Rural Broadband Task Force
Friday, October 18, 2019
9:30 a.m. to 11:00 CDT

Varner Hall, Lower Level, Board Room
3835 Holdrege Street, Lincoln, Nebraska
Video Locations:
11306 Road 32, Sidney, NE 69162
Homestead Bank, 619 Grand St., St. Paul, NE 68873
Pinpoint Communications, 611 Patterson St., Cambridge, NE 69022
University of Nebraska at Omaha, EAB-008, 6001 Dodge St., Omaha, NE 68182

Web streaming for up to 100 viewers will be available. Information for connecting via Zoom is included on page 2 of the agenda. Links to agendas, minutes, and meeting materials are available at
ruralbroadband.nebraska.gov

Agenda

9:30	**Opening Business**—*Ed Toner, Office of the Chief Information Officer* Roll Call Notice of Posting of Agenda Notice of Nebraska Open Meetings Act Posting ***Approval of the Sept. 20, 2019 minutes****
9:35	**Discussion of Comments Received**
9:50	***Rural Broadband Task Force Report*** • ***Proposed Revision to the Definition of "Rural" and Prioritization**** • ***Approval of Rural Broadband Task Force Report****
10:30	**Next Steps** • *Interim Hearing on Wednesday, Dec. 4 at 1:00—Tip O'Neill* ○ LR166 - Interim study to review the report of the Rural Broadband Task Force that was created by Laws 2018, LB994 ○ LR175 - Interim study to ensure accelerated broadband deployment statewide • *Plans for Next Meeting Dates and Continuing the Work of the Task Force*
10:45	**Closing Comments**
11:00	**Adjourn**

* Denotes action items.
The task force will attempt to adhere to the sequence of the published agenda, but reserves the right to adjust the order and timing of items and may elect to take action on any of the items listed.

Meeting announcement was posted on the Nebraska Public Meeting and Rural Broadband Task Force Website on May 16, 2019. The agenda was posted on the Rural Broadband Task Force website on Oct. 11, 2019.

Nebraska Open Meetings Act

Web Streaming Connection Information for Oct. 18 Rural Broadband Task Force Meeting

Please click the link to join the webinar: https://zoom.us/j/710106787
Or Telephone: 1 669 900 6833 or 1 646 558 8656
    Webinar ID: 710 106 787

RURAL BROADBAND TASK FORCE
Friday, September 20, 2019, 9:30 a.m. CT
Varner Hall, Lower Level Board Room
3835 Holdrege Street, Lincoln, Nebraska

MINUTES

MEMBERS PRESENT:

Ed Toner, Chair, Nebraska Information Technology Commission
Senator Curt Friesen, Nebraska Legislature
Senator Bruce Bostelman, Nebraska Legislature
Mary Ridder, Chair, Nebraska Public Service Commission
Zachary Hunnicutt, Farmer, Hunnicutt Farms
Isaiah Graham, Vice-President, Homestead Bank [videoconferencing, not voting]
Daniel Spray, Owner, Precision Technology
Timothy Lindahl, CEO/General Manager, Wheat Belt Public Power District
Andrew Buker, Executive Director of Infrastructure Services, University of Nebraska
Ron Cone, Director of Network Information Services, ESU 10
Tom Shoemaker, President, Pinpoint Communications
Anna Turman, CEO, Chadron Community Hospital & Health Services

MEMBERS ABSENT: Maria Barragan, Nebraska Department of Economic Development, and Steve Wellman, Nebraska Department of Agriculture

OPENING BUSINESS, ROLL CALL NOTICE OF POSTING OF AGENDA NOTICE OF NEBRASKA OPEN MEETINGS ACT POSTING

Ed Toner, Office of the Chief Information Officer

Mr. Toner called the meeting to order at 9:32 a.m. Roll call was taken. Eleven members were present. A quorum existed to conduct official business.

The meeting announcement was posted on the Nebraska Public Meeting and Rural Broadband Task Force websites on May 16, 2019. The agenda was posted on the Rural Broadband Task Force website on September 11, 2019. The Nebraska Open Meetings Act was on the south wall of the Board Room.

APPROVAL OF THE AUGUST 16, 2019 MINUTES*

Mary Ridder moved to approve the August 16, 2019 minutes as presented. Timothy Lindahl seconded. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

PUBLIC COMMENT

Chair Ed Toner invited comments from members of the public.

