

CONNECT NEW MEXICO COUNCIL MEETING

Hybrid

Thursday, April 18, 2024, 1:30 – 3:30 PM

In-person meeting location: 411 S Capitol St., Santa Fe, NM 87501, Room 317

1. WELCOME AND CALL TO ORDER

Video recording time: 00:00:15

The meeting of the Connect New Mexico Council was called to order by Shawna Rosales, at 1:37 p.m., on Thursday, April 18, 2024, in Santa Fe, New Mexico. Ms. Rosales introduced herself and reviewed general rules and procedures regarding the meeting.

MEMBERS PRESENT-

Kimball Sekaquaptewa, Chair

Ovidiu Viorica

Peter Mantos

Jim Ruybal

Nora Sackett

Leonard Manzanares

Eli Guinnee

Isaac Bush

Joseph Navarette

Launa Waller

MEMBERS ABSENT-

Luis Reyes, Co-Chair

Katherine Crociata

Steve Grey

Godfrey Enjady

Tico Charlee

OTHERS PRESENT

Shawna Rosales, OBAE Admin.

Renee Narvaiz, DoIT, PIO

Drew Lovelace, OBAE Acting Director

Natalie Runyan, GIO

Jason Clack, DoIT & CNMC General Counsel

Richard Govea, Jerry Smith, Eric Moores, Erica Valdez, Sandeep Taxali, Monica Riehl, James

Christian, Matejka Santillanes, Mitch Hibbard, Jim Meyers, Jay Santillanes, Kitty Clemens,

Corey Nelson, Steven Crosby, Johnny Montoya, Heather Floyd, Kate Sneed, Sionna

Grassbaugh, Manh Pham, Melanie Goodman, Bo Ford, Valerie Quintana

2. APPROVAL OF MEETING AGENDA AND MINUTES

Video recording time: 00:02:39

MOTION Ms. Rosales called for a motion to approve the agenda as presented. Mr. Guinnee so moved, seconded by Ms. Waller.

VOTE There being no opposition, the Agenda was approved.

MOTION: Ms. Rosales called for a motion to approve the minutes of the March 25, 2024 meeting, with suggested changes. Ms. Waller so moved, seconded by Mr. Guinnee

VOTE There being no opposition, the minutes were approved.

3. CHAIR UPDATES/COMMENTS – Ovidiu Viorica, Acting Chair

Video recording time: 00:04:44

Acting Chair Viorica informed the meeting that Chair Sekaquaptewa is not feeling well and has asked him to chair this meeting, however, she is in attendance via Zoom.

Chair Viorica introduced a new Council member, representing HED, Mr. Isaac Bush, who will be replacing Council member Bogi Malecki. Mr. Bush said he was happy to be representing

HED on this Council and participating in the broadband project.

Chair Viorica noted that the challenge process has finally arrived and there are many regional meetings happening throughout the state regarding this. He commended the Office of Broadband team that is assisting with these.

Audio issues occurred at video recording time: 00:06:52

Recording resumed at 00:07:18

Chair Viorica introduced Mr. Jason Clack, who is the General Counsel for the Department of IT, supporting the efforts of this Council. Mr. Clack noted that he has been with the Department for a little more than one month. He is happy to be working with this Council and assisting with legal advising and administrative functions for DoIT. Chair Viorica welcomed Mr. Clack.

Returning to the issue of the challenge process Chair Viorica again mentioned that there are a number of activities going on across the state. He asked Director Lovelace for an update regarding this challenge process. Chair Viorica congratulated the Office of Broadband and the rest of the team on the approval of IPv1.

Director Lovelace noted that the approval of IPv1 came in about 10 days prior to this meeting and the portal was put out, which is ready.net, the recommended portal from NTIA. This is now available for registration. It had been scheduled for launch on 04/17/24, but there were some issues, however, it should have gone live earlier today. He asked Ms. Runyan if she could confirm this, which she did. He screenshared the portal as well as the web page and reviewed these. He reported that several engagements are scheduled, approximately eight or nine, with two having already taken place and another scheduled for tomorrow, 04/19/24, in Santa Fe, and screenshared the list of those remaining.

With respect to the BEAD challenge there is a 30 day window, which will be from 04/18/24 to 05/18/24, with a 10 day gap between the challenge period and the rebuttal period.

He reviewed additional information available on the web page, including press releases, portal registration, the public map, FAQs, the IPv1, BEAD challenge resources, etc.

