

CONNECT NEW MEXICO COUNCIL MEETING

Hybrid Meeting

June 20, 2024, 1:30 – 3:30 PM

In-Person Location: 411 S. Capitol St., Santa Fe, NM 87501, Room 317

1. WELCOME AND CALL TO ORDER – Shawna Rosales

Video recording time: 00:00:

The meeting of the Connect New Mexico Council was called to order by Shawna Rosales, at 1:36 pm, on Thursday, June 20, 2024, in Santa Fe, New Mexico. Ms. Rosales introduced herself and reviewed general rules and procedures regarding the meeting.

MEMBERS PRESENT-

Kimball Sekaquaptewa, Chair	Leonard Manzanares
Luis Reyes, Co-Chair	Eli Guinnee
Peter Mantos	Steve Grey
Ovidiu Viorica	Jim Ruybal
Launa Waller	Godfrey Enjady

MEMBERS ABSENT-

Nora Sacket for Alex Greenberg	Katherine Crociata
Joseph Navarrete	Isaac Bush

OTHERS PRESENT

Shawna Rosales, OBAE Admin.
Renee Narvaiz, IT, Public Information Manager
Natalie Runyan, GIS
Drew Lovelace, Acting Director
Erica Valdez (OBAE), Cass Brulotte (OBAE), Andrew Wilder (OBAE), Jason Clack (OBAE), Sandeep Taxali (OBAE), Eric Moores (OBAE), Catherine Nicolaou (OBAE), Sophia Nicolaou, Tabitha Davis, Mitch Hibbard, Heather Floyd, Amanda Baron, Kitty Clemens, Jay Santillanes, Melanie Goodman, Brandon Brooks, Valerie Quintana.

3. CHAIR UPDATES/COMMENTS – Kimball Sekaquaptewa

Video recording time: 00:0

Chair Sekaquaptewa welcomed everyone and thanked them for their participation today as well as their support during her recent illness.

She noted the situation with the wildfires in the Mescalero/Ruidoso area, and that the ITDRC is responding, the nonprofit wireless group which helped with WiFi access points at the beginning of the COVID pandemic. She also commented on the additional issues of flash floods and the recovery period associated with these wildfires, the impacts this will have on residents and infrastructure and the resources that will be needed.

She reported that three pueblos lost internet service the day before this meeting due to a squirrel eating 144 routers leaving Albuquerque, and the squirrel continued to take out routers as crews were trying to restore services.

She asked Mr. Enjady to give an update on the situation with the wildfires in the Ruidoso/Mescalero region. Mr. Enjady thanked everyone for all their prayers and assistance during this time. He noted that the first two days of the fire were enormous, with approximately 1,400-1,500 homes destroyed in the area, and that the fire was very intense and fast moving. Phone services are down for all of Ruidoso, Ruidoso Downs, Capitan, Alto and all areas in-

