RURAL BROADBAND EXPANSION COUNCIL

Minutes for Special Meeting
November 10, 2020 at 10:00 a.m.
(rescheduled from October 21, 2020)

This special meeting is being held virtually consistent with the amendments to the Open Meeting Act, 25 O.S. 2011, § 301 et seq, signed into law by Governor Stitt on Wednesday, March 18, 2020. See SB661, 2020 O.S.L. 3, § 3

This meeting shall occur both through teleconference and in person. Attendance through teleconference shall be through Zoom.
- Link to access meeting: https://okcommerce.zoom.us/j/93907263797
- Meeting ID: **939 0726 3797**
- Call-in: 312-626-6799

The physical location of the meeting shall be at the State Capitol Building, 2300 N Lincoln Blvd, Room 230, Oklahoma City, OK 73105.

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 may either attend remotely or physically at the meeting site.

The notice of this Special Meeting was filed with the Secretary of State's Office on November 6, 2020. The agenda was posted on November 7 at least forty-eight (48) hours prior to the meeting at the East entrance of the Oklahoma Department of Commerce building at 900 N. Stiles Ave., Oklahoma City as well as on the Oklahoma Department of Commerce Website at https://www.okcommerce.gov.

1. **Welcome / Call to Order / Establish a Quorum**
   - Sen. Leewright welcomed members and guests and called the meeting to order at 10:00 a.m.
   - Members present: Darlene Brugnoli [joined late]; Patrick Grace; James Leewright; David Ostrowe; Logan Phillips; Daniel Webster; Jerry Whisenhunt; Brian Whitacre.
   - Members absent: Michael Berube; Roger Neal; Jack Smiley; Billy Staggs; Sammie Valentino; Brandy Wreath.
   - Sen. Leewright recognized a quorum of the Council.

2. *** Approval of Minutes from September meeting**
   - **MOTION 1** by Secretary Ostrowe to approve minutes of the 9/16/2020 meeting; seconded by Mr. Webster. Motion approved.

3. **Remarks from Co-Chair Sen. James Leewright**
   - [None]

4. **Remarks from Co-Chairman Rep. Logan Phillips**
   - Rep. Phillips introduced Mr. Josh Moore, Ward 2 Councilman, City of Edmond.

5. **Remarks from Mr. Josh Moore, Councilman, City of Edmond, on broadband issues facing urban and suburban areas of Oklahoma (20 minutes)**
   - I ask the Council to consider broadband issues facing urban and suburban areas of Oklahoma, too.
   - High-speed internet is used for business and educational purposes. With the pandemic, even more people are working from home and more students are learning from home.
   - It's time to treat high-speed internet as a utility, like electricity.
   - Much of east Edmond (east of I-35) is spread out and underserved by broadband, but has more than 2,000 households in the 5th-largest city and 3rd-largest school district in the state.
   - 83% of Edmond's population is either workforce age or school age.
   - Wireless may be a cheaper option, but the service isn't as good.
   - Question – Mr. Whisenhunt: Why the lack of response by "the Big 3" [AT&T, Cox, & Verizon] to provide service in this area?
   - Response – They are engaged, but the return on investment (ROI) is currently unattractive.
   - Question – Mr. Whisenhunt: Would first investors be protected for a period from later competitors?
   - There being no further questions, Rep. Phillips thanked Mr. Moore for his comments and stated that the Council seeks to expand broadband service for all areas of Oklahoma without it.

   - ➤ Ms. Brugnoli joined the meeting about this time.

6. **Presentation by CostQuest Associates on research and methods for establishing Geographic Boundaries for Broadband areas (20 minutes)**
   - Mr. Mike Wilson of CQA presented a PowerPoint presentation (uploaded later to the Council's file-sharing site in Teams).
   - Oklahoma has contracted with CQA to provide location detail of "Broadband Serviceable locations" across Oklahoma. Providing "service availability by location" is possible, but beyond scope of current contract. [slide 5 of PowerPoint]
   - Overview of Broadband Serviceable Location Fiber (BLSF) data, which is used as foundation for precise location. Superior to geo-coded addresses from Census tracts to identify service locations (homes & businesses) & therefore get better counts of "drops" (service delivery locations).
   - BLSF (aka "the Fabric") improves identifying & counting service locations and accuracy of geocoding them.
   - Overview of how BLSF is created using parcel data, footprint data, and logic for more accuracy [slides 15-17].
   - Pilot projects in Missouri & Virginia [slides 19-20].
   - Results of Oklahoma Fabric [slides 20-21 & 24]
   - CQA work in other states (AR, CA, SC, & NY) [slide 25]
   - Question – Rep. Phillips: How is the FCC data (from Form 477, based on info from ISPs) different?
   - Response – CQA has developed its own dataset. Now, the FCC only identifies structures *needing service*. In the future, FCC will cease using Census address data as the foundation of their dataset and the Digital Opportunity Data Collection program will provide more accurate data (sub-Census Tract level) about which areas are *actually served*. Down the road, CQA could identify which areas are served and unserved.
   - Question – Mr. Mike Fina (Oklahoma Municipal League): When you determine served, unserved, and underserved areas, do you use *speed* to determine underserved?