He emphasized that this is the last opportunity to change the map data before BEAD is rolled out, so it is very important to get accurate information. There are four eligible entities for challenges; internet service providers, nonprofits within the communities, tribal governments and local governments. Individuals are no longer allowed to challenge in this format for BEAD. He added that the Office of Broadband will be the adjudicator on the back-end of this, so the State will not be issuing challenges in this process. He noted that in this phase there will be an opportunity to true-up some data, which will be strongly evidence-based. He encouraged Council members to share this information with their connections in these eligible entities for potential challenges.

Chair Viorica thanked Director Lovelace for this update and re-emphasized the importance of this last opportunity in the challenge process. He again commended the Office of Broadband team, and particularly Ms. Runyan, for their work in this process.

Chair Viorica reviewed the situation regarding the RDOF amnesty issue, noting that the Council was not able to submit comments within the prescribed comment period, however, the

Office of Broadband worked on a letter, starting with the draft letter composed by Mr. Mantos and the Mapping Working Group, which was submitted to the FCC to make sure that the New Mexico voice is heard. He asked Director Lovelace to speak about the major themes in the OBAE letter.

Director Lovelace stated that the thought process involved what issues the Office could support and what issues they objected to. These included:

- 1) Inaccurate maps and the federal government not sharing enough information for understanding the award cycles of other programs such as RDOF. However, OBAE has had good communication with RDOF awardees in New Mexico, and has been able to gather information directly from these entities. He stressed the importance of having the best data available in order to make good data driven decisions.
- 2). The tribal areas where awards were granted without tribal consent and the need for the FCC to make a decision regarding these so that OBAE can make decisions with respect to these areas moving forward.
- 3). The appropriate level of penalty or repercussions for the entities granted amnesty and that the FCC be judicious in their determinations, taking into consideration the community (ies) that need to be served.

Mr. Mantos added that he believed the correct approach was taken for this issue by responding to the comments, rather than making a comment. He noted the request in the Zoom chat by Chair Sekaquaptewa to see the letter, and asked that the letter be emailed out. He continued saying that this letter reflects all of the issues previously discussed, across the spectrum of opinions, with the ultimate outcome of helping the FCC show accountability with respect to what plans exist and the progress being made against those plans, and if there are issues take next steps in order to meet the goal of getting people connected.

Chair Viorica thanked Mr. Mantos for his comments and his work on this, and also thanked Mr. Taxali for his contribution to this work. Chair Viorica stated that he was happy that this corporate effort resulted in a solution by which the voice of New Mexico could be heard. He added that it should be communicated to the FCC, time and again, that any funding that has not been appropriated or allocated yet should come to the states or tribes/tribal entities as they are better positioned to make decisions for their citizens/members.

Chair Viorica shared that the partnership between the Public Schools Facilities Authority, the Office of Broadband Access and Expansion and the Public School Capital Outlay Council, is working on bringing the statewide education network to an operational stage, which is targeted to be July 1st. He noted that there are many entities involved in this, including the Higher Education Department, and a lot of universities are housing the nodes that will be the anchors for this network as well as future middle-mile developments and deployments, which will support the BEAD work. This represents a true partnership.

4. Working Group - Tribal Working Group – Godfrey Enjady

Video recording time: 00:29:17

Mr. Enjady was not in attendance today so Chair Viorica asked if anyone else from this group would like to give an update. Ms. Valerie Quintana shared that the recent conference went well and everyone involved should be very proud of the work accomplished thus far. Many other states expressed that they would like to be more like New Mexico in the sense of requiring tribal consent for any work on tribal lands and they were impressed with the

relationships that New Mexico has with Indian Affairs, the State Library system and broadband. They were also impressed that New Mexico broadband has a tribal coordinator with plans for a whole tribal branch, which many states do not have. She was also able to make many new connections. She noted the myriad of activities occurring now with broadband, in particular the challenge process and digital equity.

Director Lovelace stated how impressed he has been with Ms. Quintana, as well as others, who have come on staff just recently and have gotten down to work right away, and this is appreciated very much.

5. Rulemaking Update – Jason Clack

Video Recording time: 00:33:55

Mr. Clack reported that the rulemaking process is complete. The rule has been approved and published, and is currently in effect.

Mr. Mantos suggested and Chair Viorica agreed that it would be beneficial for Mr. Clack to give an explanation of the rulemaking process for those who may be new to this conversation.

Mr. Clack asked if Director Lovelace could address the details of this as he had not been directly involved in the entire rulemaking process.

Director Lovelace noted that there were two elements in this process; aligning the rulemaking with the Tribal Collaboration Act and aligning the statutory appropriations of the Connection New Mexico Fund where both telephone and electric co-ops could apply for the assistance based funding. He noted that Mr. Lee Gagnon, the primary person in charge of this, has just returned to work from maternity leave, and there will be a couple of announcements regarding the GWEP in the near future, now that the rule has been adopted and aligned.

