/year.

9. * Discussion and possible action on Broadband Adoption Rate issues

- None at this time.

10. 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 first Policy meeting. Here are key takeaways:
- Municipal barriers to deployment. Overall, no significant barriers at this time. Municipalities are working well with providers.
- Private barriers 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 and losers. 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:

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- Grace: Did the group address tax issues? A franchise tax? Preference to building out unserved areas?
- Brugnoli: No franchise tax discussed. Incentives contemplated to encourage private investment in broadband deployment in areas of greatest need. Rebate system discussed.
- Phillips: Can state funding cause issues for ISPs regarding getting federal dollars?
- 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 areas that need more service. So, the State needs to fully evaluate what is going on at the federal level before considering funding for rural deployment.
- Leewright: I appreciate that the private sector is driving this effort.

11. * Discussion and possible action on recommending language for legislation

- Leewright: I have proposed legislation amending Council membership to add a tribal government representative and a Wireless Internet service provider (WISP). It also amends the eligibility criteria for the rural mayor position in two ways – to allow a past mayor to serve and to change the population level from 25,000 to 35,000. I would like the input of members.
- Fina: The higher population level will add a few communities to the list, but not many.
- Brugnoli: Because many areas in towns – even with more population – do not have 25/3 service, I would support increasing the population threshold.
- Leewright: Please discuss this more in the Policy sub-committee and make recommendations on this.

12. * Discussion and possible action on membership of various sub-committees

- Tabled.

13. * Discussion and possible action on preparing annual report

- The legislation creating this Council – House Bill 4018 (2020) – requires the Council to annual report on its work. Rep. Phillips will send more info about requirements and timeline to members. Rep. Phillips invited members to email their thoughts about the report to him.

14. Discussion of possible agenda items for next meeting

- Wreath: The Geographic Boundaries sub-committee will have recommendations by next meeting.
- Phillips: I am interested in hearing more about the data sources for speed test data and map overlays.
- Leewright: The next 3 weeks are vital for legislation, so sub-committees please act urgently to review the pending legislation and bring forward recommendations to make it better. Both the Speaker & the Pro Tem have made this topic a high priority.

15. Announcements

- Next regularly scheduled meeting: Noon, Wednesday, March 17, 2021. Online only.
- Throughout 2021, Council meetings are set for Noon on the 3rd Wednesday of each month.
- Leewright: The Council is depending on the work of the sub-committees.

16. Adjournment

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- Rep. Phillips adjourned the meeting at 12:52 p.m.

* Indicates anticipated action.