Eric Carstenson, Nebraska Telecommunications Association, encouraged the task force to:

- Recommend strong support of sufficiency and predictability of the NUSF while maintaining accountability;
- Use the FCC's newly proposed broadband data collection program for state broadband mapping;
- Recommend that long-term costs be considered when evaluating technologies;
- Recommend maintaining the existing prohibition on retail provision of broadband by public entities.

Gary Needham, ESU 9-Hastings & Co-Chair of the NITC Education Council, discussed the importance of digital equity to both K-12 and higher education. The Homework Gap Subcommittee worked with the NITC Education Council and the Nebraska Department of Education to survey Nebraska teachers. Over 7,000 teachers completed the survey. The survey provided important insights into the homework gap for K-12 teachers. The homework gap also impacts students at community colleges, colleges and universities. Whereas K-12 teachers may offer accommodations for students without internet access, teachers at colleges and universities most likely will not offer accommodations.

Kristen Gottschalk, Nebraska Rural Electric Association, made the following suggestions for the task force's report:

- Move definitions to the front of the report;
- Address the need for equitable speeds—not just the need for 25/3 broadband-- in rural and urban areas;
- Include the definition of rural in the report;
- Include information about the limitations of the FCC Form 477 data in the beginning sections of the report;
- Support improvements to the FCC's data collection process;
- Include information about actual speeds and affordability being collected and studied in Nebraska;
- Encourage the use of creative partnerships and new technologies to increase the level of broadband adoption;
- Encourage greater flexibility in the leasing of dark fiber by public entities;
- Be specific so nothing is left open to interpretation by the Legislature.

Julia Plucker, Nebraska Cable Communications Association (NCCA) recommended:

- Maintaining the current restrictions on leasing dark fiber;
- Not requiring applicants for broadband funding to be ETCs;
- Leveraging the FCC's new broadband data collection program and not requiring duplicative reporting.

Jim Ediger, Hamilton Telecommunications, recommended that the task force focus on seven steps:

- Continuing to support the work of the Nebraska Public Service Commission to broaden the contribution base and improve sustainability of the Nebraska Universal Service Fund;
- Increasing the accountability and transparency for the distribution of NUSF funding;

- Developing a mechanism for coordinating the transfer of Federal and State Universal Service Funding support to another carrier in those areas where the incumbent carrier(s) is not making a reasonable level of broadband deployment progress;
- Establishing a supplemental grant-based broadband deployment funding methodology if needed in the higher cost rural areas;
- Streamlining rules and procedures for leasing dark fiber by public entities;
- If needed, public entities should encourage the formation of telecommunications cooperatives to own, lease or operate telecommunications broadband facilities;
- Encouraging government entities to facilitate broadband build projects by minimizing fees permitting requirements and timelines and working together on public infrastructure projects.

APPROVAL OF THE NUSF SUBCOMMITTEE'S FINDINGS & RECOMMENDATIONS

Commissioner Ridder highlighted the recommendations of the NUSF Subcommittee which were discussed at the August 16 meeting. Cullen Robbins, Nebraska Public Service Commission, provided an overview of the six comments submitted about the data in Appendix 7 which shows broadband availability by incumbent local exchange carrier. The telecommunications companies providing comments noted that the data in the appendix was from December 2017 and that they had since made infrastructure improvements to provide broadband to additional customers. June 2018 data was released earlier this month. The table will be updated with June 2018 data. There was a request to provide clarification about how the data was developed. An explanation will be included in the revised appendix.

Senator Bostelman asked if there was a way to investigate and report how much public dark fiber is available. Cullen Robbins replied, to his knowledge, that there is no current collection or accumulated data about dark fiber assets held by public entities. Tom Shoemaker said that it is probably obtainable but security issues may prevent the public sharing of this data. Dan Spray said that a carrier independent GIS map of the public fiber may inform the Task Force to make better decisions. Commissioner Ridder added that having conversations and building relationships between public and private entities is the first step toward better utilization of dark fiber assets.

Moved by Commissioner Ridder, second by Dan Spray, to approve the NUSF Subcommittee's findings and recommendations as presented. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Chair Ed Toner thanked Dan Spray, Commissioner Mary Ridder and Tom Shoemaker for their work in drafting findings and recommendations.

APPROVAL OF THE PUBLIC-PRIVATE PARTNERSHIP SUBCOMMITTEE's FINDINGS AND RECOMMENDATIONS

Timothy Lindahl explained that the subcommittee's intent was to be as non-prescriptive as possible with the language to encourage planning and development of local public/private partnerships.

