



RURAL BROADBAND EXPANSION COUNCIL

Minutes for Regular Meeting **10:00 a.m. on Monday, April 20, 2022** **State Capitol, Room 112**

1. Call to Order / Welcome / Establish a Quorum

- Rep. Phillips called the meeting to order at 10:00 a.m., reminded all that the meeting is being recorded, and ordered the roll to be called.
- Present: Cliff Agee, Mike Berube, Darlene Brugnoli, Mike Fina, Patrick Grace, Roger Neal, Logan Phillips, Daniel Webster, Jerry Whisenhunt, Brian Whitacre, and Brandy Wreath.
- Absent: Drew Beverage, Steven Harpe, James Leewright, and Billy Staggs.
- Chair recognized a quorum of the Council to be present.

2. * Approval of Minutes of previous meeting(s)

- **Motion #1** by Fina to approve the minutes of the two previous meetings, as submitted; second by Grace. Chair declared motion approved without objection.

3. Remarks from Co-Chairs

- a. **Sen. James Leewright** – absent
- b. **Rep. Logan Phillips**

- Session is underway. We have about one-and-a-half weeks left for bills to make it to the opposite chamber or they die. Then the Legislature will focus on budget negotiations. On broadband, both the pole attachment and easement bills are still being considered.

4. Presentations

- a. The Wireless Role in Bridging the Digital Divide – **Ms. Beth Cooley** of CTIA – 20 min.
- Presentation.
 - (See [slide deck](#) posted online.) CTIA is an association of national & regional wireless carriers, handset manufacturers and suppliers. Overview of wireless broadband. Uses include phone calls, mobile data, and the Internet of Things (IoT). 5G has been called “the next Industrial Revolution.” Launched in 2019, it is building out faster than 4G and is the solution to the growing data usage by consumers. Fixed Wireless Access (FWA) requires infrastructure – cell towers, rooftop cell sites, monopole cell sites, and small cells. Nearly 1,000,000 underserved and unserved Oklahomans, according to the FCC, where “unserved” means no access to 25/3 service and “underserved” means no access to 100/20. The Broadband Equity, Access, and Deployment (BEAD) Program grants can be used in a variety of ways to close the digital divide. States must apply to the NTIA for the funding. NTIA rules for BEAD are expected by 5/1/22. 5G for home broadband. Fast to deploy. Cost-effective to cover the last mile. Easy installation for users.
 - Discussion.
 - Whitacre: What is the difference between rural low-band 5G speeds vs those for high-band urban 5G? Will rural users really get 100 meg with that?

- Cooley: More spectrum coming online. Each carrier will do it differently.
- Fina: There are nearly 1 million Oklahomans unserved and underserved?
- Cooley: Both, per the FCC.
- Whisenhunt: Each tower has to have fiber, right?
- Cooley: Yes. This is an “all of the above” approach. Towers do need fiber.
- Whisenhunt: Along with high speeds, we also have volume limits. What are those?
- Cooley: I don’t know the technical answer. Congestion requires more infrastructure.
- Whisenhunt: Lots of devices (cameras, appliances, TVs) are left on full-time, eating up bandwidth.
- Brugnoli: Best practices from other states?
- Cooley: Understand how to handle the funds, most of which have different rules. Good idea to have different funding accounts. Can’t comingle BEAD funds with other funds because of different rules. Be careful how you set up your funds.

b. New State Broadband Office – **Rep. Phillips** – 10 min.

- Presentation.
 - John Estus from the Speaker’s Office is here to help answer questions about HB3363 and the proposed State Broadband Office (SBO).
- Discussion.
 - Whitacre: How many positions and how much funding for the SBO?
 - Estus: Only the Executive Director is mentioned in the legislation. We see 5-10 in other states. It’ll be up to the executive director to build out the staff. We know they’ll need a GIS specialist and people to manage and monitor grants. The SBO will be housed within OMES to provide administrative, technical, and legal support when needed. Requirements for public reporting of progress may mean the SBO could also need a community relations person.
 - Phillips: The Council will advise the SBO and its Governing Board.
 - Estus: A new Governing Board will hire the executive director.
 - Whisenhunt: After grants are awarded, is there a method to ensure monitoring and enforcement?
 - Estus: Yes, SBO will adopt Administrative Rules spelling out how they’ll enforce contracts and claw-back provisions. We expect accountability, and we expect there will be lots of federal auditors.
 - Whitacre: What’s the best-case timeframe of when the SBO will be up and running?
 - Estus: Once the Governor receives and signs the bill, the Governing Board has 30 days to post the SBO executive director position, so probably another 30 days after that.
 - Phillips: HB3363 was passed by the House and is now in the Senate for consideration. It’ll probably become effective in sometime in June.
 - Estus: By summertime I think you’ll see staff assembled.
 - Phillips: The bill has an emergency clause. And the bill will change the make-up of this Council. Sen. Leewright and I will no longer be on the Council, but the SBO executive director will be.
 - Estus: Clay Holk, state grants manager, is helping now with broadband funding, but the SBO will take that off his plate.