between these communities. One area of aerial fiber was burned through, but services were re-routed, with a service outage of about two hours. Mr. Enjady stated that he took the lead for bringing services back up for Mescalero and the surrounding area, and he formed a team called the Emergency Broadband Operations Team, EBOT, comprised of several of his neighbors, Penasco Valley Telecom, Jim Meyers, who has been directing traffic for Mr. Enjady, setting up TEAMS meetings, etc., along with Mitch Hibbard. Another partner is Tularosa Basin Telephone Company with Daniel and Jeremiah, who have been pivotal in getting services re-routed. Plateau is another partner with Jason and his team there. He noted that Ms. Waller has been a tremendous help, offering resources. He explained that this team was put together in an effort to respond to the local problem and expedite restoration of services to the whole area during this disaster. The major obstacle was that the whole town of Ruidoso evacuated, which included all personnel for the telecommunication companies, with no one running the systems, and he was the only one left to get things going. He noted that the evacuation was entirely necessary, so no fault finding there, however, services were desperately needed. He reported that when the fire hit the Alto area it severed the main connections for Windstream, TDS, his SS7 links, A-links going for voice services, 911 services; everything was down. Since that time he has been working with Tularosa Basin Telephone to change the routes. He had a route with Tularosa and needed to get reconnected to Carrizozo, so Jeremiah and his crew were able to get those routes reconnected so he was only down for about one day. The next priority was trying to get Windstream back up in Ruidoso. He was able to facilitate getting a Windstream team back into the area and with rehomeing their connection through Tularosa now 911 services and local phone services are now working in Ruidoso. Another issue was cellular services, including Verizon, T-Mobile and AT&T, which were all down as a lot of those services are carried by TDS locally, and he has been working on this situation with Plateau, but their head-in in Alto was burned down to the ground, however, the fiber was intact and TDS has gotten a crew there and the plan is to set up a fiber trailer to hopefully get that restored. He stated that the EBOT team continues to hold meetings, almost daily, and Mr. Hibbard can provide the link to those meetings for those interested in participating. He commented how much can be accomplished when everyone comes together and these meetings have been very instrumental in facilitating that. The next priority for the team is to get Capitan reconnected with at least voice and 911 services, with Windstream and others working on that. He stated that many of the PNM pole lines have been lost and his system has lost about eight miles of fiber going up to the ski area, which was on PNM poles and it will take a lot to get all of these replaced. He does still have a microwave link, redundant service, to that area which is still functioning, but he only has one or two days of fuel for the generators. An additional complication in this area is that yesterday there was a cloudburst, with close to two inches of rain, and the roads were flooded with debris, so they will need to get equipment in to clear the road so fuel can be delivered for the generators, which will be the only power available for quite some time. Hopefully TDS will get the temporary head-in rebuilt in Alto to restore cell service in Ruidoso and the surrounding area within the next two to three days. He reported that the fire service Incident Command Team were able to acquire COWs, cellular on wheels, which work off of Starlink, and Verizon was the first to arrive, however, capacity is not very high. AT&T and FirstNet are now in the area with COWs, mostly for the first responder network. T-Mobile is also in the area now setting up COWs. PNM has provided great support, offering Starlink services for the EOC in Ruidoso and the EOC in Mescalero. There may be a need for another EOC in Capitan. He asked if anyone had information on a Starlink connection as backup for Capitan to please contact the mayor of Capitan or himself. He again thanked Ms. Waller and Mr. Hibbard for all their help and support. He stated that he has also activated his NTTA vendor support group, about 75 vendors, who are ready to help and mobilize to provide equipment as needed. He added that they have been operating in crisis mode, trying to get basic services and communication operational again, which has been done. The next step will be to determine how to restore the rest of the community and all

areas affected. He added that with Ruidoso fully evacuated full services are not needed at this time, but the goal is to keep things going for basic and emergency services. He stated that Jim Meyers has been instrumental in this effort, providing his TEAMS meeting link for the daily meetings. He thanked all the neighboring co-op telephone companies for their help and support. He reported that the fire had jumped Highway 70 and he is working with a contractor now to replace about a mile and a half of fiber there, and he has been given emergency right-of-way from the tribe to put this underground. The fire also jumped Highway 70 in another spot, closer to Ruidoso, near the Tribal Center Casino, and tried to run uphill, which a fire team was able to stop. This was of concern because of the TriState power line on this hill, which if lost, would cause the entire area to lose power. He did state that, unfortunately, there have been two confirmed fatalities due to the fire and the total acreage of the fire is huge. He added that no hotels in the area are open and the only medical facility open is the IHS Hospital in Mescalero, with the next closest being Alamogordo or Roswell. Ruidoso dispatch and 911 services are now operational as well as Mescalero dispatch for Police 2 on 911 services. He stated that most of the evacuees are in Roswell, so if anyone has donations they should be sent there. He reported that it may be as long as five more days before Ruidoso is open for residents to return. He added that fire crews are active all over town working spot fires. The rain only occurred north of Alto, so all areas to the south are still very dry, however, the increased humidity level is helping suppress the fire activity.

