



# RURAL BROADBAND EXPANSION COUNCIL

**Minutes of Regular Meeting**  
**10:00 a.m. on Wednesday, August 18, 2021**  
**State Capitol, Room 4S.5**

**1. Welcome / Call to Order / Establish a Quorum**

- Rep. Phillips called the meeting to order at 10:07 a.m. and ordered the roll to be called.
- Present: Cliff Agee, Mike Berube, Drew Beverage, Patrick Grace, Steven Harpe, Roger Neal, Logan Phillips, Jack Smiley, Sammie Valentino, Daniel Webster, Jerry Whisenhunt, and Brian Whitacre.
- Absent: Darlene Brugnoli (online), James Leewright (online), Billy Staggs, and Brandy Wreath.
- Chair declared that a quorum of the Council was present.
- Rep. Phillips welcomed a new Council member, a Tribal Leader, appointed by the Pro Tem Greg Treat – Cliff Agee, Director of Telecommunication Services for The Chickasaw Nation.
- Rep. Phillips also welcomed Council member Jack Smiley, former mayor of Altus.

**2. \* Approval of Minutes of the July 21 meeting**

- Tabled – not yet ready

**3. Remarks from Co-Chairman Sen. James Leewright**

- Joined remotely, so not permitted to speak.

**4. Remarks from Co-Chairman Rep. Logan Phillips**

- ORBEC's Grant Rules sub-committee has not yet met; will meet after receiving guidance from the Transportation, Infrastructure, & Rural Development sub-committee of the Joint Committee on Pandemic Relief Funding (aka the ARPA Committee).
- If anyone wants to serve on the Grant Rules sub-committee, contact Rep. Phillips.
- Reminder to all that the meeting is being recorded.
- The House has two Interim Studies of interest to our Council – one will look at the broadband infrastructure owned by OneNet, ODOT, and OMES; the other will look at connectivity issues of libraries across the state. Groups will begin these studies in September or October.
- Data for mapping – for this first year, providers will not be required to submit this data to the Oklahoma Dept. of Commerce (ODOC). ODOC will use the data already provided to the FCC. This will change in Year Two.
  - Agee: Can you explain this decision?
  - Phillips: It's a timing issue. Providers already submitted their data to the FCC, which processed the data and compiled it into a single, uniform dataset, saving ODOC from having to replicate this process. For Year One, ODOC is using this FCC dataset to produce Oklahoma's broadband map. They will present it later in today's meeting.

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

- Last month, the Geographic Boundaries sub-committee arranged for a presentation for the Council on South Carolina's broadband mapping and offer to enter into a Memorandum of Understanding (MOU) with Oklahoma to provide mapping services. The sub-committee also recommended purchasing two Ookla datasets (mobile & fixed speed test data).
- There are no updates from last month.

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

- None.

**7. 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.

**8. \* 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 if 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.

**9. 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.

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

- None.

**11. 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.

**12. \* Discussion and possible action on recommendations of the Advisory sub-committee (5 minutes)**

- Phillips: Can you tell 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.

- Phillips: Director Harpe, I'm already getting requests for funding. Can you give a brief explanation of what the ARP request process looks like?
- 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.

### **13. 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.

### **14. \* 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 of 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 has to 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 really important 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.

## 15. Discussion of possible agenda items for next meeting

- Harpe: Let's bring in CFO Amanda Rodriguez to walk the Council through the funding process.
- Agee: There are broadband funds that are exclusively for Tribes. NTIA has \$1 billion for tribes, similar to RDOF. Any awards from this fund needs to appear on our map because that area may not be eligible to receive additional awards. The NTIA awards will probably be announced in early December. And then, in the Infrastructure bill, there will be another \$2 billion set aside just for tribes. So there's an opportunity for Oklahoma tribes to receive a lot of money in conjunction with what the State is doing.

- Phillips: Municipalities will be able to use their ARPA funds to leverage Infrastructure bill funding for broadband. How do we let them know and who do we talk with to help that happen?
- Harpe: We've been working with [Mike] Fina [at Oklahoma Municipal League (OML)].
- Whitacre: The only thing to note about that is it's only the larger cities that are getting ARPA money directly.

## **16. Announcements**

- Next regularly scheduled meeting: 10:00 a.m., Wednesday, September 15, 2021, in Room 4S.5, State Capitol. Members must attend in person in order to count toward quorum, speak, and vote. Others may join online or in person.
- Throughout 2021, Council meetings are set for the 3rd Wednesday of each month at 10:00 a.m.

## **17. Adjournment**

- Meeting adjourned at 10:56 a.m.

\* Indicates anticipated action.

Prepared by: Kirk Martin, Oklahoma Department of Commerce  
Approved by Council, as amended, on 09/15/2021