- c. Update on Broadband Data and Map – **Mr. Aldwyn Sappleton and Mr. Mike Sexton** of the Oklahoma Dept. of Commerce – 20 min.
- Presentation.
 - **Map demonstration** – Not many changes since we gave a demo to the Geographic Boundaries sub-committee about 5 weeks ago. Interactive map. We have County- and Tract-level data. Different data layers – state fiber network assets; ties into the Buildings and Sites database at Commerce; CAF deployment; etc. The map allows users to look at different broadband speeds for different areas – maximum and median. CAF II, awarded, but not yet deployed. Partnership with ESRI re: Ookla data, so can include on public version of the map. The internal map goes to the point-level, for use in decision-making for grants.
 - **Data** – Commerce and OMES are working through contract details for the \$2 million approved from ARPA funds to support the mapping effort, that is, purchasing 5 years' worth of CostQuest and Ookla data, buying more powerful computer equipment, and hiring a GIS specialist. Data on 5G is not available. The map provides a framework for decisions.
- Discussion.
 - Phillips: Other datasets are in the purchasing process.
 - Whitacre: Ookla data is public.
 - Sappleton: Yes, some is. What we're buying is more robust, point-level Ookla and CostQuest data, both of which are not public.
 - Fina: Does the layer for fiber infrastructure include state assets only?
 - Sappleton: Yes, state assets only.
 - Fina: Are you tracking the fiber of capital projects?
 - Sappleton: Some infrastructure data not yet available; will be included when available.
 - Fina: The lack of 5G data in the map is concerning.
 - Sappleton: If it's in the FCC form data, then we can add it. We don't include satellite because the legislation excludes non-terrestrial providers.
 - Fina: We want to be technology neutral. The Council wants to see wireless data in the map.
 - Sappleton: We can add the wireless data.
 - Phillips: Our map should include everything that's terrestrial-based.
 - Sappleton: [couldn't make out]
 - Agee: Define what this map is supposed to do.
 - Sappleton: It is to show what technology is being deployed and what service level is available in different areas of the state.
 - Agee: Can you tell me who the service providers are in a given location. And where the fiber infrastructure is? And at what speed.
 - Phillips: I'm not going to ask you [Sappleton] respond to that question.
 - Wreath: I might be able to help. What he's talking about today is the public map that everybody can see. They have non-public data that is for internal use only, for decision-making by the Council. All Commerce can show today, in a public meeting, is the public-facing map. All the data that's provided to Commerce, as required by law, is in the map.
 - Phillips: We sit at a table of competitors. We don't want to give away any providers' competitive secrets about their service area. When we're making decisions about granting the money, we will have access to the more robust map. The goal of the public maps is to show where the unserved and underserved areas are.