Based on feedback received from stakeholders, the Public-Private Partnership Subcommittee proposed the following revision to the recommendation to retain the existing prohibition on retail provision of broadband service by public entities:

> **Former Statement:** Municipal provision of broadband does not help rural areas and may hinder rural broadband deployment by eroding a telecommunications provider's business case to provide service to a rural area.

> **Amended Statement:** Public provision of broadband without regional planning may erode the business case for providing broadband in rural areas.

Moved by Zachary Hunnicutt, seconded by Anna Turman, to approve the Public-Private Partnerships Subcommittee's findings and recommendations with the revised statement. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Chair Ed Toner thanked Timothy Lindahl and Tom Shoemaker for their work in developing the findings and recommendations.

APPROVAL OF THE BROADBAND DATA SUBCOMMITTEE'S FINDINGS AND RECOMMENDATIONS

Andrew Buker provided an overview of the Broadband Data Subcommittee's findings and four recommendations.

Moved by Anna Turman, seconded by Timothy Lindahl, to approve the Broadband Data Subcommittee's findings and recommendations as presented. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Chair Ed Toner thanked Andrew Buker, Senator Bostelman, Dan Spray and Anna Turman for their work in developing the findings and recommendations.

APPROVAL OF THE BROADBAND TECHNOLOGIES SUBCOMMITTEE'S FINDINGS

Dan Spray provided an overview of the Broadband Technologies Subcommittee's two major findings. He commented that there was no single silver bullet to address rural broadband challenges. Mr. Spray also commented on the low Earth orbit satellite deployment tentatively scheduled in mid-2020 and ATT's AirGig technologies, possibly to be implemented by 2021.

Moved by Anna Turman, seconded by Timothy Lindahl, to approve the Broadband Technologies Subcommittee's findings as presented. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Chair Ed Toner thanked Dan Spray, Ron Cone and Zachary Hunnicutt for their work in drafting the broadband technologies findings.

APPROVAL OF THE HOMEWORK GAP/LEVERAGING FUNDING SUBCOMMITTEE'S FINDINGS AND RECOMMENDATIONS

Ron Cone provided an overview of the newly presented findings, metrics and six recommendations of the Homework Gap/Leveraging Funding Subcommittee.

Timothy Lindahl suggested that the definition of Homework Gap should be broadened to college students and continuing education learners in their efforts to pursue workforce development. Senator Friesen commented that Wi-Fi on buses could be considered duplicative services.

Tom Rolfes provided additional information about congressional bills and the FCC's discussion about E-rate support of Wi-Fi on buses. Senator Bostelman asked about the four positions under the Nebraska Library Commission within the four regional library systems. Senator Bostelman commented that a school district in his legislative district already has Wi-Fi on buses and that technology could be done today.

Senator Bostelman encouraged a re-examination of the term "rural."

Anne Byers shared the definition of rural being used by the task force: areas outside city or town limits or places with fewer than 2,500 people. The task force prioritized funding for unserved areas outside of city/town/village limits.

Commissioner Ridder confirmed that NUSF funding goes only to rural areas outside of municipalities.

Moved by Dan Spray, seconded by Mary Ridder, to approve the Homework Gap/Leveraging Funding Subcommittee's findings, metrics, and recommendations as presented. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Chair Ed Toner thanked Dan Spray, Ron Cone and Andrew Buker for their work in developing the subcommittee's findings and recommendations.

APPROVAL OF THE FEDERAL INFRASTRUCTURE FUNDING RECOMMENDATIONS

Ed Toner provided an overview of the Federal Rural Broadband Infrastructure Funds recommendation and course of action. Task force members discussed the importance of looking at not just federal infrastructure funds but other potential sources of funding.

Members agreed to revise the first sentence to read:

> If federal rural broadband infrastructure funds or other sources of funds become available, the Rural Broadband Task Force will immediately activate a subcommittee to review any rules or requirements associated with the funding and will draft recommendations on how the funds should be expended.

Anna Turman asked how communication about funding opportunities would occur with rural communities.

Members agreed that an additional recommendation on looking at other sources of funding and communicating information on funding opportunities in communities should be added: Ms. Byers suggested the following wording:

> Funding opportunities should be monitored and communicated to interested stakeholders, including communities.

