RURAL BROADBAND EXPANSION COUNCIL

Minutes for Regular Meeting
2:00 p.m. on Wednesday, February 16, 2022

1. Call to Order / Welcome / Establish a Quorum
   - Rep. Phillips called the meeting to order at 2:00 p.m. and reminded all that the meeting is being recorded. Chair requested all members to speak loudly today, as the current meeting room has only one microphone.
   - Chair announced that Sen. Leewright had conflicting meetings and may join the meeting later.
   - Chair ordered the roll to be called.
   - Present: Cliff Agee, Mike Berube, Drew Beverage, Darlene Brugnoli, Mike Fina, Patrick Grace, Logan Phillips, Daniel Webster, Brian Whitacre, and Brandy Wreath. Steven Harpe arrived at approximately 2:05. James Leewright arrived at 3:04 p.m.
   - Absent: Roger Neal, Billy Staggs, and Jerry Whisenhunt.
   - Chair recognized a quorum of the Council to be present.

2. * Approval of Minutes of the January 19 meeting
   - **Motion #1**: Mr. Fina moved to approve the minutes as presented; second by Mr. Webster. Chair declared the motion approved without objection.

3. Remarks from Co-Chair Sen. James Leewright
   - Not yet present.

4. Remarks from Co-Chair Rep. Logan Phillips
   - Strike agenda item 5 because Mr. Rodriguez is no longer with the State. The council will get an update next month on the State Broadband Office.

5. Presentation by Ms. Amanda Rodriguez, CFO, Office of Management and Enterprise Services (OMES) on the proposed State Broadband Office (30 minutes)
   - Not available.

6. Presentation by Guidehouse on available funding sources, programs, and Final Rules (30 minutes)
   - Mr. Jeff Meyers and Ms. Erin Hutchins of Guidehouse presented a [slide deck](), which is posted to the ORBEC web page under Meeting Documents.
   - Updates regarding two ARPA funds – the State and Local Fiscal Recovery Fund (SLFRF) and the Capital Projects Fund, as well as funding available through the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL). Planning is paramount. Identify needs; articulate strategies; identify who will be served – all within compliance with rules. Evaluate funding sources and consider "braiding" with other federal funding. Projects must be able to be completed and/or funds expended by Dec. 31, 2026.
   - <u>Updates on SLFRF Final Rules</u>: Treasury now expecting 100/20 Mbps scalable to 100/100. Modernization of cybersecurity added. Priority on fiber-optic infrastructure and broadband networks

owned/operated by local governments, nonprofits, or co-operatives. Enrollment in low-income subsidy program. Consult with communities on affordability needs.

- <u>Updates on Capital Projects Fund</u>. Oklahoma allocation is about $168 million. 5% administrative costs available to State (about $8.4 million). Fairly stringent rules, similar to SLFRF. Three major categories: Broadband, Digital Connectivity, and Community Facility. There are presumptively eligible projects as well as a process to consider alternative capital projects. Focus on last-mile connections, fiber-optic, and affordable options. State's CPF Grant Plan is due by Sept. 24, 2022.
- <u>Updates on IIJA</u>. Broadband is a relatively small portion of IIJA funding, but still has $65 billion for broadband in U.S. Oklahoma's total IIJA funding (all project types) is about $5.8 billion. Broadband Equity, Access & Deployment (BEAD) programs.
- Recent changes in the ARPA Final Rule.
- How much flexibility does the State have in writing its own rules? Just stay within the rules set by the federal funding agencies.
- Discuss alternative processes to awarding funds.

7. Report of the **Geographic Boundaries** sub-committee by Mr. Brandy Wreath (5 minutes)
- Commerce gave two map demos. Awaiting new data. Commerce will provide list of all data layers, some of which are proprietary and available only on the internal map. Commerce built the map to be flexible, to permit adding additional data layers and have agreed to add whichever ones the subcommittee and Council request. Eager for us to get the newer data. Using it now is premature. The sub-committee will bring to the council next month a clear picture of the role of the map as one of *many* tools for decision-making, not the sole determinant for funding. Hope we'll use project-specific evaluation points where geographic boundaries are one of several factors considered.

8. * Discussion and possible action on recommendations of the Geographic Boundaries sub-committee (10 minutes)
- Harpe: The Governor approved ORBEC's $2 million request to support mapping was approved two days ago. OMES is establishing accounts and Guidehouse is preparing award documents for Commerce. We will follow the federal rules for these funds.
- Fina: [a question about the additional data to be purchased for the map]
- Wreath: The rubric should be agile, to be able to change with new data. Real-time source data are very valuable.
- Whitacre: CostQuest fabric. They were selected for the national contract, but it's being challenged by a losing bidder. So FCC maps may not be available until late this year.

9. Report of the **Adoption Rate** sub-committee by Dr. Brian Whitacre (5 minutes)
- [USC report on Emergency Broadband Benefit (EBB) Lessons Learned](#). Good news: Oklahoma is in the top 5. Bad news: EBB: Most enrollees are Lifeline subscribers, suggesting our outreach beyond first program was limited. About 2/3s using EBB for their mobile phone, not for a household connection. Can you really do remote work and online learning on a phone? May be problems with penetrating into new-adopting households.
- May consider doing adoption-oriented surveys.

