

Rural Broadband Task Force
Friday, February 7, 2020
1:30 p.m. to 3:00 CDT
1526 Building, 1526 K Street, Lower Level Training Room
Lincoln, Nebraska

Video Sites:

79225 Rye Valley Road, Callaway
Pinpoint Communications, 611 Patterson St., Cambridge
Homestead Bank, 619 Grand Street, St. Paul

MEMBERS PRESENT:

Ed Toner, Chair, Nebraska Information Technology Commission
Senator Bruce Bostelman, Nebraska Legislature
Mary Ridder, Chair, Nebraska Public Service Commission (Video conferencing)
Steve Wellman, Nebraska Department of Agriculture
Zachary Hunnicutt, Farmer, Hunnicutt Farms
Isaiah Graham, Vice-President, Homestead Bank (Video conferencing)
Daniel Spray, Owner, Precision Technology
Timothy Lindahl, CEO/General Manager, Wheat Belt Public Power District
Ron Cone, Director of Network Information Services, ESU 10
Tom Shoemaker, President, Pinpoint Communications (Video conferencing)

MEMBERS ABSENT: Senator Curt Friesen, Nebraska Legislature; Anne Turman, Catholic Health Initiative; Tony Goins, Nebraska Department of Economic Development; Andrew Buker, University of Nebraska

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 1:40 p.m. There were nine voting members present at the time of roll call. A quorum existed to conduct official business. The meeting announcement was posted on the Nebraska Public Meeting and Rural Broadband Task Force Websites on Jan.15, 2020. The agenda was posted on the Rural Broadband Task Force website on Jan. 27, 2020.

APPROVAL OF THE OCTOBER 18, 2019 MINUTES

Mr. Cone moved to approve the October 18, 2019 meeting minutes as presented. Mr. Spray seconded. Roll call vote: Toner-Yes, Ridder-Yes, Wellman-Yes, Hunnicutt-Yes, Graham-Yes, Shoemaker-Yes, Spray-Yes, Lindahl-Yes, and Cone-Yes. Results: Yes-9, No-0, Abstained-0. Motion carried.

INTRODUCED BILLS AND UPDATES

Overview of Introduced Bills

The meeting began with an overview of introduced bills from Tip O'Neill. The Transportation and Telecommunications Committee held a hearing on LB 898, LB 992, and LB 995 on Monday, Feb. 3, 2020.

LB 898 Provide for the collocation of certain wireless facilities. This bill was introduced by Senator Friesen and received comments both in support and in opposition.

LB 996 Create the Broadband Data Improvement Program. This bill was introduced by Senator Brandt and authorizes the Nebraska Public Service Commission to establish a program to verify data on broadband availability. It will likely be Senator Brandt's priority bill.

LB 992 Adopt the Broadband Internet Service Infrastructure Act and provide for certain broadband and Internet-related services. LB 992 was introduced by Senator Friesen and would implement several recommendations of the Rural Broadband Task Force. It has been designated as one of the Transportation and Telecommunications Committee's priority bills. The Broadband Internet Service Infrastructure Act included in LB 992 would establish a process for using electric easements for telecommunications. It is based on legislation enacted by Colorado. The Transportation and Telecommunications Committee has asked the Attorney General for an opinion. The bill would also establish a state broadband coordinator, modify the restrictions on leasing dark fiber by public entities, establish four positions within the Nebraska Library Commission to provide E-Rate and technical assistance to libraries, and would establish an E-Rate Special Construction Matching Program.

Public-Private Partnerships

Mr. Toner provided an opportunity for task force members to comment on introduced legislation.

LB 992 Adopt the Broadband Internet Service Infrastructure Act and provide for certain broadband and Internet-related services

Broadband Internet Service Infrastructure Act--Sections 1 to 5. There were no comments from task force members.