Tom Rolfes suggested adding an additional bullet to the original recommendation: "How could other local, state and federal funds be leveraged to assist the effort?"

The task force agreed to form a subcommittee on funding. Dan Spray, Zachary Hunnicutt and Ron Cone volunteered to be on the subcommittee.

Moved by Dan Spray, seconded by Tom Shoemaker, to approve the federal infrastructure funding recommendations as amended. Roll call vote: Toner-Yes, Ridder-Yes, Hunnicutt-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, Turman-Yes, Buker-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

Adjournment: Zachary Hunnicutt moved, and Mary Ridder seconded, to adjourn the meeting. All were in favor by voice vote. Motion carried.

The meeting was adjourned at 11:14 am CT.

Meeting notes were taken by Tom Rolfes and reviewed by Anne Byers.

Proposed Revisions to the Definition of Rural and Prioritization

Current Definition of Rural and Prioritization

Definitions and Prioritization. In order to clarify terms and prioritize those areas in most need of assistance, the task force adopted the following definitions and priorities:

Rural areas are defined as open countryside with population densities less than 500 people per square mile or places with fewer than 2,500 people.

Unserved areas are defined as areas with internet service at less than 10 Mbps down/1 Mbps up.

Underserved areas are areas which have internet service at 10 Mbps down/1 Mbps up or greater but less than 25 Mbps down/3 Mbps up.

The task force recommends that policies and available funding target areas based on the following prioritization:

1. Unserved Areas Outside City/Town/Village Limits
2. Unserved Areas Within City/Town/Village Limits
3. Underserved Areas Outside City/Town/Village Limits
4. Underserved Areas Within City/Town/Village Limits

Proposed Revised Definition of Rural and Prioritization

Senator Curt Friesen and Commissioner Mary Ridder have proposed revising the definition of "rural" and the prioritization as follows:

Definitions and Prioritization. In order to clarify terms and prioritize those areas in most need of assistance, the task force adopted the following definitions and priorities:

Rural areas are defined as areas which meet the following criteria:

- Census blocks that contains fewer than 20 households with a density below 42 households per square mile
- Census blocks not classified as a city or village per census
- Census blocks not within census-designated city limits

Unserved areas are defined as areas with internet service at less than 10 Mbps down/1 Mbps up.

Underserved areas are areas which have internet service at 10 Mbps down/1 Mbps up or greater but less than 25 Mbps down/3 Mbps up.

