

Connect New Mexico Council SPECIAL Meeting

Virtual

July 27, 2023, 1:30PM – 2:30 PM

1. WELCOME AND CALL TO ORDER

Video recording time: Before recording started

This SPECIAL meeting of the Connect New Mexico Council was called to order by Renee Narvaiz, at 1:33 pm, on Thursday, July 27, 2023, in Santa Fe, New Mexico. Ms. Narvaiz introduced herself and reviewed general rules and procedures regarding the meeting.

MEMBERS PRESENT-

Kimball Sekaquaptewa, Chair	Steve Grey
Secretary Peter Mantos	Leonard Manzanares (joined late)
Ovidiu Viorica	Eli Guinnee (joined late)
Jim Ruybal	Katherine Crociata (joined late)

MEMBERS ABSENT-

Luis Reyes	Launa Waller
Joseph Navarette	Godfrey Enjady
Bogi Malecki	Tico Charlee

OTHERS PRESENT

Renee Narvaiz, IT, Public Information Manager

Vanessa Willock (DoIT General Counsel)

Joanne Hovis (CTC), Julie Park (CTC), Bill Boas, Jerry Smith, Jerrold Baca, T. Fremin, Teresa Hopkins, Nathan Cogburn, Henry Perretta, Cameron Graham, Richard Meadows, Sarah Raup, Manh Pham, Jessica Hitzman, Daniel Meszler, Josanne, Kathy Korte (Bernalillo County), Kitty Clemens, Carlos Herrera, Ross C., Michael Ripperger, Johnny Montoya

2. APPROVAL OF MEETING AGENDA AND MINUTES

Video recording time: Before recording started

MOTION No motion due to lack of quorum at beginning of the meeting.

3. CHAIR UPDATES/COMMENTS - Kimball Sekaquaptewa

Video recording time: 00:00:05

Ms. Sekaquaptewa welcomed the group to the meeting. Still trying to determine how this Council can function best. Scheduling Special Meetings new strategy to get more work accomplished. These may not come up with enough notice and this can be revisited. Today's meeting being coordinated by CTC with questions similar to those being posed to other stakeholder groups, with hopes that this input will make it into the 5-Year BEAD Plan. Turned meeting over to Ms. Hovis from CTC.

4. Discussion and input for 5-year plan – CNMC Members

Video recording time: 00:01:09

Hovis – Expressed appreciation for this opportunity. Shared background and purpose of the 5-Year Plan and how it fits into the larger BEAD planning process, with details of processes involved to formulate the 5-Year Plan. It now appears that access to the bulk of the BEAD funding may not occur until mid/late 2025, and this date seems to be shifting.

Hoping to ask bigger picture/open-ended questions today for input on the 5-Year Plan, which is not really an action plan, but designed by NTIA to be more of a big picture statement of goals

and principles, as well as description of the current state.

Four categories of input:

- 1) Goals and vision.
- 2). Barriers and obstacles to deployment as Council members have experienced, observed or addressed them.
- 3). Barriers and obstacles with regard to digital equity. Aware that there is a completely separate digital equity plan also being developed, but NTIA has also required digital equity be addressed in the infrastructure category because they see digital equity and infrastructure being very closely aligned, appropriately so. This would also include affordability, access to devices, security and privacy online, etc. What is interfering with New Mexicans using the Internet other than the availability of infrastructure?
- 4). What kinds of initiatives and efforts would you like to see OBAE develop and undertake in the coming years, which is being investigated in the planning process, both with regard to digital equity and infrastructure.

These are very broad categories, but any input this Council can share on behalf of their communities and stakeholders, based on personal experience will be very valuable.

CTC has been collecting data in many different ways, including a statistically valid survey of the residential community, participating in engagement events as part of the OBAE team in various parts of the state, along with a series of online questionnaires or surveys for institutions such as government entities, tribal nations, schools, libraries, other anchor institutions and ISPs. Asked participants to look at these and fill out as many as they feel appropriate.

