



RURAL BROADBAND EXPANSION COUNCIL

Minutes

Noon on Wednesday, March 17, 2021

Regular meeting

[Approved as presented by Council on 4/21/2021]

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

The meeting will be held by teleconference at: <https://tinyurl.com/5bh7swwb>

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

1. Welcome / Call to Order / Establish a Quorum

- When joining the online meeting, all parties were notified that the meeting was being recorded.
- Rep. Phillips welcomed members and guests called the meeting to order at 12:05 p.m.
- Kirk Martin took the roll based on members joining the online meeting.
- Members joining remotely: Michael Berube, Darlene Brugnoli, Patrick Grace, Roger Neal, Logan Phillips, Billy Staggs, Sammie Valentino, Daniel Webster, Jerry Whisenhunt, Brian Whitacre, and Brandy Wreath.
- Members absent: James Leewright, David Ostrowe, and Jack Smiley.
- With eleven (11) members having joined, the chair recognized a quorum.

2. * Approval of Minutes from January 20 and February 24 meetings

- Rep. Phillips asked if there were any additions or corrections to the minutes of the January 20 and February 24 meetings. There being none, the chair moved without objection that the minutes of the January and February meetings of the Council be approved as presented. Without objection, the minutes were approved.

3. Remarks from Co-Chairman Sen. James Leewright

- tabled

4. Remarks from Co-Chairman Rep. Logan Phillips

- Sen. Leewright has other obligations, so is not in attendance today.
- After three weeks of committee work in the Legislature, several broadband bills have passed out of their house of origin.
- This Council has already done more work in 7 or 8 months than I thought would get done in 3 years and I greatly appreciate everything you've been doing.

5. GEOGRAPHIC BOUNDARIES sub-committee report by Mr. Brandy Wreath (10 minutes)

- The sub-committee met by teleconference on March 4 and reviewed proposed broadband legislation. We have no concerns at the moment.
- 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.

6. * 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 CostQuest data 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 passed American 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, ISP service areas – might work?
- Wreath: We've been waiting to get more technical data from the meetings we're trying to set up with mLab and Ookla.
- Whitacre: I told the GIS specialists at ODOC about the Council's interest in using these data for layering.
- Phillips: New chair of FCC committed to improving the quality of its maps.

7. 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

Oklahoma Rural Broadband Expansion Council

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 corporation designated 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 allocations from the American Rescue Plan (ARP) to run these programs. Chicago has done something similar.

8. * 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 OneNet working 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 the program. 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 or appealed, 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.

9. 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 passed House 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 (by Rep. Pfeiffer). These bills will now advance to the Senate.
- The Policy Impacts sub-committee evaluates all of these bills and offers suggestions. It continues to discuss affordability and adoption as well as how best to inform Oklahomans about what is available in their areas.

10. * Discussion and possible action on recommending language for legislation (10 minutes)

Oklahoma Rural Broadband Expansion Council

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 seems that 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 the House 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 grant program and request funding for the second and succeeding years.

11. * Discussion and possible action on preparing Annual Report (10 minutes)

- Phillips: HB4018 requires the Council to create and submit an annual report. Each sub-committee will create a report of the issues and recommendations.
- Whitacre: Timeframe? Phillips will provide later.
- Brugnoli: I will get together with Wreath & Whitacre and come up with a path forward for the sub-committee reports.
- Brugnoli: Mapping requirement question from the bill – includes fixed wireless?
- Phillips: ISPs will provide the Council the same data they provide to the FCC.

12. Discussion of possible agenda items for next meeting

- Annual Report
- Legislative update; discuss any questions or amendments

13. Announcements

Next regularly scheduled meeting: Noon, Wednesday, April 21, 2021. Online only.
Throughout 2021, Council meetings are set for the 3rd Wednesday of each month at Noon.

14. Adjournment

- Motion to adjourn by Whisenhunt; 2nd by Brugnoli. Rep. Phillips declared the meeting adjourned at 12:36 p.m.

* Indicates anticipated action.