State Broadband Coordinator--Section 6. Zachary Hunnicutt said that several states have placed broadband offices or coordinators within the Department of Economic Development. Mr. Toner said that whether the position is housed in the OCIO or the Department of Economic Development, the two entities must work collaboratively together. Tony Goins, the new director of the Nebraska Department of Economic Development, Ed Toner, and the Governor's Office have begun discussions on collaborating on broadband activities. Tim Lindahl asked if there was a job description in place yet. LB 992 lays out the following general responsibilities:

- a) Encourage each county or region comprising a group of counties to appoint a broadband coordinator to facilitate broadband planning and coordination;
- b) Encourage each county or region to work with groups of stakeholders, which may include, but not be limited to, businesses and industries, community foundations, local governments, local or regional economic development organizations, schools, colleges, other educational entities, public libraries, health care institutions, financial institutions, telecommunications providers, public power districts, electric cooperatives, nonprofit organizations, and other interested entities;
- c) Assist such counties, regions, and stakeholders in determining what broadband assets are available, the areas for improvement, and strategies to improve broadband availability and use; and
- d) Explore the creation of broadband cooperatives in unserved or underserved areas of the state.

Leasing Dark Fiber and Terminating Nebraska Internet Enhancement Fund--Sections 9-12. There were no comments from task force members.

Rural Broadband Task Force Term Limits--Section 13 (page 16, line 30 to page 19, line 17). There were no comments from task force members.

LB 898 Provide for the collocation of certain wireless facilities. There were no comments from task force members.

Digital Inclusion, Homework Gap, and Leveraging Funding

Updates—NUSF 117. Cullen Robbins said that the Nebraska Public Service Commission opened Docket NUSF 177 on December 10 asking if the Commission had the authority to establish an E-Rate Special Construction Matching Fund. One party questioned if the Commission had the authority. LB 992 would give the Commission express authority to establish the matching fund. Ron Cone asked if the schools would be eligible to participate in the matching program. Mr. Robbins said that the docket does not exclude schools. He encouraged schools to participate in the record.

Updates—Nebraska Library Commission. Rod Wagner gave an update on the Nebraska Library Commission's activities to increase library participation in the E-Rate program and to improve library broadband. The Commission redefined an internal job description to hire a staff employee to focus on E-Rate Category 2 related tasks.

Regional Technicians, Nebraska Library Commission--Section 7. Task force members discussed the fiscal impact of adding four regional library technicians and asked if other options—including contracting for support or including installation costs in the bids—were considered.

NUSF and Reverse Auction

The Public Service Commission has released the third draft of the proposed rules for a reverse auction. A hearing has been set for March 24. An additional docket is open to examine allocations to price cap carriers.

Rural Digital Opportunity Fund. FCC adopted the order of establishing the Rural Digital Opportunity Fund on Jan. 30, 2020. The final version was made available on Feb. 7, 2020. billion dollars. \$16 billion has been allocated for phase I which will target areas identified as unserved using the FCC's current mapping program. A challenge process will be used to identify areas which were identified as unserved but actually are served. The process will be similar to the process used for the Connect America Fund II reverse auction. Once the auction gets below the budget, awards will be made to bidders offering the best service. Weights will be assigned to favor more robust technologies. Bidding will start on Oct. 22, 2020.

The FCC has allocated \$4.4 billion for Phase II which would include the unserved areas in census blocks that are partially served and unserved areas which were not included in phase I but were identified through a new mapping process.

Broadband Data and Mapping

Update: Federal Broadband Data Act, Cullen Robbins. Both the House of Representatives and the Senate have approved versions of the Broadband Data Act. The bill may be enacted this spring. The legislation is similar in many respects to the FCC's new broadband mapping program, but also includes a few differences. The Broadband Data Act would include improvement in broadband mapping for mobile wireless carriers. It would also include a validation process. Data would need to be update every six months. It would require the FFC to develop a user friendly challenge process.

LB 996 Create the Broadband Data Improvement Program. This bill would authorize the Public Service Commission to create a program to verify broadband availability via crowdsourcing. The PSC was unable to determine any cost estimates associated with LB 996 because the FCC has not yet developed any guidance for states.

ADJOURNMENT

The next Rural Broadband Task Force meeting will be scheduled in April or May.

Mr. Wellman moved to adjourn. Mr. Honeycutt seconded. All were in favor. Motion carried. The meeting was adjourned at 2:56 p.m.

Meeting minutes were taken by Lori Lopez Urdiales and reviewed by Anne Byers of the Office of the CIO.