Chair Viorica added that he believes the GWEP application is now open to the cooperatives to apply for this funding in preparation for development of BEAD projects.

6. OBAE Update – Drew Lovelace

Video Recording time: 00:39:29

The BEAD update, the rulemaking and GWEP have already been covered. Director Lovelace stated he would be happy to answer any questions regarding these.

Since the last meeting the Digital Equity Plan has been accepted by NTIA. A big surprise was that NTIA rolled out three big elements which were completely different than what had been discussed in relation to digital equity, the biggest of which is that in addition to the planning process the states have to apply for each year of the three years, with plan updates throughout. Director Lovelace commended the digital equity team for their work on getting the approval through. The deadline to apply for state grant funding will be May 28th. The Digital Equity Working Group met just prior to this meeting and they have announced that they will be doing a survey, which should be out this afternoon or early tomorrow in an e-mail blast, to gather information on how the state can align these new programatics and then directly contract with some of the DE initiatives, as well as sub-grant these. This survey will help guide these decisions.

With regard to office staffing three new offer letters have gone out this week and another one last week, for positions that have been vacant and posted over the last month and a half. There is also a new vacancy posted because Rick Govea has just taken a promotion from project manager to project manager bureau chief. He congratulated Mr. Govea on this

promotion.

Chair Viorica also congratulated Mr. Govea on his promotion. Mr. Govea thanked everyone and stated it has been a great a progression, beginning with his work with the schools under Chair Viorica, then with Mr. Guinee at the State Library and then transitioned to OBAE and work on the BEAD program.

Mr. Bush asked if the NTIA process changes would have an impact on the overall OBAE operations.

Director Lovelace stated that the Office has intentionally remained flexible as there have consistently been changes from NTIA, whether it is with BEAD or Digital Equity. He did state that Digital Equity had been stable for some time so these changes had not been anticipated, but they just went to work on these. Even though they had not anticipated having to submit another application so quickly the good news is that the team has been in place for quite some time enough, building the plan, so the resources and information are available to execute the application, this was just something that had not been expected. He commended the Digital Equity Working Group, who have been actively working on this for years, doing the asset mapping that went into the plan.

Chair Viorica asked what the general timeframe and general process would be for the Digital Equity Plan and what preparation should be done for all the digital equity initiatives.

Director Lovelace stated that because of these recent changes he is not entirely sure how to answer this. The office will have to submit the new application and they do not know if this will be accepted in its entirety and if the \$8+ million announced recently will be awarded in totality. There will have to be a breakdown for different parts of digital equity, such as healthcare or certain covered populations. This is part of the reason for the recently released survey, to gather the best information of what communities are interested in. The earliest that the community will be able to apply for anything will most likely be in August. He gave the reminder that this is for the state capacity grant and there is another program which came out of the Digital Equity Act on the federal side, which is the capacity grant for local entities, but there has been almost no information provided on this. He noted that there will also be community events for Digital Equity, similar to what has been done for BEAD, to encourage participation in the various regions of the state, in particular in rural communities.

Chair Viorica expressed appreciation for all of the step-by-step work being done with respect to Digital Equity, with adjustments as needed along the way.

Chair Viorica asked if regular updates could be provided from the Digital Equity Working Group as well as for overall digital equity work at each Council meeting.

Director Lovelace stated that the Office will continue to give updates and Ms. Neala Kruger has assumed this role, providing updates. He agreed that continuing updates are needed. He offered to incorporate the Digital Equity update into his OBAE update going forward or this could also come from the subject matter experts. He will leave this to the Chair and Council's discretion which they prefer.

Chair Viorica thanked Director Lovelace for his response.

7. Public Comment

Video recording time: 00:50:49

There was no general public comment, however, Mr. Mantos asked if it would be appropriate to ask Chair Sekaquaptewa if there is anything she would like to say, if she is able to speak.

Acting Chair Viorica asked Chair Sekaquaptewa if she would like to address the Council.

Chair Sekaquaptewa stated it was difficult for her to speak but expressed her appreciation for Mr. Viorica stepping in to cover this meeting. Mr. Viorica thanked her for this and expressed wishes again for her speedy recovery. Chair Sekaquaptewa thanked him.

8. Adjournment – Shawna Rosales

Video recording time: 00:52:24

MOTION: Mr. Mantos moved to adjourn, seconded by Ms. Waller/Mr. Bush.

VOTE: There being no opposition, the meeting was adjourned at 2:52 p.m.