Chair Kimball noted the praises expressed in the chat for Mr. Enjady's efforts and all those involved. Mr. Enjady replied that this has been a total team effort and hopefully many lessons have been learned for the future, which might facilitate writing some kind of policy to address these types of emergencies.

Mr. Enjady asked to be excused from the remainder of this meeting as he has another team meeting to attend in regard to the situation in Capitan.

Ms. Narvaiz noted that there was a request in the chat for contact information. Mr. Enjady gave his phone number verbally, and noted that service is still unpredictable so people should just keep trying to get through or just text him. He also gave his email address. He added that Ms. Waller and Mr. Hibbard know how to contact him. He again thanked Ms. Waller and her team for all the help they have provided. Ms. Waller thanked Mr. Enjady and expressed her appreciation for being included as part of this team.

At this point Mr. Reyes assumed chairing the meeting as Chair Sekaquaptewa had stepped away.

4. Working Group Updates

Digital Equity Inclusion and Accessibility Working Group

Mr. Guinee asked if Co-Chair, Ms. Nicolaou was present and would like to give the update for this working group. Ms. Nicolaou introduced herself, noting that she is the Broadband Manager for the City of Albuquerque, but she reports today as the first Co-Chair of the New Mexico Digital Equity Inclusion and Working Group, and that there are three Co-Chairs, to include herself, Eli Guinee and Bo Ford. She expressed her gratitude for the support and collaboration they have from the State Broadband Office. This working group has been functioning for a little over two years with very good participation, with approximately 70 organizations which have signed up for updates. There have consistently been between 15 to 20 participants in their meetings, which occur every two weeks and they are very excited about this as it is building a digital equity ecosystem in the state, bringing together digital equity champions, and with this collaboration the work can be much more powerful. They have held

their first digital equity summit and plan to have another later this year. At this summit there were different resources presented, as well as networking collaboration, and they were able to formulate comments which were presented to the State Broadband Office for the Digital Equity Plan being submitted to NTIA. They consistently receive information from organizations across the state about the digital equity work taking place and periodically have guest speakers during their meetings, with staff from Senator Lujan's office scheduled at an upcoming meeting to present information about the USF reform work occurring at the national level. They recently met with representatives from the National Digital Inclusion Alliance when they were in Albuquerque which has enabled them to share information about the strong digital ecosystem here in New Mexico. The three Co-Chairs are preparing to provide more resources to members of the Working Group who may want to apply for the capacity and competitive grants that are coming. They are also putting together a list of other digital equity funding resources.

She concluded her report by expressing concern for the individuals affected by the wildfires.

Mr. Guinnee thanked Ms. Nicolaou for reporting for the group.

Mapping and Data Working Group:

Mr. Mantos, Chair of this working group, reported that this group has been meeting regularly with very good discussions. He stated that they are compiling lots of notes and can provide links via Teams, for those interested in their work. He noted that they have been working on areas other than mapping, such as what to do about continuation of the ACP, is there anything that they can do as the mapping working group. Mr. Mantos shared that he had spoken with Director Lovelace today and knows of four ISPs who are keeping ACP through the end of the year, at least in some form. He explained that the ACP is a program which helps people pay for their broadband service, and that this program is most likely ending soon. However, there are some ISPs volunteering to help out in this regard, and they are attempting to compose a comprehensive list. They have also discussed questions regarding where new poles may be needed, which actually falls under the purview of the PROP working group, but the Mapping and Data Working Group is gathering data in this regard, as well as data which would indicate priority areas. Mr. Mantos described a timeline function on the maps, which Ms. Runyan has developed. With respect to the recent fire situation in the Mescalero/Ruidoso area Mr. Mantos stated he had spoken with Secretary Sambandam and the only type of communication which is working in this area is the public service radio system, the PSA, which is on emergency power, and Secretary Sambandam has had difficulty getting propane into the area, which is needed to run the generator for this, however, this is being resolved. This fire situation emphasizes the need for resiliency in the networks, which needs to be considered in long-term planning.