10. * Discussion and possible action on recommendations of the Adoption Rate sub-committee (5 minutes)
- Harpe: Using cell phone as a Wi-Fi device.
- Whitacre: A cell phone may be the only device they have.

- Wreath: Lifeline. Oklahoma is tough on enforcement. We want to do OUR program right.
- Fina: OCC has a great regulatory environment. On EBB, Lifeline companies had a distinct advantage, plus $100. Tablets.
- Brugnoli: [couldn't make out comment or question]
- Beverage: [couldn't make out response]

11. Report of the **Policy Impacts** sub-committee by Ms. Darlene Brugnoli (20 minutes)
    - Mr. Fina helped a great deal with this report, so I'll ask him to help present.
    - Fina: We built a framework around the ARPA Rules and other federal programs. Technology-neutral. Speeds – 100/20 scalable to 100/100. Priority on Last Mile. Require no more than 25% match.
    - Brugnoli: We've created not a set of rules, but a roadmap based on principles. The Affordability component still has questions. Who determines affordability? Follow ACP? What counts as "commensurate." Maybe NTIA.
    - Fina: Some IIJA rules will appear in mid-summer. The rest will come in drips and drabs with the Final Rule to follow. IIJA guidance will likely follow ARPA for the greatest part.
    -

12. * Discussion and possible action on recommendations of the Policy Impacts sub-committee (10 minutes)
    - Harpe: 100/20 standard – why would we lower it from 100/100?
    - Phillips: The terrain in some parts of the state makes achieving 100/100 very costly. By allowing tech-neutral solutions that get us to 100/20, we get cost-effective solutions.
    - Harpe: We probably need to write that they need to be upward-scalable.
    - Beverage: It's wasting resources to build symmetrical (100/100) because that's not how people use it.
    - Harpe: It's a fair point. We haven't done our last pandemic. Need to plan for future.
    - Beverage: [couldn't make out comment]
    - Wreath: With OUSF, scoring gives preference for cost-effective coverage – getting the most bandwidth for the dollars available. Can require or reward scalability.
    - Harpe: We have to protect the user experience. Build into the rubric. Keep rural Oklahoma in mind.
    - Brugnoli: Keep options open within the boundaries set by the federal funders. Build in flexibility.
    - Harpe: Experience will drive everything – not just the numbers. Carry the flag for the schools. Demand for bandwidth is only increasing, and fast.
    - Grace: Agree.
    - Brugnoli: 5G. Fixed Wireless Access is capable of achieving 100/100.
    - Wreath: We must have after-the-fact performance requirements with claw-backs.
    - Brugnoli: FCC will have audit provisions.
    - Fina: We met with industry when we drafted with. Future proof. Virtual meetings.
    - *[Sen. Leewright arrived at 3:04 p.m.]*
    - Brugnoli: Annual Reports for 2020 and 2021 were sent to council co-chairs for input. Then to council for review.

- **Motion #2**: Sen. Leewright moved to distribute the drafts of the 2020 and 2021 annual reports to members; second by Director Harpe. No discussion.
- Chair declared the motion approved without objection.
- Brugnoli: Update on legislation. Compile list from Policy & Grant Rules subcommittees and set a call for discussion.
- **Motion #3**: Director Harpe moved to direct Ms. Brugnoli to email a list of legislative bills to members and set up a call to discuss them; second by   [?]   . No discussion.
- Chair declared the motion approved without objection.

13. Report of the **Advisory** sub-committee by Director Steven Harpe (5 minutes)
   - No report.

14. * Discussion and possible action on recommendations of the Advisory sub-committee (5 minutes)
   - None.

15. Report of the **Grant Rules** sub-committee by Representative Logan Phillips (5 minutes)
   - The Policy Impact subcommittee addressed the Grant Rules already.
   - Should we dissolve the Grant Rules subcommittee?

16. * Discussion and possible action on recommendations of the Grant Rules sub-committee (5 minutes)
   - **Motion #4:** Ms. Brugnoli moved to dissolve the Grant Rules sub-committee and add its members to the Policy Impacts sub-committee; second by Mr. Grace. No discussion.
   - Chair declared the motion approved without objection.

17. Discussion of possible agenda items for next meeting
   - Chair invited suggestions from Council members.
   - Mr. Beverage suggested hearing from WISP networks.
   - Dr. Whitacre suggested hearing about the proposed State Broadband Office.
   - Director Harpe suggested he may move to dissolve the Advisory sub-committee.
   - Mr. Wreath offered an update on the Oklahoma Universal Service Fund (OUSF).
   - Sen. Leewright suggested hearing from a company providing solutions to upgrade to 5G.
   - Director Harpe suggested hearing about state purchasing processes. (March or April)

18. Announcements
   - The next regularly scheduled meeting was scheduled for 10:00 a.m., Wednesday, Mar. 16, 2022, in Room 112, State Capitol; however, that falls during Spring Break for many members. If we are able to find an available room on a later day, we will notify our email list subscribers.
   - Members must attend in-person to count toward quorum, speak, and vote.

19. Adjournment
   - Rep. Phillips adjourned the meeting at 3:25 p.m.

<center>* Indicates anticipated action.</center>

Prepared by: Kirk Martin, Oklahoma Department of Commerce

Approved by Council, as presented, on 04/20/2022.