Asked Chair if she should begin with first section of questions for members of the Council to comment and share thoughts, the first being the State's goals and priorities, issues they would like to flag or things they would like CTC to consider. Stated participants should also feel free to share regarding obstacles, barriers and initiatives

Viorica – Regarding major goals and objectives for broadband digital equity believes these have been discussed extensively. For general goals and objectives suggested people look at the OBAE 3-Year Strategic Plan, noting that a lot of input has gone into this Plan. Reviewed those, which include: 1) universal connectivity for all New Mexicans, that is scalable, affordable, reliable and safe, 2) widespread adoption and meaningful usage which includes the skills to utilize broadband and technology, as well as access to devices, 3) advancement of next generation statewide networks, large networks which serve a variety of users, which are specialized but also foundational as the driver for connectivity, gave example of statewide education network which could be paired with a research-type network and 4) program stewardship and sustainability, between \$1.5 billion and \$2+ billion in the next five years. This represents a lot of opportunity and potential for development for the state, but also a large accountability burden to use these resources wisely to solve the problem.

Hovis – Thanked Mr. Viorica for his comments. Certainly the high-level goals of the 3-Year Plan were the starting points for developing goals for the 5-Year Plan.

Viorica – Recognized Mr. Mantos with his hand up and yielded to him.

Mantos – Asked if Chair Sekaquaptewa was able to hear those speaking; she often does not have good connectivity in her location. If this is the case he suggested proceeding with the questions.

Kimball – Responded, can act as moderator, thought perhaps CTC would facilitate. Thanked Mr. Mantos for checking on her status.

Viorica – Recognized Kathy Korte from Bernalillo County with hand up. Questioned procedural approach to public comment. Would welcome broader input.

Kimball – With no quorum can just open up as conversation.

Korte – Introduced herself as the Chief of Government Affairs for Bernalillo County. Stated she has been part of their broadband team for close to four years. At county level they have endeavored to catalyze partnerships to bring broadband service to a critically underserved area in Bernalillo County, which is the East Mountain area, which includes Tijeras and surrounding communities. Described beginning with an RFI in 2020-2021, then to an RFP process, with no offer in the first RFP, modified this once more, then an RFQ and another RFP. Went through many months of negotiations with one sole offer and ended the last RFP in March 2023 with no offer again. Had \$10 million in ARPA funds on the table as potential assistance to an ISP. Wanted to share issues they faced and what was learned in the process as a county government attempting to catalyze broadband services. Not an easy process. Their county restricted to doing things by lump sum requirements and the offer entity did not like the lump sum requirement, requesting a unit price, which they could not do at the county level using ARPA and tax payer funds. Offer entity was opposed to different ways of delivering broadband, wanted to only provide underground fiber optics, but in this mountainous area this was not a possibility. Ultimately the project was not capital positive for the offer entity. She noted there are not a lot of other county government examples nationwide attempting this task. Commented that they learned of the NTIA award to Plateau Communications and they are actually running a line exactly where they had previously planned, so Bernalillo County will try to collaborate with them as they proceed with their grant and implementation of their project. They will be reverting their ARPA funds and use them somewhere else.

Thanked the Council for the opportunity to share and learn what is going on at the State level.

Kimball – Thanked her for sharing. This is exactly the kind of feedback needed. Supporting local governments is on Council's short-list and hearing about all their efforts helps inform on how to support local governments with respect to participation in the BEAD project. Noted that broadband involves not only technology but also procurement and contracts.

Korte – Bernalillo County very interested in the BEAD funding. Stated that with Plateau winning the award to build this middle-mile network from Santa Fe down to Lily, Bernalillo County is hoping there will be an opportunity for counties to apply for BEAD funding to assist with last-mile connections along that middle-mile network, noting there is a large number of people in the East Mountain area that this would benefit.

Kimball – This could be a touch-point. With engagement of public/private partnerships what does ownership look like? What would be the long-term goals?

Korte – This was huge roadblock for Bernalillo County previously. The County did not want to retain ownership of any broadband infrastructure built with the ARPA funding. ARPA guidelines silent on whether counties would have to retain ownership of the line or not. Their

CIO asked that question at NACO, was not mentioned in rules. Bernalillo County not interested in becoming a broadband service provider, wanted to stimulate infrastructure with the ARPA funds. Other counties might be interested in being service provider, but they were not.

Kimball – Asked for further responses to this section. Thanked Ms. Korte for sharing.

Hovis – Very valuable/useful information. Stated member of 5-Year Plan team may be contacting Ms. Korte to get more information and perhaps copies of documents used in this effort, if this is public information, so this can be captured in the 5-Year Action Plan, which includes a long list of initiatives already underway across the state and plans developed at the local level. Federal government refers to this as an asset inventory, which really means programs, plans, people, whatever is already in place in communities, which is ideally collected in a single place through the 5-Year Action Plan.