Mr. Mantos noted that this working group meets every other Friday with their next meeting scheduled for tomorrow, 06/21/2024, at 11:00 a.m. He asked Ms. Runyan if she had anything to add to this report. Ms. Runyan did not respond.

Vice-Chair Reyes asked if there were any questions for Mr. Mantos. There were none.

PROP Working Group:

Mr. Viorica reported that as stated by Mr. Mantos, this group has been unable to meet for several months due to lack of resources and member availability, primarily as a result of the work associated with bringing the New Mexico Statewide Education Network online, a major effort which is scheduled to occur on 07/01/2024. Mr. Viorica did report that he attended a pole attachment symposium last week, which was organized by the Schools Health and Libraries Broadband Coalition, which has been a major advocacy group talking about pole

attachments, trying to find solutions and spreading awareness. At this symposium representatives from the FCC, NTIA, various states and different associations for industry and municipalities spoke about the challenges and opportunities associated with pole attachments, especially as it relates to implementation of the projects funded by the capital projects fund, Tribal Broadband Connectivity, program state investments and definitely the upcoming BEAD. His major take-away was that there is a growing recognition of the complexities surrounding pole attachments, permits and rights-of-way. He had the opportunity at this meeting to provide an update on this working group. Overall it appears that the first step is to recognize that pole attachments represent a significant issue which needs to be addressed directly. He gave the example that the State of Vermont, according to their Broadband Director, has been working on this for almost two decades and still their project completion is estimated to be 2028 for full fiber-based broadband coverage. Their advice is to have regulation in place to establish the guidelines and parameters, but the rest of the work is related to negotiation and strong working relationships. Other states have utility pole replacement funds and working groups, and they are setting up rapid response teams to resolve issues and move projects forward. This is something that the FCC is also putting in place.

Mr. Viorica stated that in summary, there is a need for as many tools as possible in this arena to increase the chances of being successful, with definitely more resources and more action related to authority such as rules and guidelines, and particularly more funding related to pole attachments and pole replacements. He shared that pole replacements could require anywhere from 10-50% of the BEAD allocation for New Mexico, depending on the percentage of poles needing replacement, or work needed in this regard, and unfortunately the percentage of replacements is unknown at this time. This needs to be rectified within the short period of time before moving into the BEAD project development, which is only two to three months.

Vice-Chair Reyes thanked Mr. Viorica for his report and called for any questions or comments. There were none.

5. Rulemaking Update – Cass Brulotte

Video Recording time: 00:

Director Lovelace stated that Ms. Brulotte will be giving the update, as she is the new staff counsel for the Office. He added that Ms. Willock is not present today and Mr. Clack had let a message in the Zoom chat that he had to leave the meeting.

Ms. Brulotte introduced herself and stated that she has attended the last two Rulemaking meetings with Ms. Willock and Mr. Clack. She stated that Mr. Clack is still working on the proposed MOU for the Council and she believed that a draft has been circulated to the Council members for review and to provide feedback. Once this has been finalized it will be sent to Ms. Willock, herself and Director Lovelace for OBAE review.

Vice-Chair Reyes called for any questions. There were none. Vice-Chair Reyes thanked Ms. Brulotte for her report and stated that he was pleased to meet her. Ms. Brulotte returned the greeting.

6. OBAE Update – Drew Lovelace

Video Recording time: 00:

Director Lovelace stated how impressed all of the Office is, as well as all the sentiments shared in the chat, related to the how Mr. Enjady has taken the lead making sure that communications get restored to the Mescalero/Ruidoso area communities and what a tremendous effort this has been. He also noted that this is a playbook that should be considered for the future. He again commended Mr. Enjady for all his efforts. He also thanked

Ms. Waller, Mr. Meyers, Mr. Hibbard, and Daniel Meszler, at Tularosa Basin, for all their efforts.