- Response – Yes; the broadband map you saw with the cost model [slide 24 of PPT] used a prior FCC definition – connection speed between 10/3 and 25/3 was classified as **underserved** and anything slower than 10/3 was classified as **unserved**. California now identifies anything slower than 100 Mbps as **unserved**.
- Question – Rep. Phillips: [Slide 9 of PPT] CQA's pilot projects in Missouri & Virginia found up to 38% additional rural **unserved** locations that – using the FCC's Form 477 data – are currently reported as **served**. Are you able to identify new neighborhoods and growth using newer data and different techniques?
- Response – Yes, we use satellite imagery and our system's logic to identify locations missed by using 2010 Census data, which even the FCC recognizes is not sufficiently current or accurate (geographically).
- Question – Mr. Grace: What are methods to identify speed and service availability? Require ISP reporting? Timeline? What have other states done? What's your view of those approaches?
- Response – Oklahoma is ahead of many others. The FCC aims to resolve this problem through its Digital Opportunity Data Collection program. Final order not done yet. Polygons of service. Engineering parameters not yet defined. At least 18 months before publicly-available data from the FCC.
- Question – Dr. Whitacre: How will we be able to use your data? Georgia can zoom in and see which specific areas are served. Will we be able to do that with your data to create a map this year showing served and unserved locations in Oklahoma?
- Response – The folks at Digital Transformation (OMES) will take fabric data and add to it to show service availability. South Carolina & Georgia went through a dedicated data collection process with ISPs. In Arkansas, CQA estimated service availability based on infrastructure. Oklahoma needs to decide what its next step is to be.
- Rep. Phillips thanked Mr. Wilson for his presentation and for answering questions.

7. *** Discussion and possible action on Geographic Boundaries (10 minutes)**
   - What, legislatively, does the Council want to do?
   - Sen. Leewright: I think a sub-committee should do the lion's share of this work.
   - Sec. Ostrowe: The previous Broadband Council set up a Broadband Mapping Team to address these issues and boundaries. They have done work in this area and continue to meet. My recommendation would be to adopt that group into this Council's sub-committee.
   - **MOTION 2** by Sen. Leewright to add the members of the Governor's Broadband Mapping Team to the Council's sub-committee on Geographic Boundaries and to add any willing Council members; seconded by Mr. Grace. Sec. Ostrowe, Mr. Berube, and Ms. Brugnoli volunteered to serve on the sub-committee. Motion approved by unanimous roll call vote.

8. **Presentation by Mr. Brandy Wreath from the sub-committee on Geographical Boundaries on defining "broadband" (20 minutes)**
   - Mr. Mark Argenbright (Oklahoma Corporation Commission) explained that, because of technical problems, Mr. Wreath cannot present today. Mr. Argenbright offered to present on his behalf.
   - Sen. Leewright: Because the Council isn't allowing non-member proxies, I suggest we table this item until the next meeting. Rep. Phillips thanked Mr. Argenbright.
   - Tabled until next meeting because technical problems prevented Mr. Wreath from joining the meeting.

9. *** Discussion on different modes of broadband and possible action on an appropriate definition (20 minutes)**
   - Tabled until next meeting (see above).

10. **Presentation by Sec. Ostrowe on Broadband Adoption Rate data (20 minutes)**
    - Tabled until December meeting because the study began this week. It was delayed at the recommendation of the vendor, there being so much surveying occurring tied to the elections. Delaying one week will have more responses and produce better results.