Korte – Sent Bernalillo County Broadband Plan and the high-level design, developed with the help of the contractor, to Kelly Schlegel. Would be happy to send to Ms. Hovis if needed.

Hovis - If Kelly has it then CTC has it, too, and will be working with it as part of the Plan.

Viorica – These comments get to the heart of the complexities associated with this work and the many facets that make or break projects. Can learn from these shared experiences. Need to account for the many barriers as well as opportunities.

Noted 30 minutes left in allotted meeting time; about 14 questions and sub questions, need to try to cover as many as possible to give as much information as possible to Ms. Hovis and her team.

There was mention of labor and supply-chain shortages. This is certainly problematic. Need help from stakeholders as well as the industry and others who have expertise in these areas in order to develop occupational categories and estimates of numbers. Commented that approximately 1,500-4,000+ new jobs are expected; skilled jobs, technicians, fiber splicers, pole climbers all the way through to network engineers. Need to be at forefront of developing these skills and workforce that will help put networks in place as well as sustain them for the long-term to keep networks running. Hopefully these can be developed here in New Mexico, which will help with broadband development as well as job market improvement.

Kimball – Other specialized skills need to be developed, such as broadband attorneys. Once funds are awarded there will be post grant compliance and reporting needed in addition to the work of OBAE to support these projects through completion. There will be other long-term staffing opportunities at the state level with respect to grant compliance, etc.

Hovis – These comments very instructive and important for the 5-Year Action Plan. Noted one critical area required by NTIA in the Plan is the structure, staffing and initiatives within the State Office of Broadband, as well as plans going forward with respect to compliance monitoring, enforcement and ensuring that networks paid for actually get completed and put in operation. The state will be required to report to the federal government and the grant recipients will be reporting to the state. Made note of this. Will note accordingly in 5-Year Action Plan.

Kimball – Sees noncompliance of RDOF recipients in the list. That would fall under other processes that need to be developed with respect to challenging an area. What would

procedure be? Who would they go to? There are areas being claimed by RDOF or USDA grants where no local consultation or consent was obtained. This would give capacity to manage those situations.

Viorica – Topic of RDOF recipients and that work very concerning to him. RDOF approach was reverse auction, lowest bid was awarded for a given region. Already seeing 20-30% default rate on these RDOF projects. Most projects have not even started. This is about \$2-3 billion out of approximately \$10 billion awarded, some of these areas are in New Mexico. There is also pricing escalation related to inflation becoming evident. Concern exists that RDOF regions will not be covered in the long-term and this would be problematic and all the other challenges associated with this work will delay all the other BEAD allocations, so there is a tremendous amount of coordination needed. Realistic approach necessary, if work cannot be completed will need to let others build in these areas. Recommended conditions to eligibility for funding such as completion of build within a reasonable amount of time (2-3 years) and if unable to do so step away from the project to allow other projects to move forward in a reasonable timeframe.

Kimball – Thanked Ovidiu for these comments. Asked if there were any other comments on any of the topics mentioned.

Noted BEAD is very prescriptive. There is \$70 million under Connect New Mexico Council fund, looking into how that will work, and whether these funds could be used for flexible uses, such as a match for BEAD, previously funded projects that are over budget due to supply chain and increasing costs or unanticipated delays or costs, such as DOT and cultural database/archeological database, surveys, or wrap-around needs like devices or computing centers, many uses that are not currently in the trajectory or direct line of BEAD which really create the holistic solutions. In the process of advocating for more State money need to think about use of those funds more broadly and flexibly. Listen to communities to learn what the last pieces are that will make a difference to help people use the Internet and participate in the global digital economy.

Hopkins – There is an issue with getting local community support for a number of broadband projects happening. Gave example of community chapter meeting in Arizona last week where Frontier Communications was asking for a supporting resolution from the community to submit for funding to get copper wire replaced with fiber. However, the community has been so dissatisfied with Frontier over the years and Frontier not adequately explaining the need for this and their past business practices, the community was not willing to support this resolution. Works with Sacred Winds Communications and they have found they have to give a complete orientation of how the technology actually works to the communities they have been working with in order to obtain similar resolutions and the need to explain how middle mile works with last mile, how the middle mile section connects to everyone else on the outside. This has been necessary to get communities to understand what actually has to take place in order for them to get services to their homes.