- Agee: Can this map show us where the nearly 1 million unserved and underserved Oklahomans are?
- *[Commerce continues the interactive map demo, selecting the variables requested.]*
- Phillips: Can you zoom in on a specific area? Let's look at south Tulsa.
- Whitacre: So the FCC definition uses the [redacted] speed, not the [redacted] speed. I would choose 100/20 because that's going to be your underserved.
- Wreath: These Commerce guys don't work for me, but keep this in mind: Their job is to include what this Council has requested in multiple meetings. They put everything in this map they've been requested to add, except what we're waiting to purchase. If we want more, please keep that in mind when in how you talk to them. This is supposed to be collaborative. They're here to help us. They're not a competitor; they're agnostic.
- Phillips: Any failure regarding the data has been on the Legislature's side, slowing the purchase of the newer data. Commerce has done the best they could do with the resources available to them. So if you don't like the map, we'll blame Leewright. (group laughter)
- Agee: So let me rephrase the question: Will the data be there?
- Sappleton: Yes. The CostQuest data should show us that.
- Agee: I would suggest that we also include the data for wireless carriers.
- Brugnoli: There are public 4G maps available through the FCC.
- Sappleton: We will add that data.
- Neal: Hospitals and healthcare is my area. Can you add a layer for EMS districts? It would be very helpful.
- Sappleton: Do you have the data layer? We can add it quickly.
- Whisenhunt: Can we add data on the Reconnect I, II, III, & RDOF programs?
- Sappleton: We can add helpful data layers.
- Whisenhunt: Many of the Reconnect projects are under construction. We want to recognize where new infrastructure is going in so we don't over-build.
- Whitacre: USDA does have info on Reconnect; not sure on RDOF.
- Wreath: I want to renew the request – if anyone has a layer that they want added, send me an email and I'll convene the Geographic Boundaries sub-committee to consider it and act. We'll post the list of data layers in the Council's Teams site.
- Whisenhunt: Is there an option for making private data public?
- Wreath: I recommend we follow the standard used at OCC: Privacy is yours to waive. If it's your data, you can waive privacy and make it public.
- Whitacre: [couldn't make out] is publicly-available data.
- Wreath: We have carriers in this room that, if you ask them to show where their infrastructure is, it's a lawsuit.
- Whisenhunt: I like having the option. On wireless, I believe we should include it on the map, but we need better data than what's been provided to the FCC.
- Fina: We're hearing frustration because the state started working on a broadband map three years ago and we still don't have one that the Council can use to inform decision-making. It's hard to move forward on the Council's other responsibilities without the map.
- Sappleton: Commerce shares that frustration. We've been proactive and have moved as fast as possible.
- Whisenhunt: It's a moving target because the data in my area has changed 300% in three years.

- Grace: Will responsibilities for the map move to the SBO?
- Phillips: Yes. Commerce: Thank you for your work. You've done fantastic work with what you've been given. Keep working with Brandy's sub-committee and we'll move forward as fast as we can. Members: Again, any delays we've had reflect a failure of the bureaucracy of the state. We tried to be first to market and hit roadblocks.

5. * Sub-committee reports with discussion and possible action on recommendations

a. Geographic Boundaries – **Mr. Brandy Wreath** – 5 minutes

- Report.
 - No meetings this last month. If we receive requests for more layers, we'll meet.
- Discussion.
 - None.
- Motion(s).
 - None.

b. Adoption Rates – **Dr. Brian Whitacre** – 5 minutes

- Report.
 - Added about 10,000 households in last month for the Affordable Connectivity Program (ACP). Oklahoma ranks about 20th. Only about a third of eligible households are enrolled. Working with Libraries and OCC to promote the program. Tribes are helping.
 - Any updates on the request for ARPA money by libraries for Digital Navigators?
- Discussion.
 - Phillips: No. The only request approved so far was the OSU fiber optic technicians.
- Motion(s).
 - None.

c. Policy Impacts – **Ms. Darlene Brugnoli** – 5 minutes

- Report.
 - No report.
- Discussion.
 - None.
- Motion(s).
 - None.

d. Advisory – **Director Steven Harpe** – 5 minutes

- Report.
 - Tabled.
- Discussion.
 - None.
- Motion(s).
 - None.

6. Discussion of possible agenda items for next meeting

- Presentations already scheduled:

- Mr. Jeremy Hegle, KC Fed Reserve Bank on Partnering on Broadband and Digital Inclusion (requested by Dr. Whitacre in March; set for May)
- Mr. Dan Sivard, State Purchasing Director, OMES on State Purchasing Procedures (suggested by Director Harpe in February; set for May)
- No additional suggestions were made.

7. Announcements

- Next regularly scheduled meeting: 10:00 a.m., Wednesday, **May 18**, 2022, in Room 112, State Capitol. [Members must attend in-person to count toward quorum, speak, and vote.]

8. Adjournment

- Rep. Phillips adjourned the meeting at 11:13 a.m.

* Indicates anticipated action.

Prepared by: Kirk Martin, Oklahoma Department of Commerce

Approved by Council, as presented, on 07/20/2022.