11. *** Discussion and possible action on creating a sub-committee on Broadband Adoption Rates (10 minutes)**
    - **MOTION 3** by Ms. Brugnoli to create a Council sub-committee on Broadband Adoption Rates with Dr. Brian Whitacre as chair; seconded by Sec. Ostrowe. Motion passed by unanimous roll call vote.
    - Co-chairs advised anyone interested in serving on this sub-committee to contact Kirk Martin at Commerce.
    - Dr. Whitacre asked the co-chairs for direction for sub-committee.
    - Rep. Phillips gave latitude to the sub-committee to determine its focus, but asked the sub-committee to identify issues that might require legislative solutions.

12. *** Discussion and possible action regarding tribal engagement (10 minutes)**
    - Rep. Phillips will mail a letter today to all tribal governments in Oklahoma.
    - Sen. Leewright is considering proposing legislation to add at least one member to the Council to represent tribal interests.
    - Rep. Phillips invited discussion. Ms. Brugnoli and Mr. Whisenhunt supported Sen. Leewright's idea. Mr. Fina (Oklahoma Municipal League) was supportive and stated that the recent McGirt decision by the U.S. Supreme Court is redefining the relationship between Oklahoma government and tribal governments. Rep. Phillips also supported the idea.
    - Sen. Leewright will work with Rep. Phillips and the tribes in writing the amendment to the legislation and determining whether the appointment will be by the Speaker or the ProTem.

13. *** Discussion and action on date, time, and locations for 2021 Rural Broadband Expansion Council meetings**
    - Sen. Leewright proposed using Room 206 (House Conference Room) or Room 535 (Senate Conference Room).
    - Rep. Phillips will organize the meetings.
    - Rep Phillips proposed keeping the same date (3rd Wednesdays) and time (10:00 a.m.). No objection.

14. **Discussion of possible agenda items for next meeting**
    - Dr. Whitacre proposed further discussion on CostQuest presentation, especially as it relates to service coverage and next steps for the Council.
    - Sec. Ostrowe proposed considering anticipated state budget funding shortfalls and their impact on legislative funding/budgets for initiatives desired by the Council.
    - Sen. Leewright asked for Sec. Ostrowe to present information on relevant subscriptions and related costs.

- Rep. Phillips reminded all members and sub-committee members that the Legislative session is coming up soon. We need to develop some legislation to set foundational work of the Council.

15. Announcements
- Next regularly scheduled meeting: Wednesday, November 18, 2020, 10:00 a.m. in Room 206. [The 11/18/20 meeting was later canceled; next meeting is set for 12/16/20]
- Sen. Leewright requested a notice be sent to chairs of all sub-committees to get updates at the December meeting.
- Rep. Phillips reminded members that they must be physically present at meetings going forward in order to vote.

16. Adjournment

- **MOTION 4** by Sec. Ostrowe to adjourn; seconded by Mr. Webster. Motion passed. Meeting was adjourned at 11:15 a.m.

* Indicates anticipated action.

The following individuals joined this meeting:

Voting members (alphabetical by last name)

Ms. Darlene Brugnoli	Verizon
Mr. Patrick Grace	Oklahoma Electric Cooperative
Sec. David Ostrowe	Office of the Governor – Digital Transformation & Administration
Mr. Daniel Webster	Northeast Oklahoma Electric Cooperative
Mr. Jerry Whisenhunt	Pine Telephone Company, Inc.
Dr. Brian Whitacre	Oklahoma State University

Non-voting members (alphabetical by last name)

St. Sen. James Leewright	Oklahoma State Senate
St. Rep. Logan Phillips	Oklahoma House of Representatives

Non-members (alphabetical by first name)

Barry K. Moore	BKM Group
Brian Hough	PTCI - Guymon
Chase Snodgrass	Office of the Attorney General
Chris Benge	OSU - Tulsa
Chris Turner	
Cliff Agee	Chickasaw Nation of Oklahoma
Mark Argenbright	Oklahoma Corporation Commission
Thomas Cohrs	Oklahoma House of Representatives staff

[list is incomplete; some information not captured]

Commerce staff (alphabetical by first name)

Holly Miller	Oklahoma Dept. of Commerce
Josh McGoldrick	Oklahoma Dept. of Commerce
Kirk Martin	Oklahoma Dept. of Commerce
Leslie Blair	Oklahoma Dept. of Commerce

- To receive meeting notices for the Oklahoma Rural Broadband Expansion Council, sign up at https://www.okcommerce.gov/about-us/rural-broadband-expansion-council/.

Approved by the Council as presented on Feb. 24, 2021.