Director Lovelace then noted several staff changes and four new staff members have been added since the last Council meeting. He stated that Ms. Brulotte is the new staff attorney, whom everyone has already been introduced to, and that she came on staff at the end of May, and she has been involved with contracts, legislation, all sorts of grants agreements, etc.

He noted that in the absence of Ms. Willock today he is announcing, on her behalf, that she is retiring effective July 1st. He congratulated her on her retirement and added that she will be missed very much. He stated that the General Counsel position is out for posting on the Governor's Office website. He stated that if anyone knows of an attorney with broadband experience they can refer them to this posting.

He then shared that Socorro Salazar left the Office this past week, as she has gone to the Department of Cultural Affairs. She will be greatly missed as she was a major part of the procurement and contracts team. This position has also been posted.

There have also been three new staff additions over the past couple of weeks; a new project manager, Mark, on the State Education Network team Juanita's replacement, who retired from the State Education Network and Chuck Boudreaux, who will be the Workforce Planning project manager.

He reported that the application has been made for the State Digital Equity and Capacity Grant on May 28th, and the first round of curing on this has already taken place. The state was allocated \$8.6 million out of the planning funds and the Office has taken a very minimal approach on how to administer this and \$7.1 million of this will be directed toward the pass-through entities, with a NOFO issued, and these will be awarded when this allocation comes in. The earliest date expected for this announcement will be August 28th, and programs will be launched from there with the announcement and approval of the state Digital Equity and Capacity Grant from NTIA.

With respect to BEAD he asked Mr. Wilder to give a quick update on the status of the challenge process and when a draft version of the project areas for public consumption could be expected. Mr. Wilder introduced himself. He reported that the project area units for the BEAD program are currently in development, with a working draft very close to being ready for publication. He anticipates these to be available by the middle of next week, hopefully on the website for public viewing. There will probably be a public comment period beginning approximately two weeks after that, for 30 days, to solicit input on the design of these project area units. These are primarily based on school district boundaries, although there are some deviations from that, most significantly tribal boundaries, NTIA high-cost areas and in some cases census tracts were used to define the project areas. The project areas range in size from about 500 to 1,500 DSLs per area, with 1,000 being the most common, though there are some deviations from that on either end of the Bell Curve. Regarding the BEAD challenge process this is at about the half-way point overall, currently about half-way through the 30-day rebuttal phase, which continues until July 3rd. This is where those who have been challenged can rebut the challenges submitted, as well as any eligible challenger can challenge certain challenges submitted, not directed against a specific provider. Weekly office hours are being provided to help support stakeholders in getting the information they need and answers to their questions in order to participate and submit rebuttals if they choose to. After the close of the rebuttal period on July 3rd there will be a 30-day final adjudication period when Ms. Runyan and others will make final decisions on the challenges or rebuttals and then move on to

finalizing the map for the BEAD program.

Director Lovelace reminded Mr. Wilder of the other resources available beyond the office hours. Mr. Wilder noted that two contractors have been engaged to support stakeholders with the challenge process, both challengers and rebutters, those being Alex Trujillo, who used to work for the Office, as well as Scott Lopez, with [REDACTED], who formerly worked for [REDACTED] as well. These individuals are working independently from the Office, with a firewall set up between them so they can provide close support with stakeholders and not compromise the integrity of the challenge process. They are available to any entity which needs support and their contact information is published on the Office website.

Director Lovelace gave a reminder with regard to the project area units, that being that an official public comment period and an official first draft of the project areas cannot be released until Initial Proposal Vol. 2 is approved, along with the Initial Proposal funding request forms, which is another element that goes hand-in-hand with this. The Office is still awaiting this and they believe they are through the last curing of that and just awaiting the announcement. They expect this to happen within the next couple of weeks, which aligns with Mr. Wilder's timeline. They will get this draft out as soon as possible in preparation for the public comment period. He noted that going into the design of Initial Proposal Vol. 2, one of the big concerns was making sure that tribal sovereignty was recognized and that tribal consultation was also done in the same public comment period and leadership of some of the tribes have already been contacted to discuss the upcoming comment period with the desire to meet with them.