Another issue is that individuals appointed to take the lead in developing a plan for their tribal group or organization may not necessarily be the right person, which results in no input or feedback. Finding out in chapter meetings that no one has been to their community to ask the basic questions.

Right-of-way issues, especially due to different land statuses. BIA is trying to take a more proactive approach to try to expedite reviews and approvals, but other approval authorities, such as within the Navajo Nation, are making it more difficult for approvals; attitude is that

communication companies make millions of dollars so they, i.e. Navajo Nation, can charge whatever they want. Again, no understanding of how network systems operate and the interface involved between different companies and types of service. Spending more time educating at the basic level versus trying to formulate a plan. If everything was all technological with no politics involved would be much easier.

Kimball - Ms. Hopkins touched on the economics part. Has discovered since ISP information is so proprietary the attitude seems to be "you can charge as much as somebody is willing to pay for it", very nebulous. Trying to get a handle on what you're putting in, what it is worth and how to make it sustainable is a course of education that could be very beneficial. Not sure how to approach this.

J. Baca – Thanked Ms. Korte for mentioning the Plateau award and others. Would like to offer two points.

1) For any tribal members PBCP round 2 from NTIA was announced today. Can check the NTIA website for the announcement.

2) Some local coops have started exploring the possibility of getting into the ISP business, and now connecting to the poles, in particular the final mile poles to the homes, may raise some issues that will have to be addressed. Believes this was in the list of questions about the connection to poles, right-of-ways, etc. If local coops are going to take on the role of the ISP provider and not allow others there will be turf competition and may end with monopolies again, expensive monopolies.

Kimball – Requirement for NTIA projects of when and where to build to get fiber on the table for everyone.

Viorica – Mr. Baca is absolutely right. Utility pole attachments is a big deal. Several ideas starting to crystalize and OBAE is going to prepare some legislative recommendations. This is definitely something that needs to be resolved. While electric co-ops are essential to expanding broadband infrastructure into communities, there also needs to be a realization that access to utility poles must be fair and open to everyone, without favoritism. A big question is who will be enforcing this; currently trying to determine who has authority and who does not. This should all begin with working together in good faith. He believes there is an advantage here in New Mexico where people know each other and can establish working relationships which will be instrumental in moving this work forward. It is complicated across the board, all aspects of things such as utility pole attachments, permits, rights-of-way of various jurisdictions. Many aspects to take into account, many things to consider. For ideas being circulated and developed at the present time Director Kelly Schlegel composed a presentation which was shown to the Transportation Infrastructure Revenue Interim Subcommittee this past Monday. This can be found on the NM Legis website.

Noted Bill Boas wanted to make a quick comment on the RDOF subject.

Mr. Boas was unable to unmute to comment.

Viorica – Will continue trying to get this resolved.

Kimball – Presentation by Director Schlegel was very informative and did speak to some of the uses for future/potential state funds.

Noted there are many ideas out there related to pole attachments, how to waive costs for broadband attachers or with DOT with respect to using their rights-of-way for broadband, potential cost-waiving requirements probably coming up in the rule-making. Questions about tribal right-of-way costs and how to plan for these.

Narvaiz – Question in the chat. If people want to answer these questions where would the responses go? Asked Ms. Hovis if she wanted to share her contact information in the chat.

Hovis – Yes, happy to do this. Posting email address in the chat where comments like this are received. Welcome any and all of them. She is a contractor to OBAE but will of course share anything received with OBAE. There are also the online questionnaires they are encouraging everyone to take, as time allows. Input of this Council in particular on these critical matters is enormously helpful. Has gained quite a bit of insight and very useful direction from the conversation thus far.

Kimball – Thanked Ms. Hovis and expressed appreciation for her time. Any other barriers anyone would like to note.

Hitzman – Is with LFC. No input to share at this point but wanted to ask Ms. Hovis if this input is explicit to those on this call or is there intention that this could be shared with other stakeholders for input. Would like to share with legislative members if that is appropriate and whether they in turn could share with other interested stakeholders.