The task force recommends that policies and available funding target areas based on the following prioritization:
1. Unserved Areas Outside City/Town/Village Limits
2. Underserved Areas Outside City/Town/Village Limits
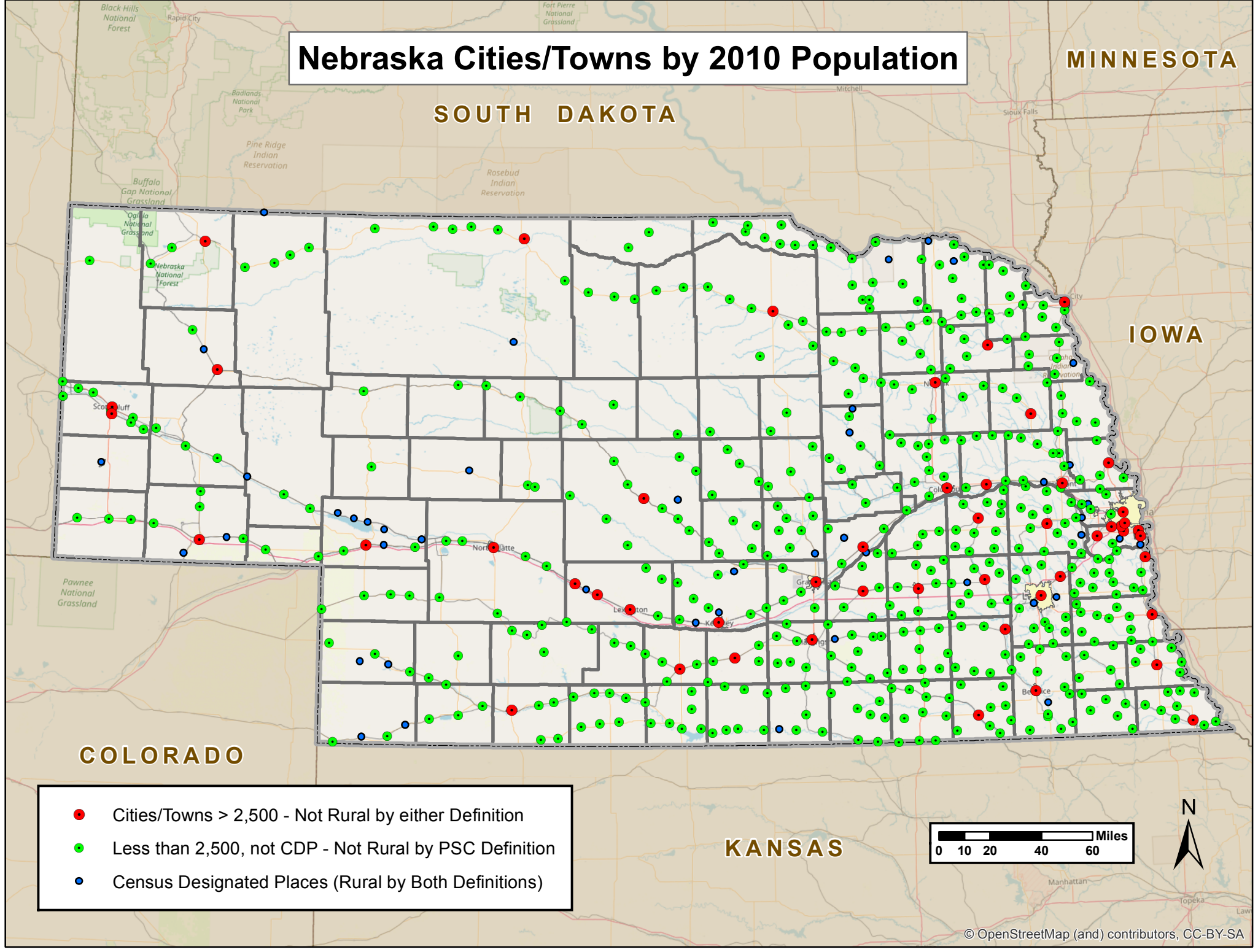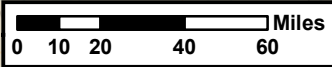
Nebraska Cities/Towns by 2010 Population

MINNESOTA

SOUTH DAKOTA

IOWA

COLORADO

KANSAS

Legend:
- ● Cities/Towns > 2,500 - Not Rural by either Definition
- ● Less than 2,500, not CDP - Not Rural by PSC Definition
- ● Census Designated Places (Rural by Both Definitions)

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Miles
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Alternate Proposed Revision to the Definition of Rural and Prioritization
Oct. 16, 2019

Definition of Rural and Prioritization

Definitions and Prioritization. In order to clarify terms and prioritize those areas in most need of assistance, the task force adopted the following definitions and priorities:

> **Rural areas** are defined as open countryside with population densities less than 500 people per square mile or places with fewer than 2,500 people.

> **Unserved area**s are defined as areas with internet service at less than 10 Mbps down/1 Mbps up.

> **Underserved areas** are areas which have internet service at 10 Mbps down/1 Mbps up or greater but less than 25 Mbps down/3 Mbps up.

The task force recommends that policies and available funding target areas based on the following prioritization:

1. Unserved Areas Outside City/Town/Village Limits
2. Unserved Areas Within City/Town/Village Limits
3. Underserved Areas Outside City/Town/Village Limits
4. Underserved Areas Within City/Town/Village Limits

The task force's definition of rural recognizes that some efforts—particularly those involving public-private partnerships and digital inclusion—may require the participation of both small communities and surrounding areas outside municipal boundaries. The definition also recognizes that some small communities may be unserved or underserved.

The Nebraska Public Service Commission allocates high cost funding from the Nebraska Universal Service Fund using a more narrow definition of *rural*. The Nebraska Public Service Commission defines **rural areas** as areas which meet the following criteria:[1]

- Census blocks that contains fewer than 20 households with a density below 42 households per square mile
- Census blocks not classified as a city or village per census
- Census blocks not within census-designated city limits

The use of this definition to distribute NUSF funds is consistent with the task force's prioritization.

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[1] Some information provided by the Nebraska Public Service Commission on broadband availability, including the information in Appendix 7 and metrics related to the Nebraska Universal Service Fund, utilize the PSC's definition of *rural*. Information on broadband availability from the FCC utilizes the U.S. Census Bureau definition of *rural* which is similar to the Rural Broadband Task Force's definition.