Director Lovelace also noted that there are two other programs in process simultaneously. The first is the GWEP program, where they believe they are about a week out from making the first announcements, with all the curing having been completed this past week. He commended Mr. Gagnon for leading this effort, while taking intermittent leave for the birth of his son, and he will now take the rest of his leave. He added that Eric Rodgers will be finishing up those announcements in preparation for the launch of this, which is anticipated by the end of next week. The other program is the Connect New Mexico Fund which is currently in the curing process, with Mr. Taxali processing these projects, along with other scorers on the team, including Mr. Gagnon, Mr. Wilder and project coordinators Ms. Krueger and Mr. Jaramillo, in preparation for the next steps of what projects will be carried forward. As this is in the competitive process of curing he will leave this at the high level, but they are looking forward to pushing these forward as soon as possible given the funding timeline.

Vice-Chair thanked Mr. Wilder and Director Lovelace for this update. He called for any questions or comments.

Mr. Mitch Hibbard, with PVT, asked if the Connect New Mexico Fund awards will still need to be under contract by the end of June or if this has been extended. Director Lovelace stated that the June 30th timeline was originally given by NTIA, trying to align with the BEAD program, and they are still trying to meet that timeline, but not for the purposes of NTIA. The Initial Proposal Volume 1, was approved and they are on a different timeline now for that 120-day challenge period, so there is a little more time to align the two programs together. However, there is certainly a concern around when the funding expenditure allowance by the legislature allows expenditure of those funds, which is June 30, 2025, so shorter timelines than one year does not really allow for much adjustment. He noted, as previously discussed with Mr. Hibbard, the plan is to go back, and for whatever funds have not been awarded there would be an attempt for an extension, but with the legislature there needs to be evidence of some effort toward expending these funds. Director Lovelace stated the Office wants to be sure they get some awards out as soon as possible. He noted that Mr. Taxali is working toward meeting at

least some of the June 30th timelines originally set out to align with NTIA's BEAD program requirements. Mr. Hibbard asked if an award is given later, such as the end of July 2024, would the end of June 2025 deadline still apply for that project funding or would this also be extended. Director Lovelace explained that the way the legislature appropriated the funds was on an expenditure from the Office, so there has been some guidance provided in the FAQs around how if a project would need to be continued past that it would not be reimbursable from the Office after that point, so there is certainly some risk for the providers on that side of things, but they have also looked at ways that the match could be the final components in the timeline after June 30th. He recommended referring back to the FAQs or perhaps Mr. Taxali could comment or answer in more detail. Mr. Taxali stated he had nothing more to add than what Director Lovelace has stated and gave details regarding the curing process and where it stands currently. He stated that the June 30, 2025 deadline has not changed as of now, however, the NOFO describes a three-year deployment timeline from the time the award agreement is signed, if the legislature is able to give the extension, otherwise grant expenditures, invoices presented and requests for reimbursement should be processed by June 30, 2025, so July will be a very active month with respect to announcements. He noted that work on the legal agreement is coming along well and is a little more streamlined than the one for the pilot program.

Mr. Hibbard thanked Mr. Taxali for this information.

Vice-Chair Reyes also thanked Mr. Taxali for his comments.

7. Public Comment

Video recording time: 0

Vice-Chair Reyes asked if there were any further questions or public comments. There were none.

2. APPROVAL OF MEETING AGENDA – Shawna Rosales (this was skipped at the beginning of the meeting)

MOTION: Vice-Chair Reyes called for a motion to approve the Agenda as presented. Mr. Guinee so moved, seconded by Mr. Grey. There being no opposition the Agenda was approved.

8. Adjournment – Vice-Chair Reyes

Video recording time: 0

With no further public comment offered and no further business before the Committee Vice-Chair Reyes adjourned the meeting at 2:47 p.m.