Hovis – Believes the goal of engagement as established by OBAE is for the widest possible input and guidance from as many stakeholders as possible. So the answer is they welcome any input from any interested institution or individual answering the particular questions posed and the online surveys on the Connect New Mexico website, which Julie Park just posed to the chat. There are a range of these, some focused on ISPs, some on community anchor institutions, others focused on government. Asked that no personally identifiable information be shared or individual consumer or residential stories, as this is not the correct format for this. Want to protect personally identifiable information. Governments, institutions, organizations, not-for-profits, other stakeholders speaking to a broader set of issues they would be delighted with as much participation as they can get. Thanked Ms. Hitzman for her question and interest.

Hitzman – Just wanted to make sure it was permissible to share. Thanked Ms. Hovis for her help and response to her question.

J. Baca – Another obstacle that could be present for some of the counties is matching funds. Believes Ms. Schlegel has mentioned there may be some form of either waivers or high-cost project waivers of some sort, but this is one thing that some of the poorer counties have encountered when applying for a grant, being unable to provide matching funds.

Hovis – Appreciates this insight. It is known that the federal requirement with regard to the program for a match in many places, as well as the requirement that the network pay for itself over time, after the funding is provided through the program are not actually feasible in all places. They were right about an explicit set of barriers in the 5-Year Action Plan with regard to the economics of the network in some areas being so challenging that the BEAD will be insufficient to support and this obviously has to be part of the planning.

Kimball – How will ongoing support for infrastructure and sustainability be funded? What is the realistic goal? Will every house on the FCC map be assigned a service provider? Should

expectations be tempered by the availability of support funds? What's the rush to say everyone is covered when this is probably not going to be a realistic solution because there is not enough funding to do this now. Feels like this may be a setup for failure with this type of thinking.

Hovis – 5-Year Action Plan asks for what the cost of universal service will be and what the timeline might look like. Much like the 3-Year Plan which has the overall very high number, the 5-Year Action Plan will tell the government it will take X number of dollars to get fiber, which is the preferred federal infrastructure category, to every unserved location in New Mexico. To Kimball's point, they know there is not sufficient funding coming from the federal government for that. Initial Proposal due at the end of this year will seek to use data analytics and engineering data to try to understand what can be accomplished with the available funding and realistically what cannot. It is known that the very last locations are just as costly to build as the entirety of all of the rest, which is the case in just about every state. Thinks the federal government is aware that this funding may not get infrastructure to everyone, they just want to know that there is a plan for getting to everyone over time, and want the state to use the funding in the most equitable, thoughtful, effective way possible. This is much of the work that will go into preparing the Initial Proposal, for which CTC will come back to the Council for feedback on what will hopefully be very concrete, specific data and scenarios they can share for that feedback.

Kimball – Recognized Mr. Viorica.

Viorica – Sustainability definitely important and funding is a big part of this. If rural New Mexico is important to this work it is imperative to expand connectivity to everyone in the state who wants it and needs it. This involves questions about viability, particularly in rural portions of the state, as well as equity. He is personally committed to expand the service and figure out a way to make it sustainable, with subsidies. No question in his mind that federal subsidies of approved connectivity programs will be necessary for the long-term with respect to ongoing service to rural New Mexico. This is necessary for economic development and viability of these small communities that are precious to New Mexico. This Council needs to be committed to them. Everything starts with the funding requests, such as the \$350 million, the estimate for covering the shortfall on a variety of areas. Need to support this, particularly now when the State has some excess funding. Sees the need to invest in the future of the state and expanding broadband infrastructure is a first and necessary step for economic development.

Kimball – Wireless networks are great and will be great for a while. Wireless will evolve and get better, how much better is unknown. Services we will be supporting in the near future, which are already in place, with the advent of AI and real-time 3D, broadband services will exponentially grow. When designing how to best use BEAD funding need to keep in mind there will be a lot of seeds that will have to be deprecated sooner than later, and as services are put in keep in mind how to minimize the need to re-do things in 5-7 years.

Thanked everyone for joining the meeting today.

If no additional input by Ms. Hovis turned meeting over to Ms. Narvaiz for closure.

5. Public Comment

Incorporated into Item 4 above.

6. Adjournment – Renee Narvaiz

Video Recording time: 01:04:43

Quorum was established later in the meeting so a motion to adjourn was entertained.

MOTION: Mr. Ruybal moved to adjourn, seconded by Mr. Mantos
No opposition, meeting adjourned at 2:40p.m.